



80-88 Regent Street, Redfern

Revised Response to Submissions

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1.0 Introduction

The Environmental Impact Statement (EIS) for State Significant Development (SSD) Application (reference 7080) for a proposed mixed use development at 80-88 Regent Street, Redfern, was publicly exhibited from 11 February 2016 to 11 March 2016. A total of 22 public submissions were received, seven (7) submissions from government agencies, as well as a submission from the City of Sydney Council ("the Council").

As requested by the Department of Planning & Environment (DP&E), the applicant, Sunny Thirdi Regent St Pty Ltd, prepared a Response to Submissions (RTS) to address the issues raised in the submissions to the EIS. The RTS was notified from 29 November 2016 to 13 December 2016. A further two (2) public submissions were received as well as a submission from the Council. The submissions from the public agencies raised no further objections to the proposal.

This Revised Response to Submission (RRTS) has been prepared at the request of DP&E to address the issues raised in the submissions to both the EIS and the RTS. These issues are broadly summarised below:

- Building height and scale, particularly compliance with height and setback controls contained in State Environmental Planning Policy (State Significant Precincts) (SEPP(SSP)) 2005 (formerly State Environmental Planning Policy (Major Development) 2005);
- The need to consider providing additional non-residential uses on lower levels given the constraints of the site, and the need to ensure adequate levels of amenity, particularly with regard to solar access and the achievement of the design criteria contained in Apartment Design Guide (ADG);
- Floor space ratio (FSR), including the calculation of gross floor area (GFA) and compliance with SEPP (SSP);
- Compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments Development (SEPP 65) ADG including, but not limited to setbacks and separation, ventilation, sunlight and daylight access;
- Public domain interface and including the activation of Regent and Marian Streets;
- Amenity impacts on the adjacent residential development and public domain, including overshadowing, privacy, view loss, wind and noise impacts in relation to adjoining residential development;
- Design excellence, including the architectural expression of the building and materials and how they relate to the character of Regent Street and the locality;
- Consideration of inclusion of best practice sustainable design principles;
- The spatial, functional and operational requirements and issues associated with the proposed child care centre;
- Adequacy of the heritage assessment in relation to the potential for European archaeology;
- Transport and traffic considerations including bicycle parking, loading bay, construction traffic management and impacts on the road and rail corridor; and
- Miscellaneous environmental considerations including contamination, stormwater runoff, noise and flooding, electromagnetic frequency.

The proponent, Sunny Thirdi Regent St Pty Ltd, and their design and consultant team reviewed the submissions from the DP&E, the Council, agencies, and the public to the EIS and RTS.

This RRTS outlines the proponent's responses to the issues raised in the submissions, and includes an amended SSD proposal and a list of mitigation measures for which approval is now sought.

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

2.0 Amended Proposal

The current amended proposal, that is the subject of this Revised Response to Submission (RRTS), was preceded by the following:

- The original proposal detailed in the EIS and DA submitted to DP&E on 5 February 2016 which was exhibited from 11 February 2016 to 11 March 2016;
- The amended proposal outlined in the preliminary Response to Submissions (RTS) submitted to DP&E on 8 August 2016; and
- The amended proposal outlined in the RTS submitted to DP&E on 15 November 2016 which was notified for surrounding property owners between November and December 2016.

A significant number of amendments have been made to the proposal in response to issues raised with the earlier schemes by DP&E, Council, agencies and the public. Other changes have arisen from design development.

The amended proposal is detailed in the Architectural Drawings prepared by SJB Architects included at Attachment 1. The following supporting technical information is also provided:

- Solar analysis and Preliminary View Impact Analysis prepared by SJB Architects, included in the architectural drawing package (Attachment 1);
- SEPP 65 Design Verification Statement and ADG Compliance Assessment prepared by SJB Architects (Attachment 6);
- Pedestrian Wind Environment Study and Wind Impact Comments prepared by Windtech (Attachment 7);
- Legal Advice - Calculation of Gross Floor Area prepared by Mills Oakley (Attachment 8);
- Ecologically Sustainable Development Report prepared by Efficient Living (Attachment 9);
- Revised Noise and Vibration Impact Assessment and Response to Council Comments prepared by Acoustic Logic (Attachment 10);
- Outdoor Area Report: Proposed Childcare Centre prepared by Gowrie NSW Plan of Management Proposed Child Care Centre prepared by Edge Management (Attachment 11);
- Electromagnetic Report prepared by EMC Technologies (Attachment 12);
- Historical Archaeological Assessment prepared by Urbis (Attachment 13);
- Swept Path Assessment prepared by GTA Consultants (Attachment 14);
- Detailed Site Investigation Report prepared by EI Australia (Attachment 15); and
- Amended Stormwater Concept Plan prepared by Bekker (Attachment 16).

A summary of the issues raised in the DP&E's request for a Revised RTS is included at Attachment 2. The submissions received from the Council, agencies and the public to the exhibition of EIS and the RTS provided in August and November 2016, are included at Attachments 3, 4 and 5 respectively.

2.1 Description of Final Development Proposal

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

- Demolition of the existing structures on site;
- Earthworks and associated site preparation works;
- Construction of an 18 storey mixed use building comprising:
 - Active retail uses at ground level fronting Regent and Marian Street;
 - Commercial uses on Levels 1 and 2 (second and third storey);
 - A child care centre on Level 3 (fourth storey);
 - 56 residential apartments, comprising a mix of one (1) and two (2) bedroom dwellings;
 - A GFA of 5,754m² which equates to a FSR of 7:1;
 - Four (4) levels of basement car parking, with access from William Lane, accommodating 60 car parking spaces (including loading), bicycle parking, storage, waste, plant and associated services;
 - Communal roof-top open space;
 - Waste, loading and services at ground level along William Lane; and
 - Construction of infrastructure works, including drainage, to service the development.

2.2 Description of the key amendments

A comparison of the key statistics of the DA as originally submitted and detailed in the EIS, the amended DA detailed in the RTS lodged in November 2016 and the current proposal is provided in Table 1 below. This is followed by an overview of the key changes.

Development Particulars	DA - exhibited EIS	Amended DA (RTS November 2016)	DA - current
Site area	822m ²	No change	No change
Gross Floor Area (GFA)	5,752m ² – total 90m ² – retail/commercial 275m ² – child care 5,387m ² – residential	5,754m ² – total 168m ² – retail/commercial 256m ² – child care 5,308m ² – residential	No change – 5,754m ² 211m ² – retail 250m ² – child care 4,012m ² – residential 1,250m ² – commercial 31m ² – lobby childcare/ commercial
Floor Space Ratio (FSR)	7:1	No change	No change
Building Height	18 storeys RL to plant 98.00 RL to roof 92.70	18 storeys RL to plant – 91.10 RL to parapet/roof – 87.50	18 storeys RL to plant – 93.10 RL to parapet/roof – 89.50
Dwellings	80 apartments	79 apartments	56 apartments
Dwelling mix	6 x studio – (7%) 27 x 1 bedroom – 34% 38 x 2 bedroom – 48% 9 x 3 bedroom dwellings – 11%	0 30 x 1 bedroom – 38% 47 x 2 bedroom – 59% 2 x 3 bedroom dwellings – 3%	0 14 x 1 bedroom – 25% 42 x 2 bedroom – 75% 0

Development Particulars	DA - exhibited EIS	Amended DA (RTS November 2016)	DA - current
Adaptable apartment	12 (15%)	No change	8 (15%)
Floor Plate	541m ²	535m ²	464m ²
Communal open space / landscaping	401m ² (49% site area)	362m ² (44% site area)	392m ² (48% site area)
Vehicle Parking Provision	65 spaces (including 2 drop off bays for child care) 1 loading bay	No change (including 2 drop off bays for child care) 1 retail/waste loading bay	60 (including including 2 drop off bays for child care and 1 loading bay
Bicycle Parking Provision	89	79	50

Table 1: Comparison of development statistics

The key changes design changes are described below.

Residential

- Removal of residential uses from Levels 2 and 3 and the provision of commercial uses;
- Reduction from five (5) to four (4) apartments per level;
- Provision of a simple, linear north-south breezeway with apartments on either side;
- Reconfiguration of the core to eliminate BCA and fire egress issues; and
- Relocation of bike parking to the basement.

Introduction of Commercial Uses

- Commercial uses have been introduced on Levels 2 and 3 in place of the residential uses.

Height

- An overall reduction in the height of the building by 4.9m from the original proposal (EIS);
- Removal of the two (2) mezzanine levels ensuring a compliant 18 storey building;
- Increased floor to ceiling heights on Levels 2 and 3 to reflect the change from residential to commercial uses. A minimum floor to floor height of 3.6m is required for commercial development. A 4m floor to floor height is proposed to maximise flexibility of use and amenity. The height of the child care level has also been increased to 4m.

Setbacks

- Tower:
 - Increased setbacks to the northern boundary to provide a variable tower setback of 3m to 5.03m to the adjoining Iglu development. Previously, a minimum setback of 0m was provided;
 - Increased setbacks to Marian Street of between 0.3m-1.5m resulting in tower setback of 3m; and
 - Redistribution of the setback to Regent Street to align the tower with the adjoining predominant 3m setback of the tower of the approved Iglu development.

- Podium:
 - Provision of an 0.8m setback to William Lane at Ground and Level 1; and
 - Provision of 1.5m setback at ground level on Marian Street to provide a wider footpath.

Building Floor Plate

- The floor plate of the residential levels has been reduced from 541m² in the original proposal (EIS) to 464m².

Gross Floor Area (GFA)

- The removal of the mezzanine and above ground storage and garbage areas that were included in the original scheme has always allowed for the deletion of potential GFA associated within these spaces.

Dwelling Yield and Mix

- The total number of apartments has been reduced by one (1) from 80 to 56; and
- The mix of apartments has been modified as outlined in Table 1.

Retail/Public Domain Interface

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

- Providing multiple shopfronts and entries to Regent Street which respond to the rhythm, scale and proportion of the traditional shopfronts on site and Regent Street;
- Maximising the active retail frontage to Regent Street by locating the child care centre over a single level, except for the lobby;
- Maximising activation to Marian Street:
 - By continuing the Regent shopfront around the corner onto Marian Street;
 - Locating the residential lobby on Marian Street; and
 - Locating the lobby to the childcare and commercial uses on Marian Street. A separate stairway access is also provided.
- Providing awnings on Regent Street with a variable height of 2.8m to 5m. An awning is not provided to Marian Street as the first level of the building cantilevers over the ground level. This cantilever performs a similar function to an awning, providing weather protection and assisting in mitigating wind impacts.

Child care

- Reconfiguration of the child care onto a single level and changes to the internal and external layout. The child care centre was previously located on Level 1 and is now on Level 3. The relocation of the child care centre to level 3 will increase the amount of daylight to the outdoor space;
- The capacity of the child centre has been reduced from 65 children to 53 children; and
- The floor to floor height of the child care centre has been 4m.

Elevations and Facade Treatment

The visualisations of the exhibited EIS proposal, the notified RTS (November 2016) proposal and current proposal are provided in Figures 1 to 3 to illustrate changes in the elevation and façade treatments.

The lower levels of the building have noticeably changed with creation of an identifiable podium. This is largely a result of the introduction of the commercial levels. The result is a four (4) storey podium, with two (2) storey street wall height to Regent Street and three (3) four (4) street wall height on Marian Street.

The tower form has also changed. The introduction of a setbacks to the northern boundary provision of a predominant 3m street setback to Regent Street and Marian Street, has created a more streamlined tower form. The balconies encroachments into the setback are repeated up the tower to create a strong corner element.

A contemporary interpretation of the existing two (2) storey Victorian shop fronts is proposed. Five (5) shopfronts are provided, with shop windows, awnings and doorways which respond to the grain and configuration of the existing shops. The materiality of the shopfronts consists of brickwork and glazing.

The form and materiality of the shopfronts reinforces the existing two (2) storey street wall scale along Regent Street, which has also been reflected in the approved Iglu development at 60-78 Regent Street. This creates a continuous two (2) storey street front wall height along Regent Street to the north of Marian Street.

The height and massing of the podium to Marian Street has modified provide a clear transition between the two (2) storey street wall height on Regent Street and the podium height of 7-9 Gibbons Street on Marian Street.

The ground floor has also been reconfigured to maximise the retail frontage and opportunities for interaction within the public domain. The shopfronts on Regent Street wrap around the corner onto Marian Street. The location of the residential lobby and separate childcare/commercial lobby on Marian Street further activates this frontage.



Figure 1: Proposed as submitted with EIS.



Figure 2: Proposed as submitted with RTS.



Figure 3: Current Proposed Scheme

3.0 Summary of Submissions

The following section outlines the issues that were raised in the submissions to each of the following iterations of the proposal:

- The original proposal detailed in the EIS and DA submitted to DP&E on 5 February 2016 which was exhibited from 11 February 2016 to 11 March 2016;
- The amended proposal outlined in the preliminary RTS submitted to DP&E on 8 August 2016 (Preliminary RTS), which was referred to the Council and public agencies; and
- The amended proposal outlined in the RTS submitted to DP&E on 15 November 2016 (RTS November) and which was notified to surrounding property owners between November and December 2016, and referred to the Council and public agencies.

