



Response to Submissions Preferred Project Report

**Concept Plan No.MP06_0101 MOD 2
State Significant Development 8135**

**Precinct P3 Development
Pemulwuy Project**

**Eveleigh/Vine/Louis/Caroline &
Lawson Streets
REDFERN**

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Abbreviations Used

<i>Affordable Housing Contribution Plan</i>	<i>Redfern-Waterloo Affordable Housing Contribution Plan 2006</i>
<i>AHC</i>	<i>Aboriginal Housing Company</i>
<i>Atira</i>	<i>Atira Student Living</i>
<i>ATSI</i>	<i>Aboriginal and Torres Strait Islander</i>
<i>BCA</i>	<i>Building Code of Australia</i>
<i>Contributions Plan</i>	<i>Redfern-Waterloo Contributions Plan 2006</i>
<i>CPA-MOD1</i>	<i>Concept Plan Approval No.MP06_0101 – MOD 1</i>
<i>CPA-MOD2</i>	<i>Concept Plan Approval No.MP06_0101 – MOD 2</i>
<i>DPE</i>	<i>Department of Planning & Environment</i>
<i>DRP</i>	<i>Design Excellence Design Review Panel</i>
<i>DIP</i>	<i>Design Integrity Panel</i>
<i>ECDP</i>	<i>Eastern City District Plan</i>
<i>EA/EIS</i>	<i>Environmental Assessment/Environmental Impact Statement</i>
<i>EP&A Act</i>	<i>Environmental Planning & Assessment Act 1979</i>
<i>GSRP</i>	<i>Greater Sydney Region Plan</i>
<i>Minister</i>	<i>Minister for Planning & Environment</i>
<i>NBRS</i>	<i>NBRS Architecture</i>
<i>Project</i>	<i>Pemulwuy Project</i>
<i>Project Approval</i>	<i>Project Approval No. MP11_0093</i>
<i>RMS</i>	<i>Roads & Maritime Services</i>
<i>SCC</i>	<i>The Council of the City of Sydney</i>
<i>SoC</i>	<i>Statement of Commitments</i>
<i>SSD</i>	<i>State Significant Development</i>
<i>State & Regional Development SEPP</i>	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
<i>State Significant Precincts SEPP</i>	<i>State Environmental Planning Policy (State Significant Precincts) 2005</i>
<i>SLEP 2012</i>	<i>Sydney Local Environmental Plan 2012</i>
<i>TURNER</i>	<i>TURNER Studio</i>
<i>UrbanGrowth</i>	<i>UrbanGrowth NSW Development Corporation</i>
<i>Urban Renewal SEPP</i>	<i>State Environmental Planning Policy (Urban Renewal) 2010</i>
<i>UTS</i>	<i>Central to Eveleigh Urban Transformation Strategy</i>

1.0 Introduction

Applications and a supporting *Environmental Assessment/Environmental Impact Statement (EA/EIS)* were submitted to the Department of Planning & Environment (*DPE*) in September 2017 for the development of Precinct P3 in the *Pemulwuy Project (Project)* on land in Eveleigh/Vine/Louis/ Caroline and Lawson Streets, Redfern, for a student housing complex.

The applications proposed:

- to modify *Concept Plan Approval No.MP06_0101 MOD 1, (CPA-MOD1)*, under Section 75W of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, to facilitate the approval of a modified student housing development in Precinct P3; and
- to obtain *State Significant Development 8135 (SSD 8135)* approval for the construction of the modified development under *State Environmental Planning Policy (State and Regional Development) 2011, (State & Regional Development SEPP)*.

The applications were publicly exhibited for a period of 6 weeks between 14 September and 27 October 2017.

In response to the exhibition, 8 submissions were received from public authorities, 131 public submissions relating to the proposed modification of *CPA-MOD1* and 98 submissions relating to *SSD 8135*.

Following a review of the submissions, the *DPE* on 10 November 2017 identified the following key issues relating to the applications:

- public benefit;
- heritage;
- relationship to existing approvals and agreements;
- urban design and public domain;
- future amenity;
- transport and pedestrian movements;
- design excellence
- view impacts; and
- construction impacts.

A copy of this advice is contained in **Attachment 1**.

The Aboriginal Housing Company (*AHC*), the proponent of the development, and its consultant team have reviewed and considered the *DPE's* advice and the public authority comments and the public submissions that were received.

This report sets out the response to those issues, details amendments and mitigation measures and details the preferred project for which approval is sought.

This report should be read in conjunction with the *EA/EIS* and forms part of the applications.

2.0 Summary of Submissions

2.1 Public Authority Submissions

Submissions were received from the following 8 State and local government authorities during the public exhibition period:

- Office of Environment & Heritage;
- Heritage Council of NSW;
- NSW Roads and Maritime Services, (*RMS*);
- Transport for NSW;
- NSW Police Force, Redfern Police Area Command;
- NSW Environment Protection Authority;
- UrbanGrowth NSW Development Corporation, (*UrbanGrowth*); and
- The Council of the City of Sydney, (*SCC*).