The issues raised in submissions were broadly captured in DP&E's correspondence of 21 March 2016, in which the applicant was requested to prepare a RTS. Further clarification and details of these issues was provided in subsequent communications between DP&E and the applicant following the notification of the RTS. A table of the issues raised by the DP&E is included at Attachment 2. The key issues raised in the most recent correspondence from DP&E requested the following:

- Introduction of a commercial land use at the lower levels as a more appropriate land use noting the constraints of the site;
- A reduction in apartment numbers and a reduction in the residential floor plate, with an overall improvement to residential amenity;
- Investigate increasing the western and northern setbacks, to reduce the visual bulk and reflect the predominant tower separation and existing built form in the Redfern town centre;
- Additional issues as raised in other agency submissions should also be addressed by the amended proposal, including:
 - A revised and detailed ADG assessment of any proposed residential offering;
 - Overshadowing analysis;
 - Any alterations to the view impact analysis;
 - Address the ground floor design response to the change in levels along the Regent Street and investigate options to maximise activation at the ground floor, particularly at the corner of Marian and Regent Street;
 - Provide detailed design and/or management options to address shared services (waste/storage/maintenance) and safe vehicle and pedestrian access to the various land uses proposed; and
 - Review the building expression to ensure the balconies are well integrated with the building (i.e. Curved form) and review the height of the proposed awning along Regent Street.

These issues have been addressed in this RRTS.

3.1 City of Sydney Council

The applicant and design team has engaged extensively with the City of Sydney (the 'Council') throughout the application process. An overview of the consultation is provided below:

- On 14 April 2016, the applicant and members of the design team met with the Council and DP&E to discuss matters raised in Council's submission to the EIS, as well as DP&E's correspondence. At the meeting, it was agreed that SJB Architects and SJB Planning would continue to liaise with the Council, and prepare preliminary drawings for their feedback, prior to finalising the amended proposal for the RTS;
- On 14 June 2016, the Council provided comments on preliminary amended drawings that were circulated in late May 2016;
- A meeting was held with Council and DP&E on 22 June 2016 to discuss the key issues raised by the Council, which included building expression and materials, public domain interface, relationship to boundaries, amenity and coordination of services;
- The design of the building was amended and an initial RTS was submitted to DP&E on 8 August 2016. On 2 September 2016 Council provided comments on the RTS, raising the following key issues:
 - 0.8m setback to William Street should be provided to first level as well as ground floor;
 - Calculation of GFA excluding waste holding area;
 - Solar access modelling does not comply with ADG, as it was provided between 8:00am and 4:00pm midwinter instead of 9:00am and 3:00pm;
 - Marian Street setbacks:
 - i. Podium and tower setbacks to Marian Street results in a lack of pedestrian scale. A three (3) to four (4) street wall podium element is preferred in keeping with existing and future desired character;
 - ii. Greater overshadowing and wind impacts and reduced separation to development sites to the south; and
 - iii. Wind impacts associated with reduced tower setbacks to Marian Street and lack of awning over residential entry.
 - Wind impacts on Marian Street and the communal open space of the adjoining Iglu development to north; and
 - Use of the child care centre should be subject to a separate DA.
- SJB Architects met with Council and DP&E on 20 September to discuss issues raised in the letter of 2 September 2016. This was followed by a subsequent meeting attended by SJB Architects and Council on 13 October 2016; and
- In response to the RTS submitted to DP&E on 15 November 2016, Council's letter of 16 January 2017 raised the following key issues:
 - The proposal does not meet the 70% solar access requirements of the ADG and only achieves 17%;
 - The solar performance of the proposal, indicates that the lower levels of the building may be better suited to commercial uses;
 - Overshadowing of surrounding open space and residential development;
 - Marian Street setbacks:
 - i. Unclear if 1.5m ground level setback is to be dedicated to Council or is an extension of the footpath within private land; and
 - ii. Setback from Level 7 and above results in inadequate separation to the potential development site to the south.
 - Setbacks to William Lane should align with the approved development at 60-78 Regent Street;
 - Breezeway corridors have been excluded from GFA, but may be enclosed in the future;

- Lack of surveillance and activation on Marian Street due to bank facades and services;
- Building expression:
 - i. Angular form of the balconies from Levels 7 – 15 create the appearance of a six (6) storey street wall height. Curved balconies included in earlier iterations are preferred as they create the impression of being integrated with the building;
 - ii. The projecting balconies on Levels 16 and 17 create a top-heavy appearance; and
 - iii. The awning on Regent Street seems to be quite high at 6m.
- Further details of waste servicing are required.

The design of the building as proposed in this RRTS has been amended further and refined to address the issues raised by Council, where practicable and without making the project unviable.

Attachment 3 identifies the following:

- The issues raised by Council to the initial DA (EIS) proposal and their comments of 14 June 2016 which related to the preliminary amended drawings;
- The amendments and responses proposed by the applicant in a preliminary RTS submitted on 8 August 2016;
- The issues raised by the Council to the preliminary RTS in further correspondence of 2 September 2016;
- The amendments and responses to the Council issues that were proposed by the applicant in the RTS, 15 November 2016;
- The issues raised by Council in their correspondence of 16 January in response to the notification of the RTS from 29 November to 13 December 2016; and
- The current proposed amendments and responses to Council issues that are addressed in this RRTS.

3.2 Submissions by Public Agencies

Seven (7) submissions were received from the following government agencies in response to the public exhibition of the EIS:

- NSW Environment Protection Authority (EPA);
- Heritage Council of NSW;
- Roads & Maritime Services (RMS);
- Sydney Airport;
- Sydney Water;
- Transport for NSW (TfNSW); and
- UrbanGrowth NSW (UGNSW) Development Corporation.

Following the submission of the preliminary RTS to DP&E on 8 August 2016, subsequent submissions were provided by Heritage Council of NSW, TfNSW and UGNSW. Following submission of the RTS to November 2016 TfNSW, Urban Growth, Heritage Office and Sydney Water advised that they had no objections to the proposal and provided recommended conditions for inclusion in a determination on the basis that the RTS had addressed their issues.

Responses to the key issues raised by the agencies are addressed at Section 4.0 and at Attachment 4.

3.3 Public Submissions

A total of 24 submissions have been received from the public and adjacent property. This included the 22 submissions to the exhibition of the EIS and a further two (2) submissions to the notification of the RTS. The key issues that were raised broadly included:

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

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

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

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

4.1 Land Use

DP&E and Council have questioned the appropriateness of locating residential uses on the lower levels of the building, given the constraints of the site and the need to ensure satisfactory levels of amenity, particularly in relation to solar access. The proposal's inconsistency with the ADG solar access design criteria which suggests that 70% of apartments receive two (2) hours of sunlight to living areas and private open space in mid-winter, was identified as key in this regard.

DP&E requested pursuing the provision of commercial uses on the lower levels. Council's response was more onerous, suggesting Levels 2 to 11 would be better suited to commercial uses.

Following further design reviews and solar analysis, an amended proposal has been developed, which introduces two (2) commercial levels into the lower levels of the building, in addition to the two (2) retail and child care centre levels. This has resulted in a significant reduction in the number of apartments from 80 as originally proposed in the EIS (79 RRTS) to 56 apartments. The proposed distribution of land uses throughout the building is as follows:

- Ground level:
 - Retail (211m²)
 - Residential lobby
 - Childcare and commercial lobby
 - Services
- Levels 1 and 2:
 - Commercial: 1,250m² (660m² and 590m²)
- Level 3:
 - Child care centre: 582m² (indoor and outdoor)
- Levels 4-17:
 - 56 apartments, 4 per level
 - 4012m²

The introduction of commercial uses and reduction in the number of apartments, has significantly improved the solar performance of the apartments when measured against the ADG two (2) hour design criteria. Where previously only 17% of apartments were achieving the two (2) hours, this has been increased to 54% with the current amended proposal. A detailed assessment of the solar access is provided in the architectural package included at Attachment 1 and is addressed further in Section 4.4 with the assessment of the ADG.

While the percentage of ADG solar compliant apartments could be increased by introducing additional commercial floors and further reducing the apartments, this needs to be balanced against the following factors:

- The quantum of commercial uses proposed is appropriate for the site given its location and the predominantly residential uses within the adjacent buildings;
- The proposal is consistent with the objectives of the Business Zone - Commercial Core Zone applying to the site under the SEPP SSP as demonstrated by the following:
 - It will contribute to the development of a town centre around the Redfern Station with a new mixed use development;
 - It provides additional employment opportunities and community facilities, with retail uses, and commercial uses that could accommodate a range of potential business and offices uses, and a child care centre;
 - It provides higher density residential development within a tower built form, which is compatible with the non-residential proposed on site and surrounding non-residential development;
 - It will contribute to the vitality and safety of the public domain. The retail uses, commercial and child care lobby and residential lobby, maximise activation and surveillance of the ground level and public domain interface. The mix of uses ensures surveillance throughout various times of the day; and
 - The building exhibits design excellence as detailed in Section 4.6.
- The proposal is consistent with the key land use and design concepts that were envisaged for this site and other sites between Redfern Street and Margaret Street, under the Redfern Waterloo Building Environment Plan 2006, as outlined below:
 - It contributes to the establishment of a vibrant, active local hub for business, retail and residential activity around the railway station;
 - It contributes to the creation of a business hub that comprises jobs, shops, services and amenities for residents and workers; and
 - It provides quality higher density development.
- The high level of amenity of that the apartments will be afforded in terms of private and communal open space, layout and size, ventilation and daylight, as well as accessibility to transport, services and employment opportunities; and
- The built form and amenity implications of substituting additional residential levels with commercial levels. In order to maximise the viability of the commercial level, they will require larger floor plates than the residential levels, which in turn will increase the bulk and scale of the proposal and reduce already constrained separation distances. This will likely compromise the amenity of surrounding development in terms to visual impacts, privacy, daylight and the like, compared to the scheme now proposed which balances appropriately the response to these issues.

4.2 Building Height and Scale

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

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

Issues raised in the submissions regarding these controls, are addressed in the following sections relating to maximum building height and street wall height.

4.2.1 Maximum Building Height

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

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

The amended proposal has resolved these issues by:

- Deleting the mezzanines to create an effective 18 level building; and
- Lowering the overall height of the building by around 4.9m from the original EIS proposal.

A comparison of the heights between the current and previous proposals is provided in Table 2 below.

Building Height location	EIS exhibited	RTS Nov 2016	Current Proposal Revised RTS	Overall reduction in height from EIS
Overall height/Height to plant	RL98.00	RL91.10	RL93.10	4.9m
Height to screen/balustrade to roof terrace	RL94.30	RL88.10	RL90.10	4.2m
Height to roof	RL92.70	RL86.30	RL88.30	4.4m

Table 2: Building heights – Comparison of exhibited and current proposed development

The height of the current proposal has been increased by 2m from the RTS submitted in November 2016. This is attributed to the conversion of two (2) residential levels to commercial levels. The commercial levels require greater floor to floor heights than residential levels, which are typically 3.1m. A 4m floor to floor height has been provided for the commercial uses to maximise space for services as well as the amenity and viability of these floors. The floor to floor height of the childcare centre level has also been increased to 4m.

As demonstrated in Table 3, due to reduction in the building height, the proposal is now lower than the existing adjoining development at 7-9 Gibbons Street and 157 Redfern Street.

	7-9 Gibbons St	157 Redfern St	60-78 Regent St (Approved)	Current Proposal
Maximum overall height (roof structures, plant, lift)	RL93.37	RL96.90	RL88.10	RL93.10
Parapet/balustrade	RL92.10	RL94.62	RL85.70	RL89.50

Table 3: Building heights of surrounding development

It is noted that the proposal is around 5m higher than the approved adjoining Iglu student accommodation development to the north at 60-78 Regent Street. This is attributed to the Iglu development having reduced floor to floor heights of 2.9m. Reducing the height of the proposal in line with the Iglu development would require a reduction in the floor to floor heights. This would compromise the achievement of the minimum 2.7m floor to ceiling heights applying to residential apartments under the SEPP 65 ADG and the overall amenity of the dwellings. For this reason, a building that is higher than the Iglu development is appropriate in the circumstances.

The current amended proposal provides for a substantial reduction in the building height from the DA as originally proposed and complies with the maximum 18 storey height limit applying under SEPP (SSP) 2005. The issues raised in the submissions relating to building height have been addressed with the current amended proposal.

It is noted that DP&E did not raise any issues in relation to building height following submission of the August RTS and November RTS. Likewise, Council did not raise any further objections to the building height in their correspondence of 2 September 2016, or in their subsequent correspondence of 16 January 2017.

4.2.2 Street Wall Height and Tower Setbacks

The following street wall height controls apply to Regent and Marian Streets under the SEPP (SSP):

- A two (2) storey street wall height limit along the Regent Street frontage to a depth of 8m; and
- A three (3) storey street wall height limit along the Marian Street frontage to a depth of 4m.

These controls establish the height limits along Marian and Regent Street and the setback distances to the 18 storey tower form. As the proposed tower encroaches into the street wall heights, this section addresses issues relating to the street wall heights, ground level and podium setbacks and tower setbacks.