Meetings have been held with the following authorities to discuss the issues raised in their submissions:

- *UrbanGrowth* on 15 February 2018; and
- *SCC* on 22 February 2018.

UrbanGrowth's response to the matters raised in its submission is contained in **Attachment 16**.

NBRS Architecture (NBRS), the *AHC*'s heritage consultants, have attempted to consult with the delegate of the Heritage Council of NSW to discuss the issues that were raised, however, these approaches have been declined.

Responses to the key issues identified by the *DPE* and these authorities are addressed in Section 3.1 and **Attachment 3**.

2.2 Public Submissions

A total of 131 public submissions were received in response to the modification of *CPA-MOD 1* and 98 submissions relating to *SSD 8135*.

Attachments 4 and 5 provide details of the submissions that were received and reviewed.

A statistical summary of the submissions is contained in the following Table.

Response	CPA-MOD2	SSD 8135
Objection	124	90
Comment	4	1
Support	3	7
Total:	131	98
Origin of Submitter		
Redfern Area	94	57
Other Areas/Undisclosed	37	41
Total:	131	98

The submissions relating to both applications raise similar issues and have been summarised in the public feedback report, prepared by Sierra Marketing, contained in **Attachment 6**.

The feedback report provides an understanding of who has made submissions as well as providing a statistical profile of the issues raised in submissions to enable an understanding of the high-level issues which are important to people.

The key issues raised in the public submissions are addressed in Section 3.2.

3.0 Response to Key Issues

3.1 Public Authority Submissions

The following sections provide detailed responses to the key issues identified by the *DPE* and public authorities.

3.1.1 Public Benefit

3.1.1.1 Public Benefit Generally

The land comprising the *Project* was acquired in the 1970's by the Commonwealth Government for the purpose of providing affordable housing for the local *ATSI* community and the *AHC* was formed in 1973 to, among other things, establish, develop or assist in establishing and developing Aboriginal and Islander housing projects.

The *DPE*'s assessment report on the original *Concept Plan Approval No. 06_0101*, issued on 30 June 2009, provided the following background information:

- from 1973, the *AHC* began acquiring portions of the site to be used as affordable residential accommodation and social and recreational services for the *ATSI* community;
- the existing housing stock on the land was systematically demolished over the years to facilitate the development of the land for these purposes; and
- while numerous concepts and development plans had been produced over the years, the application represented the first formal major development proposal to be considered for the site.

The 2009 concept plan approval was modified on 21 December 2012 by *CPA-MOD1* and included a 154-bed student accommodation complex in Precinct P3. The modified plan was designed to make the *Project* economically viable and deliverable, by relying on:

- grants provided by State and Federal Governments, including the *National Rental Affordability Scheme*;
- philanthropic grants;
- commercial borrowings; and
- the limited financial resources available to the *AHC*.

Funds were unable to be obtained from these sources and the *AHC* is required to make the *Project* self-funding to enable it to proceed.

The applications do not propose any change to the approved development in Precincts P1 and P2, which is to be owned and operated by the *AHC* and valued at \$35 million, that includes:

- 62 affordable dwellings for occupation by the *ATSI* community and social/cultural/recreational facilities in the form of a gymnasium and gallery in Precinct P1 (non-commercial elements of the *Project*); and
- retail/commercial space and a 60-place child care centre in Precinct P2.

The modification to the approved development proposed by *CPA-MOD2* facilitates the self-funding of the entire *Project* as a single development and meets the *AHC*'s core objectives of:

- delivering quality affordable housing to the *ATSI* community;
- retaining full ownership and control of the land; and
- creating history for the *ATSI* people through a new era of self-determination by delivering the *Project* to the community without financial burden to future generations and maintaining its long-term financial independence.

The promotion and co-ordination of the orderly and economic use and development of land is a key tenet of the *EP&A Act*.

In addition, Section 79C(1)(e) of the *Act* requires the public interest to be taken into consideration in determining development applications.

As indicated earlier, there have, over the last 40 years, been numerous concepts for the redevelopment of the land to provide social, economic and cultural benefits to the *ATSI* community, none of which have come to fruition.

Consequently, the benefits to the *ATSI* community resulting from modifying the development in Precinct P3 to facilitate the development of the entire *Project* in a single self-funded development is very much in the public interest as it:

- will produce these benefits without the need for Government funding or subsidisation; and
- will deliver the *Project* to the *ATSI* community without financial burden to future generations and maintain its long-term financial independence.

Commitment No. 25 in the revised *Statement of Commitments (SoC)* in **Attachment 19**, will ensure that the development in Precincts P1, P2 and P3 will be constructed concurrently.

The approval of the applications does, therefore, result in a significant public benefit and is in the public interest.

3.1.1.2 Strategies for Greater Sydney

Since the submission of the applications, draft *Greater Sydney Region Plan, (GSRP)*, was published by the Greater Sydney Commission in October 2017 and was exhibited until 15 December 2017.