The following issues were raised with the proposed street wall heights and tower setbacks:

- The tower encroaches into the three (3) storey street wall height limit as it does not comply with the 4m setback applying to Marian Street. This creates the following issues:
 - Lack of pedestrian scale. A three (3) to four (4) street wall podium element is preferred in keeping with the existing and future desired character;
 - Greater overshadowing of the conservation area;
 - Wind impacts, including insufficient mitigation of downdrafts; and
 - Reduced separation between the proposal and any future development on the southern side of Marian Street. The Council noted that a 3m setback is acceptable for Levels 4 to 6. Increased setbacks above Level 7 are required to achieve separation distances consistent with the ADG.
- The tower encroaches into the two (2) storey street wall height limit applying to Regent Street as it does not comply with the 8m setback applying to Regent Street. While the 3m upper level setback to Regent Street may be appropriate in the context of the adjacent Iglu development, there are concerns with the transition of the Regent Street podium to Marian Street;
- Potential overshadowing impacts associated with the reduced tower setbacks and encroachment into street wall heights on Regent and Marian Streets;
- The proposal does not comply with the 1.5m ground level setback applying to the Marian Street under the Draft Urban Design Principles - Redfern Centre (Draft UDPRC). The non-compliance with 1.5m setback at corner was highlighted on the basis that more rather than less footpath is required at corners as it is a natural congestion point for pedestrians;
- It is unclear if the 1.5m setback is to be dedicated to Council or whether it is an extension of the footpath within private land; and
- The proposal does not comply with the 0.8m ground level setback applying to the William Lane Draft UDPRC. The 0.8m setback should be applied to the first level as well as ground level.

The street wall heights/tower setbacks and ground level setbacks of the proposal have been amended in response to the issues raised in the submissions as outlined below. The issues raised in relation to building separation are discussed in Section 4.3.

Setback William Lane

The entire podium has been setback 0.8m from the William Lane boundary, consistent with the Draft UDPRC. As illustrated in the architectural drawings at Attachment 1, this setback also aligns with the setback of the approved Iglu development at 60-78 Regent Street.

The introduction of the commercial uses in place of residential apartments has reduced the setback to William Lane on Levels 2 to 3 to align with the setback on Ground Level and Level 1. This ensures a functional and viable commercial floor plate.

Marian Street - 1.5m Setback

The ground level has been setback 1.5m from the Marian Street boundary consistent with the Draft UDPRC (refer to Figure 4 below). This aligns with setback and footpath along 7-9 Gibbons Street. The setback no longer tapers at the corner, but maintains the additional 1.5m for the extent of the Marian Street frontage.

The additional 1.5m setback provides an extension to the width of the existing footpath, however this section of the footpath will remain part of the site, and will not be dedicated to Council. This is consistent with the existing arrangement for the footpath widening in front of 7-9 Gibbons Street.

Levels 1, 2 and 3 have a zero setback to Marian Street, which cantilevers over the ground level by 1.5m. The zero setback is largely consistent with the setback of the previous RTS scheme, however two (2) of the residential levels have been replaced with commercial levels.

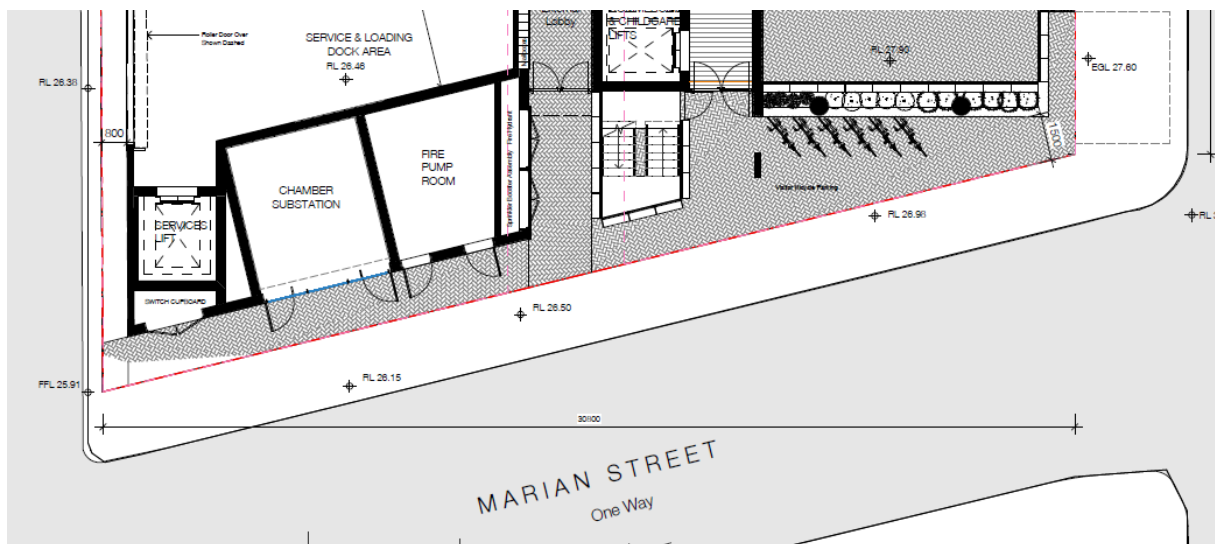


Figure 4: Ground level - 1.5m setback to Marian Street

Street wall heights and tower setbacks

The height controls contained within SEPP (SSP) 2005 and the Draft UDPRC contemplate the creation of a two (2) storey street frontage height along Regent Street with a depth of 8m and a three (3) storey street wall height along Marian Street with a depth of 4m with a tower above. This equates to an 8m tower setback on Regent Street and a 4m tower setback on Marian Street.

The proposal does not comply with the two (2) and three (3) storey height applying to Regent and Marian Streets frontages under the SEPP (SSP) 2005 as the tower encroaches into the 4m and 8m setbacks. A description of the amendments that have been made to the proposal in relation to the street wall heights and tower setbacks are provided below.

Marian Street – Street wall heights/tower setbacks

Under SEPP (SSP) 2005, a three (3) storey height wall applies to Marian Street, which has a depth of 4m. This translates to an 4m tower setback.

The proposal provides a three (3) to four (4) storey street wall height to Marian Street. The tower is setback 3m and as such encroaches into the street wall height by 1m. While this does not comply with the 4.0m Marian Street tower setback, the extent to which the tower encroaches into this setback has been reduced in comparison to the original DA (EIS) and the earlier RTS schemes. This is highlighted on the architectural drawings, with the pink line representing the tower footprint in the original DA submission and orange line representing the footprint of the tower in the RTS submitted November 2016.

As shown in Figure 5 and detailed in Table 4, the tower setback has been increased to a predominant 3m from Levels 4 to 17. This excludes a minor splay and the balconies towards the corner of Marian and Regent Street and the podium terrace on Level 4. As a result, the non-compliance with the 4m tower setback has been reduced to a predominant variation of 1m.



Figure 5: Amendment to setback to tower on Marian Street

Building Level	DA as submitted Marian St: tower setback	Compliance	Amended DA Marian St: tower setback	Compliance
Level 4-6	0m – eastern wing 2m – 4 western wing	No	3m (excluding splay, level 4 terrace and balcony near the corner with Regent St)	No
Level 7-17		No	3m (excluding splay, balcony near the corner with Regent St)	

Table 4: Comparison of Marian St tower setbacks between original DA and proposed amended DA

Street Wall Height/Tower setbacks to Regent Street

Under SEPP (SSP) 2005, a two (2) storey height wall applies to Regent Street, which has a depth of 8m. This translates to an 8m setback to the 18 storey tower element.

The ground and first floor have a nil setback to Regent Street, consistent with existing and historical shopfront character. Level 2 and 3 of the podium are setback 3m to reinforce the two (2) storey street wall height envisaged under the SEPP SSP and established by the approved Iglu development at 60-78 Regent Street.

The earlier DA schemes (EIS and RTS August) encroached further into the street wall height with a variable setback to Regent Street ranging from 0m to 2.85m.

As illustrated in Figures 6 and 7, the current amended proposal provides a consistent 3m setback to Regent Street from levels 2 to 17, with the exception of a balcony encroachment, near the corner of Marian Street on Levels 5 to 17. This aligns with the 3m setback of the Iglu development.

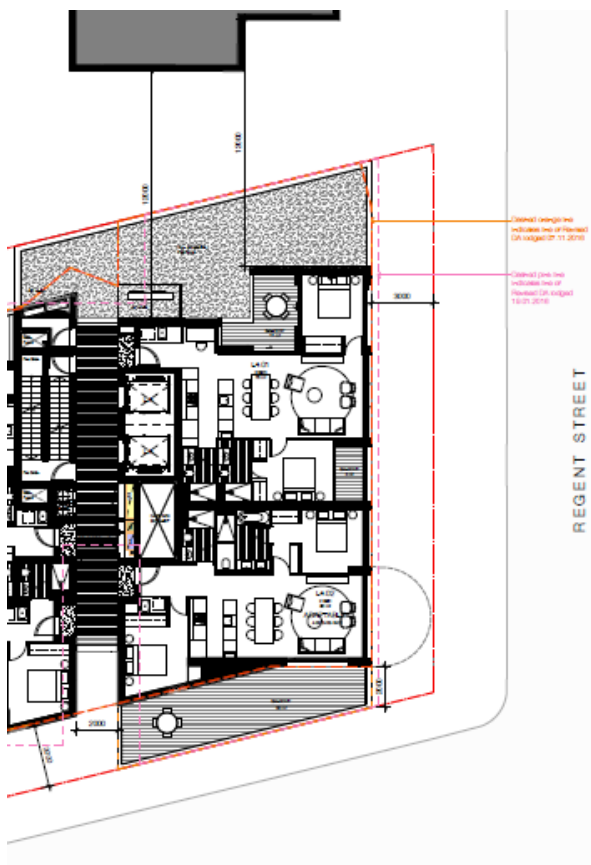


Figure 6: Tower setbacks to Regent Street – Level 4

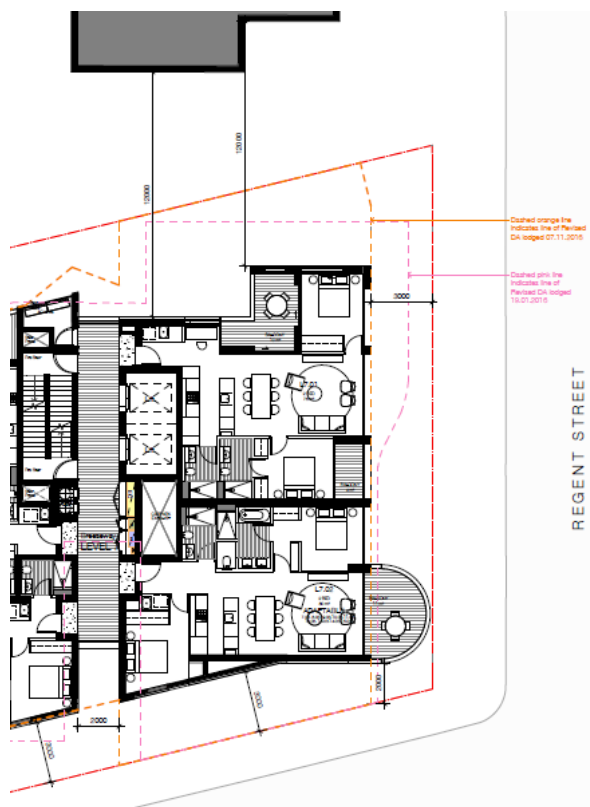


Figure 7: Tower setbacks to Regent Street – Level 5-17

Building Level	DA as originally submitted (EIS) Regent St: tower setback	Compliance	Current amended DA Regent St: tower setback (excluding balcony)	Compliance
Level 2	0m to 2.85m	No	0m	No
Level 3	0m to 2.85m	No	0m	No
Level 4-5	0m to 2.85m	No	3m	No
Level 6	2.85m	No	3m	No
Levels 7-10	2.85m	No	3m	No
Levels 11-14	2.85m	No	3m	No
Levels 15-17	1.35m to 2.85m	No	3m	No

Table 5: Comparison of Regent Street tower setbacks between original DA and proposed amended DA

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

The variation to the street wall heights/tower setback standards applying to Marian and Regent Street are considered acceptable for the following reasons:

- The proposal achieves the intent of the Regent Street tower setback control with the provision of a two (2) storey street height which is consistent with the scale of the existing Victorian shopfront located onsite and the adjoining Iglu development. This has been achieved by maintaining the 3m setback for level 2 and 3 of the podium (commercial and child care levels). This will establish a consistent street wall height along this section of Regent Street. The design of the podium has also been amended to create stronger vertical elements that are consistent with the proportions of the traditional shopfronts;
- The proposal provides a three (3) to four (4) storey street wall height to Marian Street. As illustrated in Figure 8 the four (4) storey street wall height steps to a three (3) storeys towards the west, to align with street wall/podium height of 7-9 Gibbons Street. This step is attributed to the outdoor play area of the child care centre being located on the western side of level 3. This provides an appropriate transition between the two (2) storey street wall height on Regent Street and the three (3) to four (4) storey scale of the street wall/podiums on Marian Street;
- The predominant 3m tower setback to Regent Street is consistent with the predominant 3m tower setback of the approved Iglu development onsite at 60-78 Regent Street. The original proposal (EIS) proposed several encroachments into the 3m setback to Regent Street. This included a nil setback up to Level 5 on the southern end of Regent Street elevation, where it intersects Marian Street and a 1.5m encroachment adjoins the Iglu development. Under the current amended proposal, with the exception of the balcony encroachments on Levels 5 to 17 at the corner, a 3m tower setback has been provided to Regent Street. The balcony encroachments create a corner element without compromising the consistent 3m setback and built form established on Regent Street by the Iglu development;

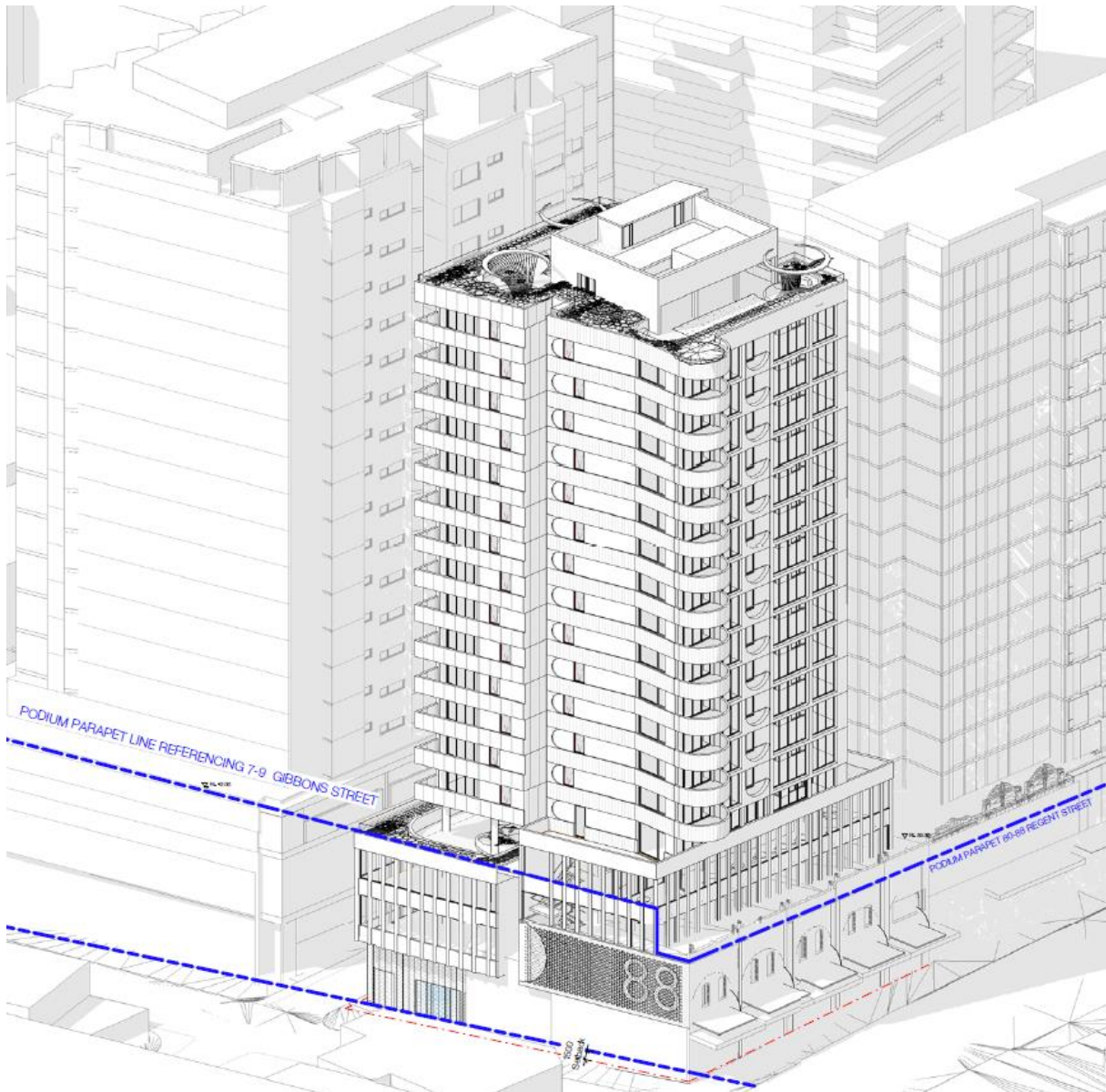


Figure 8:: Street wall heights– Transition to 7-9 Gibbons Street

- The street front setbacks of the towers are the outcome of considered urban design and site analysis undertaken by SJB Architects. This involved consideration of various alternative options for the siting of the tower in preparing the original proposal (EIS). In formulating this RRTS, there has been further consideration of potential alternative options for siting the tower. This is articulated in the Design Options Analysis prepared by SJB Architects, provided with the SEPP 65 Design Statement included at Attachment 6. In summary, the analysis has demonstrated the following in relation to the tower setbacks:
 - Compliance with the 8m and 4m setbacks significantly constrains the opportunity to accommodate a viable tower floor plate on the site, while at the same time maximising separation distances to the adjoining apartments at 7-9 Gibbons Street, which contain windows and balconies within 3m of their boundary and the approved Iglu development; and
 - Increasing the setbacks to Marian and Regent Streets does not reduce amenity impacts relating to privacy, overshadowing or view loss. Achieving compliance with the setback requirements will place great pressure on the separation distances, which has a far greater potential to impact on views and privacy.

- The non-compliance with the setback does not result in unacceptable overshadowing impacts of the adjoining development or public domain as outlined in Section 4.8.2 and the shadow diagrams prepared by SJB Architects at Attachment 1. Importantly, there is a negligible difference between the overshadowing impacts from a compliant 4m tower setback to Marian Street and the proposed predominant 3m tower setback;
- The non-compliance with the setback does not result in unacceptable wind impacts as outlined in Section 4.8 and the Pedestrian Wind Environment Study and Wind Impacts Comments (Attachment 7). The study indicates the flow mechanism that impacts the wind conditions on Marian Street is governed by ground level effects due to the street alignment and not a downwash component off the tower. As a result, the provision of an increased setback to the tower along Marian Street would not provide any notable benefit to the ground level wind conditions. The proposal will have a beneficial effect on the communal outdoor area of the Iglu development as it will provide additional shielding from the southerly winds;
- As illustrated in the Preliminary View Impact Assessment prepared by SJB Architects (Attachment 1) and outlined in Section 4.8.1, compliance with the street setback controls will have a negligible effect on reducing the potential view impacts from adjacent properties. View impacts are influenced by the separation distances between the proposal and the adjacent development;
- It does not result in unacceptable privacy impacts on the existing or approved adjoining developments as outlined in Section 4.8.3 with the consideration of the setback and separation requirements of the ADG.
- The proposal complies with the 18 storey height limit and provides a building mass and configuration that is consistent with the adjoining buildings, both existing and approved. Compliance with the street setback controls will prevent the redevelopment of the site as envisaged under the Redfern Waterloo Built Environment Plan; and
- This site forms part of the Redfern Centre State Significant Precinct (SSP), which principally comprises three (3) street blocks for a mixed use 18 storey building bounded by Lawson Square to the north, Regent Street to the east, Gibbons Street to the west and Margaret Street to the south. 18 storey towers have been approved at 7-9 Gibbons Street and 157 Redfern Street, which are subject five (5) storey street wall height/tower setback controls, which is different to the controls applying to Regent Street. As noted previously, the approved Iglu development encroaches into the two (2) storey street wall height/tower setback control. A 19 storey tower has been approved at 1 Lawson Square, which also encroaches into the two (2) storey height limit/setback applying to Regent Street. Given these are the only two (2) approved 18 storey tower developments within the RWA SSP sites that have frontage to Regent Street and both developments substantially vary from the two (2) storey wall height/tower setback development standard, it is reasonable to argue is standard has been abandoned to some extent.

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

4.3 Building Separation

This section responds to the issues that were raised in the submissions to the EIS, preliminary RTS (August 2016) and RTS (November 2016) in relation to boundary setback and building separation. These issues are summarised below:

- Further consideration is required of alternate viable design options for the site, with particular regard to the setbacks from the northern and western boundaries, to demonstrate that the preferred building envelope and built form is the best design solution for the site;
- Separation distances to the Iglu development which adjoins the site to the north, do not comply with the ADG. A 12m setback is required for buildings over eight (8) storeys under the ADG. DP&E identified the need for increased setback to the north boundary to reduce the visual bulk of the proposal, and

reflect predominant tower separation and existing built form in Redfern. Appropriate treatments are required to ensure a suitable level of privacy is achieved for future students residing at Iglu;

- The proposal does not achieve ADG compliant separation distances to 7-9 Gibbons Street, located to the west;
- The 4m setback of the tower to Marian Street will result in ADG non-compliant separation distances to future development to the south at 90-96 Regent Street. The reduced separation distances will compromise solar access and privacy to any future development at 90-96 Regent Street. The Council noted that while the proposed 3m tower setback may be acceptable up to Level 6, an increased setback of 6m is required above Level 6 to achieve ADG separation;

The above issues are addressed below:

Design options

Numerous built form options were explored in formulating the design included in the original DA submission. These options were detailed in the Urban Design and Built Form Analysis Report prepared by SJB Architects and included at Attachment 2 to the EIS. In response to issues raised in the submissions regarding building separation, as well as DP&E's request to consider alternative built form options, various options have been further explored. This work is summarised in the Design Options Analysis prepared by SJB Architects, provided with the SEPP 65 Design Statement at Attachment 6. The analysis details the broad built form options that were previously investigated and provides further discussion of the feasibility of these options.

Several factors impact on potential built form options for the site and ultimately the separation distances. These are:

- The building height and FSR standards contained in the SEPP (SSP) 2005 and their role in facilitating the ongoing renewal of the Redfern town centre;
- The street front heights/tower setbacks applying to Marian and Regent Streets under the SEPP (SSP) 2005 and Draft UDGR as discussed in Section 4.2.2 above;
- The design criteria and design guidance provisions relating to visual privacy contained in Section 3F-1 of the SEPP 65 ADG. These provisions require the following boundary setbacks for buildings above nine (9) storeys:
 - 6m non-habitable rooms; and
 - 12m habitable rooms.
- The orientation and setbacks of the adjacent existing buildings at 7-9 Gibbons Street (to the west), 157 Redfern Street to the north-west, and the approved Iglu development at 60-78 Regent Street, directly north of the site. It is noted that these buildings do not comply with the setbacks for the boundaries adjacent to the subject site;
- The need to maintain amenity for the adjacent existing and approved developments, particularly in terms of privacy and view impacts; and
- The need to ensure a reasonable level of amenity for the proposal, in terms of solar access, privacy, ventilation and private open space.

Having regard to the above, there are three (3) broad built form options for the site, which are outlined in the Design Options Analysis prepared by SJB Architects, provided with the SEPP 65 Design Statement (Attachment 6). These options include:

- (1) A built form which was fully compliant with SEPP (SSP) 2005 and SEPP 65 ADG but results in a non-developable floor-plate;
- (2) A built form which complied with SEPP (SSP) 2005 podium setbacks, but which has minimal separation distances under the ADG SEPP 65 setbacks/separation distances; and

- (3) A built form which does not comply with either SEPP (SSP) 2005 or SEPP 65 ADG setbacks, but which responds appropriately to the site conditions and context. This requires maximising the achievable separation distances, while responding to the tower setbacks of the approved development to the north, and the established two (2) storey scale of the existing shopfronts on Regent Street and desired scale for Marian Streets.

As detailed in the EIS, Options 1 and 2 result in tower footprints of between around 300m² to 400m² which comprise the viability of the proposal and preclude the redevelopment of the site. As such, Option 3 is the only reasonable broad built form option for the redevelopment of the site. For this reason, Option 3 was pursued in formulating the built form design of the original DA.

In response to the submissions, further analysis of the built form was undertaken with the following aims:

- Identifying opportunities for increasing setbacks/building separation, to the north and west where possible, while retaining a viable building footprint;
- Facilitating view sharing with the provision of corridors between the proposal and buildings;
- Maintaining the privacy to the adjacent developments; and
- Ensuring that separation distances respond to established separation distances on the adjacent sites, both existing and approved development.

This has informed the boundary setbacks and building separation of the current amended proposal, which are described below.

Separation distances to Iglu - 60-78 Regent Street (north)

The previous scheme proposed a variable setback 0m to 3m to the northern boundary with the Iglu development from levels 2 to 17. This has been increased with the current proposal to provide a variable setback of 3m to 5m from levels 4 to 17. A zero setback is provided up to Level 3 with the introduction of non-residential uses on these levels. The increased setback creates a step in the northern façade of the proposal which aligns with the step in the southern façade of the Iglu building. This provides a 12m building separation between the buildings (Refer to Figures 9, 10 and 11).

Balconies are orientated to the east (Regent Street) and west and to minimise direct views to the Iglu development. Highlight openings are provided to the balcony and bedroom to maximise solar access to the proposal, without compromising the privacy of Iglu.

Separation distances to 7-9 Gibbons Street (south)

Consideration was given to increasing the separation distance to 7-9 Gibbons Street to the west. Any increase in the western setback will be marginal, if the floor plate of the development is to remain viable. Such a marginal increase in the setback to the west would not have any perceivable amenity benefits in terms of privacy, daylight and solar access, or views. As such the separation distances to the west remain unchanged. Screened (hooded) windows have been provided along this elevation to minimise privacy impacts on 7-9 Gibbons Street, by avoiding direct sightlines between the habitable rooms of each building.

Separation distances to 90 Marian Street (south)

A predominant 3m tower setback is provided to Marian Street, with the exception of balcony encroachments at the corner near Regent Street and the south-facing balcony on Level 4, this provides for increased separation distances to the future development to the south. Excluding the balconies, this represents a 1m variation to the 4m setback control for most of the Marian Street frontage and will provide a separation distance of up to 15.3m to boundary of 90 Regent Street. Assuming a 4m tower setback is applied to 90 Regent Street, this will provide a potential separation distances of over 19m. It is considered that there will be opportunities to provide greater separation distances with the redevelopment of 90 Regent Street given it is

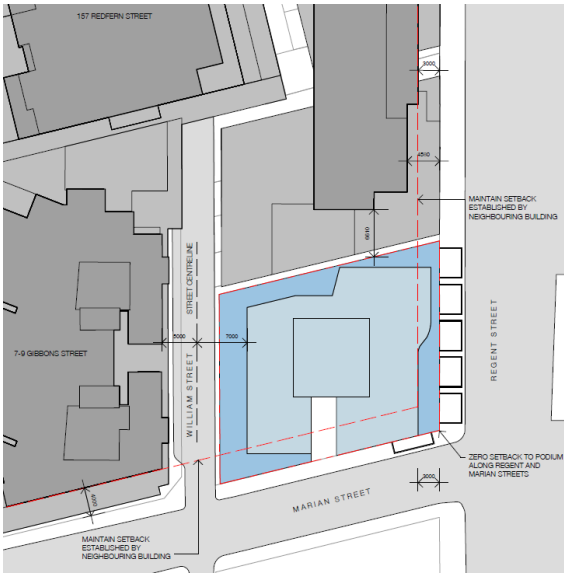
not effected by the same physical constraints as the subject site. The subject site, to a large extent, has been isolated by the adjoining development.

Table 6 provides a comparison of the separation distances between the original DA (EIS) and the current amended proposal, which is illustrated in Figure 9.

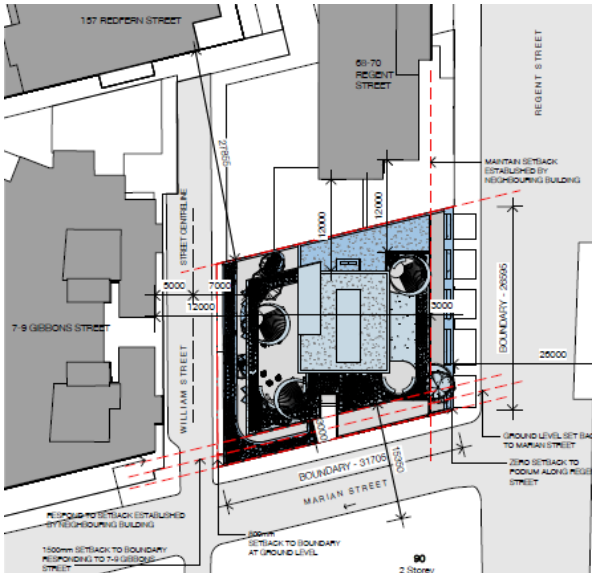
Direction of setbacks	DA (EIS) as submitted separation distances	Proposed amended DA separation distances
North: 60-78 Regent Street	Levels 2-3: 5.6m-8.1m Levels 4-14: 5.6m-8.1m Levels 15-17: 8.1m-10.6m	Level 2-3 (non-residential.): 5.6m-6.95m Level 4-17: 12m
North-west 157 Redfern Street	30m separation	30.6m separation
East: Opposite side Regent Street	23m separation	No change 23m separation
West: 7-9 Gibbons Street	10.9m from the existing balconies 12m to glass line	No change:10.9m from the existing balconies No change: 12m to glass line
South: Opposite of Marian Street	12m	15.3m – to boundary (except for balconies at corner)

Table 6: Comparison of separation distances between original DA and proposed amended DA

This is illustrated in the extracts of the Design Options Analysis (Attachment 6) included at Figures 9 and 10.



03. Original (Exhibited) DA non-compliant tower and podium setbacks



06. Proposed DA non-compliant tower and podium setbacks

Figure 9: Original (exhibited) tower and podium setbacks and the amended proposed setbacks on the right



Figure 10: Proposed separation distances



Figure 11– Increased separation distance to Iglu development.

Overall, the analysis reinforced that due to the site constraints, in particularly the proximity of the tower at development, there is limited scope to increase the separation distances to the west but and increased separation distance has been provided to the north. Overall, the setbacks and separation are considered reasonable in the circumstances given:

- The proposed separation distances are considered to reflect the predominant minimum tower separation and built form, both existing and approved, as described below:
 - The separation between 157 Redfern Street and 7-9 Gibbons Street is 11.8m;
 - The recently approved redevelopment of 1 Lawson Square (former TNT Towers) provides a separation distance of 11.78m between the two (2) towers; and
 - The separation distance between the recently approved Iglu development at 157 Redfern Street is 13.21m.
- Visual privacy is maintained to the adjacent development through the orientation of the apartments and balconies to the east, south and north-west and inclusion of highlight and hooded (screened) windows. Further discussion of privacy is provided in Section 4.7;
- The introduction of commercial uses on Level 1 and 2 will and the relocation of the childcare to Level 3 assist in reducing privacy impacts;
- The proposal responds to the built form of the adjoining development, in particular the approved Iglu development, with a 3m tower setback to Regent Street;
- The proposal facilitates view sharing as detailed in the assessment of view impacts provided at Section 4.7. The increased setback to the north will facilitate some improvement in views for apartments within 7-9 Gibbons Street;
- The proposal will not have unreasonable overshadowing impacts on adjoining or surrounding development or the public domain as detailed in Section 4.7; and
- The proposal achieves a high level of amenity in terms of dwelling size, ventilation and private and communal open space as articulated in the ADG.

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

4.4.1 SEPP 65 - Design Verification Statement

An updated Design Verification Statement has been prepared by SJB Architects and is included at Attachment 6. The Statement demonstrates that the amended proposal satisfies the design excellence principles of SEPP 65.

4.4.2 Apartment Design Guideline (ADG)

An updated ADG Compliance assessment has been prepared by SJB Architects and is included at Attachment 6. The ADG solar access design criteria is addressed separately in 4.4.1 below, given this was key issues raised by DP&E and submissions for Council is provided. This is followed by a discussions of other key design criteria. The building setbacks and separation have been addressed previously in Section 4.3.

Solar Access

The design criteria in Section 4A-1 of the ADG specifies that living rooms and private open spaces of at least 70% of apartments in a building receive two (2) hours of sunlight in mid-winter. The objective of this criteria is:

“To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.”

Following feedback on the original DA scheme as to whether 70% of the apartments did achieve two (2) hours of sunlight between 9:00am and 3:00pm in midwinter, more detailed solar analysis was undertaken by SJB Architects for the RTS submitted on November 2016.

This includes 'View from the Sun Diagrams' provided at 15 minute intervals between 9:00am and 3:00pm in mid-winter and Shadow Analysis Plan for each residential level of the building. This analysis revealed that only 17% of the apartments can achieve two (2) hours solar access between 9:00am and 3:00pm in midwinter, but 70% of the apartments would receive two (2) hours sunlight between 8:00am to 3:00pm.

In response to advice from DP&E that the 17% solar access would not be supported and additional non-residential uses were required to be introduced on the lower levels to improve the amenity of the proposal, the proposal has been amended as follows:

- Two (2) of the lower residential levels have been replaced with two (2) non-residential levels;
- The number of apartments per floor has been reduced from five (5) to four (4) apartments; and
- The total number of apartments has been reduced from 80 to 56 apartments.

The above amendments have significantly improved the solar performance of the proposal when measured against the ADG design criteria, 54% (30) of the 56 apartments receiving two (2) hours sunlight during mid-winter. The solar analysis is included in the architectural drawings package included at Attachment 1.

While the 54% solar access is still below the 70% specified in the ADG design criteria, it is considered acceptable for the following reasons:

- The constrained nature of the site restricts the ability to achieve two (2) hours sunlight between 9:00am and 3:00pm. This arises from the site's orientation to the north-west instead of due north, and the scale of the existing and approved buildings to the north and west.
- All apartments receive at least 15 minutes of solar access. This exceeds the design criteria which allows no solar access to up to 15% apartments of the apartment within a development. The 70% of the apartments receive solar access between 8am and 3pm, which is a 1 hour departure from the ADG time-frame.
- The proposal is consistent with the design guidance provisions in 4A which specify that

"design maximises north aspect and the number of single aspect south facing apartments is minimised."

The proposal seeks to optimise solar access to the apartments with the provision of four (4) dual aspect, corner apartment per level. There are no single aspect, south facing apartments.

- As demonstrated in the assessment of the other key design criteria below, the apartments benefit from a high level of residential amenity in terms of ventilation, private open spaces, communal open space, size and layout. The site benefits from a high level of accessibility to employment opportunities, services and facilities and transport, which further maximises residential amenity.
- The achievement of 54% ADG solar access provides an appropriate balance between the need to increase the ADG solar performance of the proposal while ensuring the quantum of non-residential uses on site does not unreasonably compromise the viability of the project.

Miscellaneous ADG Design Criteria

As detailed in the revised ADG Compliance Assessment prepared by SJB Architects included at Attachment 6 and summarised below, the proposal complies with the many of the ADG design criteria:

- **Communal open space** (roof-top terrace) – the proposal provides 392m² of communal open space on the roof-top, which equates to 48% of the site area, thereby exceeding the 25% requirement. The

communal open space receives sunlight all day and thereby satisfies the requirement for two (2) hours of solar access to 50% of the open space between 9am and 3pm in mid –winter.

- **Cross ventilation:** 100% of the apartments are cross ventilated as they are all corner apartments with four (4) apartments per plate.
- **Ceiling heights:** the habitable rooms of the apartments achieve a minimum ceiling height of 2.7m.
- **Apartment size and layout:** The apartments comply with the minimum area requirements.
- **Private open space and balconies:** The balconies of the apartments comply with the private open depth and area requirements.
- **Common circulation space:** Four (4) apartments are located off a single core, which is less than the maximum of eight (8) apartments. Two (2) lifts are provided for the 56 apartments.
- **Storage:** The apartments and basement accommodate the required storage as determined by the apartment mix.
- **Car parking:** The proposed car parking complies with the maximum parking requirements applying under the SLEP 2012.

Part 4K of the ADG sets out objectives and design guidance for dwelling mix to ensure developments provide a range of apartment types and sizes to cater for different household types now and into the future. The proposal satisfies this requirement of the ADG with a range of one (1), two (2) and three (3) bedroom apartments. However, it is noted that the amended proposal varies from the following dwelling mix provisions stipulated in Sydney Development Control Plan (SDCP) 2012.

- Studio 5 - 10%;
- 1 bedroom: 30% (percentage of one (1) bed. dwellings may be increased above 30% provided the number of studios and 1 bedroom dwellings combined does not exceed 40%);
- Two (2) bedroom: 40% –75%; and
- Three (3) + bedroom: 10%-100%.

The amended proposal complies with the mix for one (1) and two (2) bedroom dwellings, with 25% and 75% respectively. However, the amended proposal does not include any three (3) bedroom apartments and as such does not meet the 10% requirement. The variation is considered reasonable given the limitation posed by the smaller residential floor plates that are a result of the site constraints.

4.5 Floor Space Ratio (FSR)

The site is subject to a maximum FSR of 7:1 under SEPP (SSP) 2005. The Council have continued to raise issues with areas of the building that have been excluded from the GFA calculations and maintains that the inclusion of these areas would result in an exceedance of the FSR. They have reiterated that the GFA must be calculated in accordance with the standard definition, which is reproduced as follows:

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

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

- (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) *any space used for the loading or unloading of goods (including access to it), and*
- (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) *voids above a floor at the level of a storey or storey above."*

The full list of GFA exclusions raised by Council in their submissions to the EIS and RTS (November 2016) include:

- The breezeway/corridors;
- Waste holding areas;
- Waste facilities previously located about ground;
- External lobby and associated areas;
- The outdoor courtyard at ground level; and
- Miscellaneous areas not shaded as GFA on the calculation diagrams (e.g. sections of wardrobes).

Due to subsequent amendments and replanning of the floor plans, some of the areas in question that were excluded from GFA calculations have been deleted from the current proposal or have been modified. The breezeways, outdoor items and miscellaneous areas were raised by Council in their most recent correspondence of 16 January 2016. It is noted that the of the miscellaneous areas was a drafting error on the GFA calculation drawings as these areas were included in the GFA calculations.

Updated GFA calculations have been prepared by SJB Architects and are included in the drawings package at Attachment 1. The proposal has a GFA of 5,754m², which equates to a compliant FSR of 7:1.

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

- Lifts and stairs;
- Plant and mechanical services;
- External lobbies at ground level for residential apartments, child care and commercial uses;
- The breezeway to the child care centre; and
- The residential breezeway corridors.

Council questioned the exclusion of the breezeways from GFA calculations. In their most recent comment, Council rejected the exclusion of the breezeways from GFA on the basis that they may be enclosed in the future. This is not a relevant consideration as the current application proposes open breezeways. The enclosure of the breezeways would require further approval as part of a subsequent application and the inclusion of these areas as GFA, would be assessed at that time.

Council also queried the exclusion of the waste holding bay from the GFA calculation. This is the service and loading bay located at ground level that is accessed from William Lane. The main function of this space is for the loading/servicing of the development, not just for waste collection. The swept path analysis prepared by GTA Consultants (Attachment 14) demonstrates that a vehicle can access the space. The bins will be stored within the waste room in the basement and will only be moved into the loading area immediately prior to collection. As the principal function of the space is unloading and loading area its exclusion from the calculation of the GFA is consistent with the definition.

The above legal advice provided by Mills Oakley included at Attachment 8 supports the approach that has been taken to the calculation of GFA, with the exclusion of central corridors and the ground level service and loading bay. The legal advice includes a discussion of the Land and Environment Court's (LEC) decision in *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney [10319 of 2015]* to exclude

central corridors from the definition of GFA. Mills Oakley conclude that this decision is clear and is 'squarely applicable' to the proposed DA, and accords with the approach that has been taken to the calculation of GFA.

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

4.6 Design Excellence

The formulation of numerous built form options that have been considered in the preparation of the original DA, the RTS and this RTS, is evidence of the considered and rigorous design excellence process that has been undertaken to date.

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

4.6.1 Building Expression and Materials

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

Podium

- The existing Victorian shops located on site have been interpreted in the podium design with the inclusion of five (5) distinct shopfronts. The two (2) storey height and proportions of the shopfronts responds to the scale and subdivision pattern of the existing shopfronts on site, and along this strip of Regent Street. The shopfronts incorporate strong vertical elements and glazed arches which reflect the proportions and character of the existing shopfronts. The glazing at ground level is in keeping with the existing shopfronts and read as doorways and shop windows.
- The height and massing of the podium has been designed to provide an appropriate transition between Regent and Marian Streets. The two (2) storey street wall height on Regent Street transitions to a four (4) storey street wall height on Marian Street, which steps to a three (3) street wall height to the west to align with the podium of 7-9 Gibbons Street.
- The shopfronts on Regent Street wrap the corner onto Marian Street maximise activation and opportunities for interactions with the public domain.
- Separate awnings are provided to each of the shopfront on Regent Street to reinforce the proportions of the existing five (5) shops. This provides continuous coverage along awning has been provided along Regent Street. An awning is not provided to Marian Street as the first level of the building cantilevers over the ground level. This cantilever performs a similar function to an awning.
- The material selection complements the existing building fabrics that characterise Regent Street and the area and consists of face brick, hit and miss brick and pre-cast concrete. Brickwork is the dominant material in the podium which recognises the primarily solid facades of the traditional shopfronts. Hit-and-miss brickwork has been incorporated into both Regent and Marian Street facades for greater articulate on and permeability at the pedestrian junction.

The expression and materiality of the ground level is illustrated in the following drawing detail from the Architectural Drawings.



Figure 12: Expression and materiality of the ground level

Towers

The scale of the tower is in keeping with the adjacent towers. As outlined in Section 4.2, the tower setback to Regent Street aligns with the Iglu development to the north and responds to the setback of 7-9 Gibbons Street on Marian Street.

While the tower incorporates materials that complement the existing building fabrics, the selection of materials and finishes detailed in the SEPP 65 Statement (Attachment 6) will distinguish the proposed tower from the adjacent buildings. This will assist in breaking up the cumulative massing of the towers.

4.6.2 Sustainable Design Principles

An Ecologically Sustainable Development (ESD) Report has been prepared by Efficient Living and is included at Attachment 9. The ESD identifies sustainability initiatives to be adopted within the development, which align favourably with the Sydney Local Environment Plan (SLEP) 2012, the overall planning objectives of the local area and Sustainable Sydney 2030.

The sustainability initiatives extend beyond the regulatory framework established by BASIX and Section J of the BCA and address the following into nine general categories:

- (1) Indoor Environment Quality
- (2) Water Efficiency
- (3) Energy Efficiency

- (4) Stormwater Management
- (5) Building Materials and Operation
- (6) Transport
- (7) Waste Management
- (8) Urban Ecology
- (9) Innovation

The implementation of the initiatives will ensure the integration of sustainable practices into the development, both during the construction and ongoing operational phases.

4.7 Public Domain Interface

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

- Providing multiple shopfronts and entries to Regent Street which respond to the rhythm, scale and proportion of the traditional shopfronts on site and Regent Street;
- Maximising the active frontage to Regent Street by locating the child care centre over a single level, except for the lobby;
- Increased activation to Marian Street by ensuring the retail space on Regent Street wraps the corner with an extension to shopfront windows. The location of the child care centre/commercial lobby and residential lobby on Marian Street also provide activation;
- Increasing the ground level setback on Marian Street by 1.5m to align with the adjoining building at 7-9 Gibbons Street and provide a wider footpath. The extension to the footpath will remain part of the site, and will not to be dedicated to Council. This is consistent with the existing arrangement for the footpath widening on 7-9 Gibbons Street;
- Separate awnings are provided to each of the shopfront on Regent Street to reinforce the proportions of the existing five (5) shops. This provides continuous coverage along Regent Street. An awning is not provided to Marian Street as the first level of the building cantilevers over the ground level. This cantilever performs a similar function to an awning; and
- The entries into the shops will be fully accessible to ensure equitable access for all persons.

4.8 Amenity Impacts

4.8.1 View Loss

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

DP&E raised impacts on views and requested opportunities for improving the impacts be explored through alternative built forms that provided for increased separation to the Iglu development to the north.

The current amended proposal provides for an increased variable setback to the northern boundary. This has increased the separation between the subject building and the Iglu development to 12m. Consequently, the width of view corridor between the buildings has been enlarged to reduce the extent of impacts on the existing views from 7-9 Gibbons Street.

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

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

The properties are identified in Figure 13.



Figure 13: Properties considered in the view impact analysis

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

The assessment is based on a View Impact Analysis (VIA) prepared by SJB Architects. In the absence of being able to inspect and photograph views from potentially impacted properties, photographs were sourced from various on-line real-estate advertisements for the sale or rental of properties within 157 Redfern Street and 7-9 Gibbons Street. The View Impact Analysis also relied on the following data:

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

This information has provided some indication of the potential view impacts on these three (3) buildings, arising from the proposal without, the opportunity to physically inspect the apartments.

Assessment of views to be affected

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

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

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

A description of the broad views available from the three (3) properties is provided in Table 7 below. This is followed by a more description of the apartments within each building that will be affected.

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

Table 7: Summary of views and outlooks from adjacent properties

157 Redfern Street

No.157 Redfern Street is located to the north-west of the subject site. There are two (2) apartments located on the southern side of Levels 5 to 18, which are potentially impacted by the proposal. For ease of reference,

these are identified as apartments 'A' and 'B' in Figure 13. Within the building there are 14 type 'A' and 14 type 'B' apartments.

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

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

7-9 Gibbons Street

No.7-9 Gibbons Street is located to the west of the subject site. There are two (2) apartments located on Levels 4 to 17 within this building that are potentially impacted by the proposal. These apartments are identified as apartments 'C' and 'D' in Figure 13. There are 14 type 'C' and 14 type 'D' apartments.

The 14 type 'C' apartments are located on the north-eastern corner and have views of Redfern, Waterloo and distant views of the eastern suburbs towards the east and south east, which will be impacted by the proposal.

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

60-78 Regent Street (Iglu)

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

Which part of site is the view available from?

As outlined in Table 8 below, the views are available from living room windows, living room balconies, bedrooms windows and communal student dining/lounge rooms. The apartments within 7-9 Gibbons Street each have two (2) balconies, off their living areas.

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

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

Property	Location of views
Apartments D (levels 4 to 17)	Living area window and balcony: Eastern views of Redfern and Waterloo and distant views of eastern suburbs. Bedroom window (highlight): Eastern views of Redfern and Waterloo and distant views of eastern suburbs.
	Living area window and balcony 1: Eastern views of Redfern and Waterloo and distant views of eastern suburbs. Living area window and balcony 2: Southern views of Redfern and Waterloo and distant view to the south and towards Botany Bay. Bedroom window: Eastern views of Redfern and Waterloo and distant views of eastern suburbs.
60-78 Regent St (Iglu) Levels 2 to 17	Student communal dining and living areas for six (6) rooms located on levels 2 to 17: Southern views of Redfern and Waterloo and distant view to the south towards Botany Bay.

Table 8: Location within dwelling from which views are available

Extent of impact in relation to views available?

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

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

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

157 Redfern Street

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

The proposal will have a severe impact on the outlook and district views towards the south from the balcony and living room of the 14 type 'B' apartments on Levels 5 to 18. The view impact analysis shows the impact from the uppermost apartment on Level 18 from the balcony of the view shown in Figure 14. It is expected that part of the outlook to the south from the 14 type 'B' apartments will be retained down the view corridor created by William Lane. This is not illustrated in the analysis as it has relied on photographs of views sourced from real estate agent sites. It can be expected that the impacts will be greater from the lower levels of the building, as Level 18 will retain glimpses of views around the proposal and over the adjoining Iglu development.

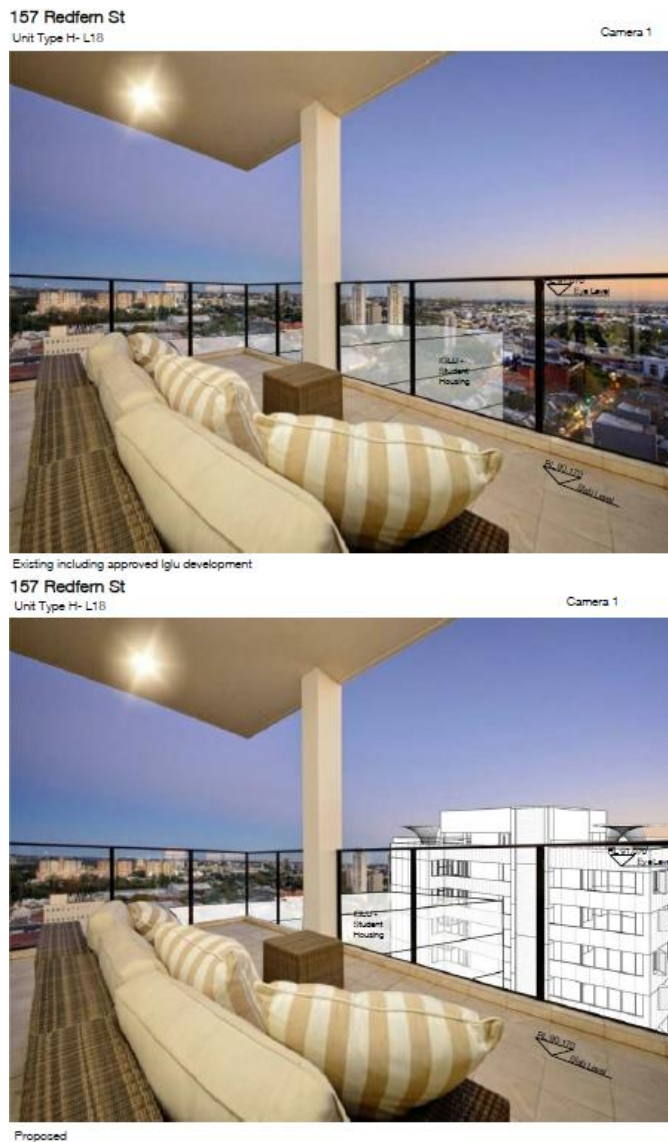


Figure 14: View impacts from Level 18 – 157 Redfern Street

7-9 Gibbons Street

The 14 type 'C' apartments on Levels 4 to 17 will retain views to the east from their living room windows and balcony between the proposed building and the Iglu development. The increased northern boundary setback provides a larger view corridor between the proposal and the Iglu development and will reduce the impacts on views from 7-9 Gibbons Street. As illustrated in Figure 14, the separation between the buildings provides a view corridor that will ensure outlooks and districts views towards the eastern suburbs will be retained from the balcony and living room. Some views towards the south will also be retained from the living area (refer to Figure 15). The proposal will partially obscure views from the bedroom windows of the type 'C' apartments on Levels 4 to 17 (refer to Figure 16). Overall the impact on Apartments C on Levels 4-17 is considered to range from minor to moderate.

Views to the south from the living room and balcony of the 14 type 'D' apartments on Levels 4 to 17 will not be impacted by the proposal (refer to Figure 17). These apartments have a narrow, secondary balcony off the living room which has views to the east. The proposal will obscure views from this balcony and the balcony windows (refer to Figure 18). The views from the bedroom will also be obstructed. It is noted that these bedrooms have highlight windows, which is expected to limit the extent of the view that can be seen from the

bedroom. Overall the impacts on the 14 type 'D' apartments on Levels 4 to 17 of 7-9 Gibbons Street represents a minor to moderate impact given the nature of views to the east that will be obscured and that the views to the south will not be obstructed.

7-9 Gibbons St
L14

Camera 2



Existing
7-9 Gibbons St
L14

Camera 2



Proposed

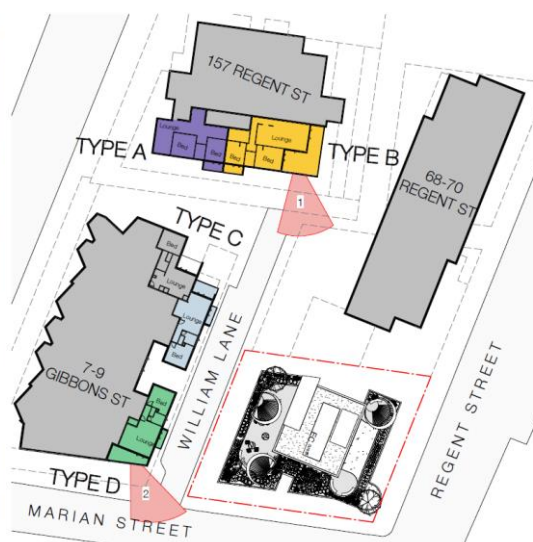


Figure 15: Partial views to the south will be retained from living rooms of 'Apartments C' at 7-9 Gibbons Street (image from level 14)

7-9 Gibbons St
L14

Camera 1



Existing including proposed lot development

7-9 Gibbons St
L14

Camera 1



Proposed

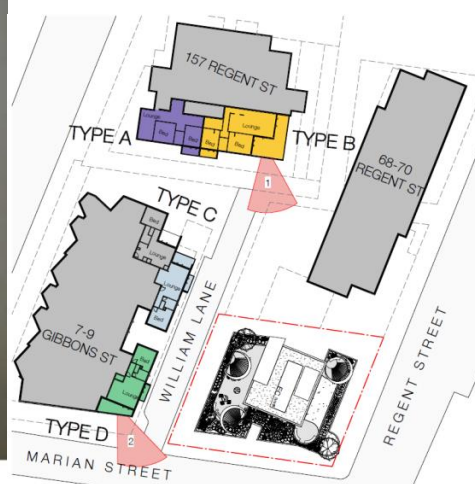


Figure 16: Partial view to the east will be retained from bedrooms of 'Apartments C' at 7-9 Gibbons Street (image from level 14)

7-9 Gibbons St
L8

Camera 2



Existing
7-9 Gibbons St
L8

Camera 2



Proposed

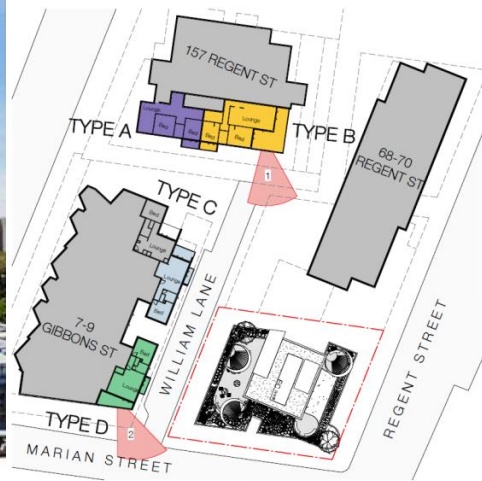
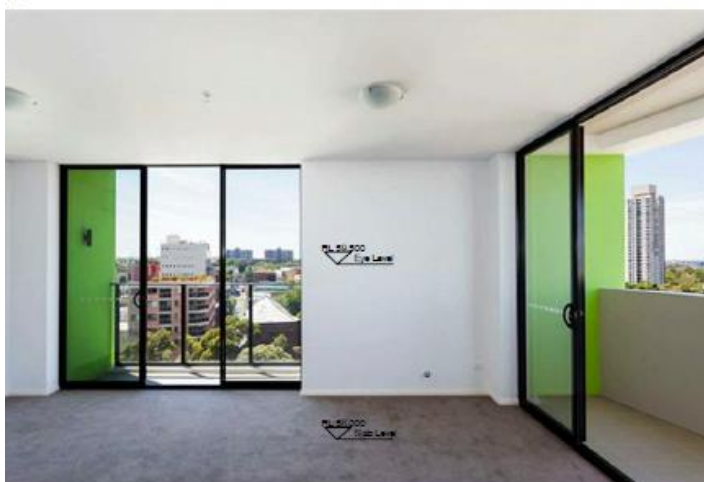


Figure 17: Views to the south from the balconies and living rooms of 'Apartments D' at 7-9 Gibbons Street will not be impacted by the proposal (image from level 8)

7-9 Gibbons St

LB

Camera 1

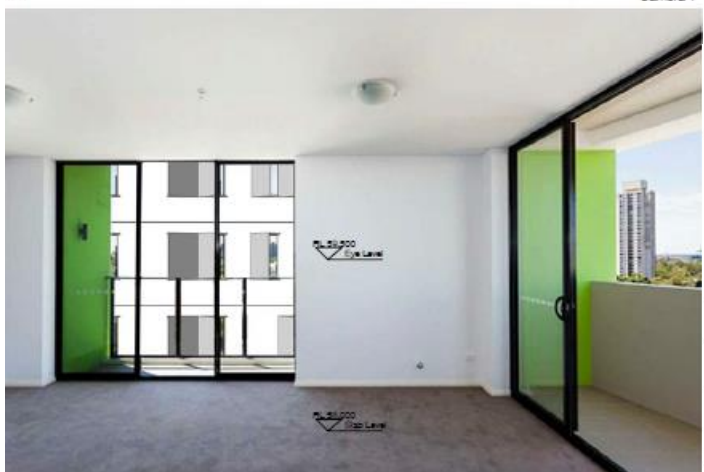


Existing

7-9 Gibbons St

LB

Camera 1



Proposed



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

60-78 Regent Street (lglu)

The proposal will have severe impact on the views from the student communal dining and living areas on each level of the building. Given the communal dining/living areas are located within the centre of the building and orientated south, these views cannot be retained with the development of an 18 storey development on the site as anticipated by the planning control. Furthermore, it is noted that the communal lounges, terrace and games rooms on level1 (podium) have an outlook onto Regent Street.

Reasonableness

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

Compliance with the Planning Controls

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

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

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

The proposal varies from the 4m tower setback control applying to Marian Street. Compliance with the 4m setback would result in a slight reduction in the impacts on easterly views of Redfern and Waterloo and beyond from 'D' apartment on Levels 4 to 17 at 7-9 Gibbons Street. This would be a marginal improvement and is considered of lesser importance given these apartments retain views to the south. Compliance with the 4m tower setback to Marian Street would not alter the impacts on views from the other apartments within 7-9 Gibbons Street (type C) or apartments within 157 Redfern Street.

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

The separation distance to Iglu provides a view corridor to ensure the type 'C' apartments at 7-9 Gibbons Street will maintain their easterly views from their living room and balcony (refer to Figure 16). As a result, the variation to the northern boundary setback distances applying under the ADG does not have an unacceptable impact on the easterly views from 7-9 Gibbons Street.

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

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

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

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

A More Skilful Design

In relation to the question as to whether view impacts could be mitigated with more skilful built form design, the current proposal was the outcome of a rigorous design process. Numerous options have been considered for the site. These options are discussed in Section 4.2 and the Built Form Options Analysis prepared by SJB Architects included at Attachment 6.

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

The design of the proposal has been driven by the detailed consideration of the site constraints and the need to minimise view loss, privacy and other amenity impacts on the adjacent development, while ensuring a high level of amenity is achieved for the development. The proposal provides a slender tower form that accommodates four (4) apartments on each level. Impacting on existing views is inevitable with the redevelopment of the site that is envisaged under the planning frameworks. Notwithstanding, the design outcome that has been formulated for the site has sought to retain views and facilitates view sharing.

Conclusion

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

4.8.2 Overshadowing

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

Overshadowing of the following were specifically raised by the Council:

- Conservation areas between Cope and George Street;
- Gibbons Street Park; and
- Residential development at 1 Margaret Street.

Revised shadow diagrams for the amended proposal have been prepared by SJB Architects at hourly intervals on 21 June (Winter solstice) and are included in the Architectural Drawing Package at Attachment 1. The shadow diagrams illustrate the comparative shadow impacts of the original DA scheme (EIS), the RTS (November 2016), a complying setback scheme and the current RRTS.

The shadow impacts of a building that complies with the tower setbacks is also provided.

As outlined below and illustrated in the shadow diagrams, the proposal does not have unacceptable overshadowing impacts given:

- It will not result in any additional overshadowing to the adjoining residential development at 7-9 Gibbons Street;
- A significant proportion of the shadows created by the proposal will fall within the shadows cast by the approved Iglu development to the north at 60-78 Regent Street;
- The majority of the additional shadows are cast on the existing commercial/retail premises located along Regent Street;
- It does not result in additional overshadowing to Jack Floyd Reserve, located to the east on the opposite side of Regent Street;
- There is a negligible difference between the shadow impacts from the proposal that provides a 4m tower setback to Marian Street.
- At 9am there is a small amount of additional overshadowing at the southern-most tip of the Gibbons Street park. By 10am the shadow has moved from the park.
- There is potential additional overshadowing to the residential apartments at Margaret Street. By 11am the proposal does not shadow these apartments.
- The shadow impacts have been reduced from the original (EIS) proposal as a result of the reduction in the overall height of the building.

- While the shadow diagrams show distant afternoon shadows are cast to the east and west over the Conservation Area between Cope and George Streets, this has been reduced from the original proposal (EIS). The additional overshadowing only occurs from 2:00pm onwards. It is anticipated that many parts of these areas are already in shadow as a result of the buildings and other structures, such as fences, that have not been modelled in the shadow analysis.

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

4.8.3 Privacy Impacts

Impacts on privacy were raised in many of the public submissions received from residents of the surrounding buildings. The concerns relating to privacy principally relates to the separation distances between the proposal and the existing and approved adjacent development. The building separation distances have been addressed at length in Section 4.2 and demonstrates that despite the proposal not complying with the building setback and separation distances it will not give rise to adverse privacy impacts on the adjacent properties as outlined below:

7-9 Gibbons Street

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

- There are no balconies located on the western elevation. Balconies are facing Marian Street to the south and Regent Street to the east and the north-west;
- Screened (hooded) windows have been provided to the habitable rooms on the western elevation to avoid direct sightlines into habitable rooms of 7-9 Gibbons Street; and
- Living rooms have been principally oriented to the north-west and south.

157 Redfern Street

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

60-78 Regent Street (approved Iglu development)

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

- The introduction of commercial uses on Levels 1 and 2 and the relocation of the childcare centre to Level 3 removes opportunities for direct overlooking of the communal courtyard at Level 1 podium;
- The northern setback of the building has been increased. The key driver for this has been to increase the separation distanced between the proposal and the Iglu building to ensure it is more consistent with the surrounding built form and separation between adjacent towers. The increased setback, combined with the reduction in the number of apartments per level has allowed for the reconfiguration of the north-eastern corner apartments located opposite the Iglu development. The principal living area and a balcony are orientated to Regent Street. A second balcony is located along the northern elevation, but is principally orientated to the west. Highlight openings have been provided to the balcony and habitable rooms on the northern elevation to maximise sunlight and daylight to these apartments without compromising the privacy of the student communal living area within Iglu; and
- The deletion of the mezzanine levels and lowering of the building has also reduced privacy impacts.

4.8.4 Wind Impacts

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

A revised Pedestrian Wind Environment Study has been prepared by Windtech and is included at Attachment 7. In response to further comments from Council and DP&E regarding wind impacts, supplementary wind impact comments have been provided by Windtech and are also included at Attachment 7.

The key issues that have been raised in relation to wind impact are summarised below:

- The increased impact of the wind conditions around the site with the inclusion of the proposed development when compared to the existing conditions;
- The criteria that has been used to assess the wind impacts;
- The setback along Marion Street should be increased from 3m to 4m to assist with reducing downwash effects; and
- Impacts on the adjacent developments, including the outdoor communal space of the adjoining Iglu development to the north.

The findings of Windtech's analysis included at Attachment 7, which is summarised below, demonstrates that the proposal will not have unacceptable wind impacts.

Increased in wind impacts arising from the proposed development

The wind conditions around the site is noted to be generally improved with the inclusion of the subject development, compared to the existing conditions. The majority of the ground level areas around the site, including along Marian Street and Regent Street, are governed by winds from the westerly and north-easterly sectors. As the proposed development is larger in massing when compared to the current built form of the site, which is predominately two storeys, these winds benefit from the additional shielding which the development will provide. The slight increase in the wind conditions along Marian Street with the inclusion of the subject development was found to be due to the additional built form associated with the subject development compared to the existing building.

This directs the westerly winds along Marian Street due to the west-north-west to east-south-east alignment of the street. The inclusion of the awning along Marian Street (which would simulate similar effects to an increase tower setback on the podium) only resulted in a minimal improvement to the westerly to south-westerly wind conditions. This is due to the conditions being caused by a ground level effect.

Wind Criteria

The Council has raised concern that the conditions along Marian Street should be referenced to the annual maximum gust criteria instead of the gust equivalent mean comfort criteria. The current conditions along Marian Street and Regent Street current exceed the 16m/s annual maximum gust criteria while the proposed development improves conditions and in a number of cases is within the comfort criteria. It should be noted that the annual maximum gust criteria do not provide an accurate representation of the wind comfort conditions associated with areas in a built up environment. This is due to the fact that the criteria is based on a low turbulence level, typically associated with open areas. Built up areas, like the location of subject site, typically experience turbulence of around 30-40% and as such the annual maximum gust criteria become inaccurate as noted by numerous international studies. Furthermore, it is also noted that the Central Sydney

Planning Strategy draft document is currently recommending for the wind comfort criteria to be changed to be based on the gust equivalent mean criteria.

Wind impacts arising from reduced tower setbacks to Marian Street

Tuff measurements were undertaken during the wind tunnel study to determine the flow mechanism which impacts the wind conditions along Marian Street. This was found to be governed by ground level effects due to the street alignment and not a downwash component off the tower. Increasing the setback of the tower to 4m along Marian Street from that proposed, would therefore not provide any notable benefit to the ground level wind conditions.

Impacts on adjacent properties – Iglu's outdoor communal open space

The proposed development is noted to have beneficial effects for the outdoor areas of the Iglu development. The communal area of the Iglu project is currently generally shielded from all directions by the other existing developments except for the southerly winds. The inclusion of the proposed development is noted to provide additional shielding from the southerly winds for this area.

Having regard to the above the wind impacts associated with the proposal are considered acceptable.

4.8.5 Noise Impacts

Various issues were raised in the submissions to the exhibition of the EIS in relation to noise and the Noise and Vibration Impact Assessment prepared by Acoustic Logic, as outlined below:

- The Council raised the following matters and requested they be addressed in further acoustic assessment be provided:
 - Potential noise sources from the proposal including the use of the communal rooftop terrace and the proposed child care centre on the surrounding residential receivers;
 - Noise impacts on residents of the proposed development from the significant roof-top plant on the adjacent buildings; and
 - Suitability of the location of the unattended noise monitors for establishing the background noise levels.
- DP&E requested the submission of an amended Noise and Vibration Impact Assessment which addressed the above issues raised by Council.
- Issues raised in the public submissions related to noise from plant and equipment, construction related noise and noise impacts generally.

Acoustic Logic have prepared an amended Noise and Vibration Impact Assessment which is included at Attachment 10. Acoustic Logic have also prepared a separate response to the issues raised by the Council, which is also included at Attachment 10.

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

4.9 Child Care Centre

The following issues were raised in the submissions to the EIS in relation to the proposed child care.

- Functionality of the design of the child care centre, being located over two levels;
- Requirement for a management plan, which addresses the SDCP 2012 and operational details of the centre;

- The size of the outdoor play area relative to the number of children proposed to be accommodated in the centre;
- Noise attenuation measures that will be required to achieve noise criteria within the centre;
- The proximity of the child care centre to potential sources of electromagnetic frequency;
- The proximity of the child care centre to cooling towers;
- Child care centre should be the subject of a separate development application; and
- Adequacy of proposed set-down and drop-off spaces.

Most the above issues were raised by Council. While several issues were resolved through the amendments and supporting information included with the RTS (November 2016) the following additional issues were raised by the Council in their correspondence of January 2017:

- Residents and the child care use as both uses share a lift. This results in a conflict of uses. An exclusive lift should be made available to the childcare.
- The basement level childcare drop off is likely to cause safety issues as parents with young children experience vehicular conflicts in getting to the lift. Small basement footprint combined with parking on lower levels is likely to cause poor visibility of the childcare drop off parking.

To address the above issues, amendments have been made to the child care centre and additional information has been provided with the RRTS as outlined below.

- Amendments to the child care centre layout and capacity as detailed in the Architectural Drawings included at Attachment 1;
- Plan of Management (PoM) for the child care has been prepared by Edge Management included at Attachment 11; and
- An Outdoor Area Report: Proposed Child Care Centre prepared by Gowrie NSW included at Attachment 11

Design, layout and functionality of the Child Care Centre

The design of the child care centre has been amended so that it is completely located on level 4, with the exception of an entrance lobby located on the ground floor, off Marian Street. The child care centre has also been relocated from level 1 to level 3, so that it is above the retail and commercial levels.

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

Due to the proximity of the adjacent buildings, the outdoor play areas will not receive sunlight contrary to the provisions of the SDCP 2012. To compensate for this, a 4m floor to floor height has been provided. This will significantly enhance the amenity of this space by ensuring good levels of daylight throughout the year. The relocation of the child care centre from level 1 to level 3 will also increase the daylight to the outdoor space.

Management Plan

A Plan of Management (PoM) for the child care has been prepared by Edge Management and is included at Attachment 11. The PoM addresses key operational elements of child care centre including:

- Capacity and hours of operation;
- Staffing and general administration arrangements;
- Arrivals and departures – including staff and children;

- Car parking;
- Noise management;
- Fire safety and emergency;
- Security;
- Maintenance; and
- Licences, policies and procedures.

A more detailed Plan of Management would be provided with the subsequent development application for the fitout of the centre.

Outdoor play areas

As outlined above, the proposed operating capacity of the centre has been reduced from 65 children to 53 children. The proposed outdoor areas have a combined area of 377m². As detailed in the PoM and Outdoor Area Report (Attachment 11) the provision of the outdoor area for 53 children is in line with National standards, which requires 7m² of unencumbered outdoor space per child.

In previous submissions to the proposal, Council raised concern with the lack of solar access that will be provided to the outdoor area and on this basis, have questioned the suitability of the proposal to accommodate a child care centre.

The Outdoor Area Report: Proposed Child Care Centre prepared by Gowrie NSW (Attachment 11) provides an assessment of the proposed outdoor area against the *Education and Care Services National Regulations 2011* and the National Quality Standard (NQS). The report concludes that the outdoor space for the child care centre is capable of meeting the sections of the *Education and Care National Regulations 2011* and the NQS subject to the resolution of the design and layout of the spaces, which will be addressed in a separate development application. This conclusion was based on the following assessment:

- While partially covered by the building above, the outdoor play area allows children to be outside and exposed to natural light and fresh air;
- The outdoor area is shaded by the building above and surrounding buildings. These buildings potentially create adequate shaded areas to prevent children from having overexposure to the sun. It is recommended that the centre operator conduct a shade audit assessing the environment against the recommendations of the Cancer Council NSW. However, the proposed centre will be able to meet the requirements of Regulation 114:
- Subject to the design of the outdoor play space incorporating a variety of play areas including areas for active, quiet, gross motor and sensory experiences and natural elements, it will be able to meet NQS element 3.2.1 using the outdoor spaces provided for the proposed centre and
- While the space for outdoor play is located on the fourth floor of the building, provision can be made to ensure there are natural elements in the space. Subject to the inclusion of the following in the outdoor space it can meet NQS element 3.2.1:
 - An area for sand play;
 - A wet play area;
 - Space for movable climbing and balancing equipment and other equipment to promote gross and fine motor skills;
 - A soft fall area for placing climbing equipment;
 - Shade in accordance with shade guidelines provided by the NSW Cancer Council. Note that the centre will also have a Sun Safety Policy based on recommendations from the NSW Cancer Council;
 - Planting suitable for the space to assist in creating natural features;

- Provision for children to experience a variety of natural and recycled materials;
- A variety of ground cover materials for sensory purposes such as timber, paving etc;

Having regard to the above, despite the lack of solar access to the outdoor spaces, the spaces are capable of meeting *Education and Care Services National Regulations 2011* and the National Quality Standard (NQS). On this basis, the site and proposal development are suitable for the child care use and should be approved as part of this application.

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

The revised Noise and Vibration Impact Assessment prepared by Acoustic Logic included at Attachment 10, provides an assessment of the noise impacts of the proposed child care centre. The report recommends treatments to the child care centre to ensure the achievement of the relevant internal noise levels from surrounding environmental noise sources, as well as noise from the child care centre to surrounding receivers. The recommended treatments are summarised below:

- Minimum 6.38mm laminated glazing with acoustic seals is required around the perimeter of the outdoor play area, with minimum Rw of 30;
- The underside of the building structure to the west, which over hangs the proposed external area is to have an acoustically absorptive treatment such as envirospray, absorptive insulation or the like. Treatments should be to a minimum of 40% of the soffit area;
- The outdoor play area to be operational between 8am and 6pm on any given day;
- Management is to ensure children are supervised at all times to minimise noise whenever practical and possible; and
- Install a contact phone number at the front of the centre so that any complaints regarding centre operation can be made.

Electromagnetic Frequency

An Electromagnetic Fields Assessment has been prepared by EMC Technologies and is included at Attachment 12. Based on an analysis of the electromagnetic sources around the site, the assessment concludes that the potential exposure impact is very low.

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

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

The proximity of the child care centre to cooling towers

Information was requested from the City of Sydney Council, regarding the location of cooling towers within proximity to the site. This information has not been forthcoming. It is noted that Council did not raise this issue again in their most recent correspondence of 16 January 2017.

4.10 Heritage Archaeology

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

assessment, the potential requirement to obtain a s40 excavation permit was also identified by Council and the Heritage Council.

A Historical Archaeological Assessment has been prepared by Urbis and is included at Attachment 13. The assessment concludes that the potential archaeological remains at the subject site are not considered to have research potential and are not considered to meet any of the seven criteria for heritage significance outlined in the *Assessing Significance for Historical Archaeological Sites and 'Relics'* guidelines issued by Heritage Division of the Office of Environment and Heritage (OEH) in 2009.

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

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

In recent correspondence Heritage Council advised that the report prepared by Urbis was adequate, and recommended conditions to be included in any future consent determination.

4.11 Transport, Traffic, Parking and Servicing

Bicycle Parking

In their submissions, the Council and TfNSW noted that bicycle parking facilities should be located in visible accessible and convenient locations, close to entries, and expressed concern at the location of the bicycle parking near the corner of Marian Street and William Lane. In response to these comments, the bicycle parking has been relocated towards the eastern frontage of Marian Street near the child care/commercial lobby, in front of the retail windows.

Loading and Servicing

As requested by TfNSW, a Swept Path Assessment of the loading and service area has been undertaken by GTA Consultants and is included at Attachment 14.

Construction Traffic Management

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

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

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

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

Car parking and drop –off spaces

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

The proposal complies with the maximum car parking rates specified in Clauses 7.5, 7.6, 7.7 and 7.9 of the Sydney LEP 2012 as demonstrated in Table 9. The site is located within Category B under Clause 7.5 and Category E under Clause 7.7.

The Sydney LEP specifies maximum restrained parking rates to minimise private vehicle traffic generated by development and encourage public transport patronage and active transport (walking and cycling) usage.

Use	LEP Rate (Max)	Max. allowable spaces	Proposed spaces
1 bed dwelling	14 dwellings @ 0.4 spaces per dwelling	5.6	5
2 bed dwelling	42 dwellings @ 0.8 spaces per dwelling	33.6	34
Maximum Residential Spaces		39.2 (39 spaces)	39 resident spaces
Visitor Parking (Residential)	30 dwellings @ 0.167spaces	5.01	
	26 dwellings @ 0.1 spaces	2.6	
Permitted Visitors Spaces		7.61 (8 spaces)	8 visitor spaces
Commercial uses	Formula outlined in 7.6(d) applies Parking = $(1,326.5\text{m}^2 \times 822\text{m}^2) \div (50 \times 5,754\text{m}^2)$	3.57	4
Permitted Commercial Spaces		4 spaces	4 commercial spaces
Retail (ground level)	214m ² @ 1 space per 60m ²	3.5	4
Permitted Retail Spaces		4 spaces	4 retail spaces
Child care centre	250m ² - 1 space, plus 1 space per 100m ²	3.5	2 spaces 2 drop off bays
Permitted Child Care Spaces		4 spaces (excl. Drops off)	4 spaces (incl. two drop off bays for child care)
Total Maximum Permitted		60	60 spaces

Table 9: Assessment of car parking rates

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

With regard to the set down spaces for the child care centre, as identified in the Traffic Assessment prepared by GTA Consultants submitted with the EIS, and the Plan of Management prepared by Edge Management

included at Attachment 11, given the site is well serviced by public transport it is envisaged that parents would travel to the site via public transport with their child, drop off/ pick-up their child, then continue their journey to/from work on public transport. The site is also surrounded by a growing residential catchment that would result in a number of local pedestrian trips (with children) to the childcare centre.

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

4.12 Miscellaneous environmental considerations

Contamination

In response to Council and DP&E's request for a detailed site assessment in accordance with the *NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997* and *SEPP 55 Remediation of Land*, a Detailed Site Investigation has been prepared by EI Australia and is included at Attachment 15.

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

Stormwater run-off and flooding

In response to issues raised by the Council and DP&E in relation to on-site stormwater management, an amended Stormwater Concept Plan has been prepared by Bekker and is included at Attachment 16 which incorporates on-site detention (OSD).

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

4.13 Affordable Housing Contribution

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

5.0 Final Mitigation Measures

Mitigation Measures

The measures required to mitigate the impacts associated with the proposed works are detailed in Table 10 below.

Mitigation Measures Response

Construction Management and Construction Traffic Management

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

The Noise and Vibration Report prepared by Acoustic Logic included at Attachment 10 outlined various mitigation measures in relation to the management of construction noise and vibration.

Wind Impacts

As detailed in the Pedestrian Wind Environment Study and Wind Impact Comments included at Attachment 7 potential wind impacts arising from the proposal will be mitigated with the implementation of design treatments.

Reflectivity

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

Acoustic

The Noise Impact and Vibration Report included at Attachment 10 outlines various mitigation measures in relation to the following:

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

Waste Management

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

Traffic and Access

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

Table 10: Mitigation Measures

6.0 Conclusion

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

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



Attachments

Attachment 1: Architectural Drawing Package prepared by SJB Architects

Attachment 2: Issues Letter from DP&E and Response to DP&E Issues
Table prepared by SJB Planning

Attachment 3: Summary of the City of Sydney Submission

Attachment 4: Summary of Submissions from Public Agencies

Attachment 5: Summary of Submissions from the Public

Attachment 6: SEPP 65 Design Verification Statement and ADG
Compliance Assessment prepared by SJB Architects

Attachment 7: Pedestrian Wind Environment Study and Wind Impact Comments prepared by Windtech

Attachment 8: Legal Advice regarding Calculation of GFA prepared by Mills Oakley

Attachment 9: Ecologically Sustainable Development Report prepared by Efficient Living

Attachment 10: Revised Noise and Vibration Impact Assessment and Response to Council Comments prepared by Acoustic Logic

Attachment 11: Outdoor Area Report: Proposed Childcare Centre
prepared by Gowrie NSW, and Plan of Management:
Proposed Childcare Centre prepared by Edge
Management

Attachment 12: Electromagnetic Report prepared by EMC Technologies

Attachment 13: Historical Archaeological Assessment prepared by Urbis

Attachment 14: Swept Path Assessment prepared by GTA Consultants

Attachment 15: Detailed Site Investigation Report prepared by El Australia

Attachment 16: Amended Stormwater Concept Plan prepared by Bekker