The vision of the *Plan* is to rebalance Sydney into a metropolis of 3 unique 30-minute cities which link houses, jobs, education, health and other services with transport connections.

The land is located in the Eastern Harbour City under the *GSRP*.

Concurrently with the draft *GSRP*, the Greater Sydney Commission published and exhibited the draft *Eastern City District Plan, (ECDP)*.

In relation to liveability, the *ECDP* indicates that:

- Aboriginal self-determination, economic participation and contemporary cultural expression is to be supported to strengthen the District's identity and cultural richness;
- the District contains landholdings acquired under the *Aboriginal Land Rights Act 1983* where Local Aboriginal Land Councils may be working towards planning outcomes that help support self-determination and economic participation;
- engagement with Aboriginal communities will be founded on self-determination and mutual respect to foster opportunities for economic participation, culturally appropriate social infrastructure and contemporary cultural expression; and
- current initiatives and opportunities for additional housing capacity are progressing across much of the District and include State initiatives, such as:
 - the *Central to Eveleigh Urban Transformation Strategy (UTS)* which involves Central Station, Redfern Station, North Eveleigh, South Eveleigh and Waterloo; and
 - a *Communities Plus* project in Redfern.

The proposal is consistent with these contemporary strategies for the Eastern Harbour City.

3.1.1.3 Development Contributions

UrbanGrowth, the administrator of the *Redfern-Waterloo Contributions Plan 2006*, (*Contributions Plan*), and the *Redfern-Waterloo Affordable Housing Contribution Plan 2006*, (*Affordable Housing Contribution Plan*), has indicated that the *Plans* require the following contributions:

- \$1,956,000 for public domain improvements and traffic management facilities; and
- \$2,411,946 for affordable housing, and

has requested further details to demonstrate the delivery of proposed works-in-kind should exemption be sought.

The Works Schedule in the *Contributions Plan* includes improvements to footpaths, planting, lighting and street furniture in Eveleigh Street and the construction of a new child care facility.

The proposal includes:

- public domain improvements in Eveleigh Street, including new footpaths, tree planting, street lighting and street furniture in accordance with the Public Domain & Public Art Strategy submitted with the applications; and
- a 60-place child care centre in Precinct P2.

The total cost of these works is to be some \$3.5 million.

The primary purpose of the proposal is to facilitate the construction of 62 affordable dwellings for the *ATSI* community which has a value of some \$ 28 million.

The proposal, therefore, facilitates the construction of affordable housing with a value well in excess of the affordable housing contribution required.

Project Approval No. MP11_0093, (Project Approval), issued on 21 December 2012, which applies to the development in Precincts P1 and P2 and public domain works, contains Conditions E16 and E17 which require the payment of monetary contributions under these *Contributions Plans* prior to the issue of an Occupation Certificate or:

- in relation to the contribution required under the *Contributions Plan*, the undertaking of public domain improvement works to the equivalent value of the contribution; and
- in relation to the contribution required under the *Affordable Housing Contribution Plan*:
 - the registration of the AHC as a community housing provider under the *Housing Act 2001*; and
 - the registration of a restriction as to user under Section 88B of the *Conveyancing Act 1919*, or similar covenant, to the effect that the 62 dwellings in Precinct P1 will be provided as affordable housing in perpetuity.

UrbanGrowth has confirmed that the monetary value contained in these conditions will need to be modified to reflect the proposal.

A copy of this advice is contained in **Attachment 16** and the *Project Approval* will need to be modified in a separate application to be submitted to the *DPE*.

3.1.1.4 Student Accommodation – ATS/ Students

The lease of Precinct P3 to *Atira* from the AHC is to provide that 100 of the 596 beds in the building are to be made available for use by *ATS/* students.

A letter from the AHC in **Attachment 7** and Commitment 26 in the revised SoC in **Attachment 19** reflect this commitment.

3.1.2 Heritage

The Heritage Council of NSW indicated that the height of the building will have a major adverse visual impact on the setting of the Redfern Railway Station group of buildings, which are located within 50m and are listed on the State Heritage Register, because it will be:

- conspicuous in views to and from the Lawson Street entry to the Station Booking Office and in views along Lawson Street; and
- disparate in scale with the single storey Station.

The Station group of buildings represent Listing No. 01234 inserted in the State Heritage Register by Government Gazette No. 27 published on 2 April 1999.

On 31 October 2008, *State Environmental Planning Policy (Major Development) 2005* was amended to insert planning controls for development on land in the Redfern-Waterloo area, which had been identified as an area of State significance.

The Heritage Map included in the *State Policy* has only identified the Station Booking Office as a heritage item.

The proposed building is to be located some 40m from the front of the Booking Office and the 1.9m high wall on the northern side of the Lawson Street railway bridge, which contains Aboriginal murals, will screen some of the lower levels of the building from view from the Station entrance.

NBRS has attempted to consult with the delegate of the Heritage Council of NSW to discuss the issues that have been raised, however, these approaches have been declined and NBRS has prepared a detailed response to heritage issues that have raised in submissions, a copy of which is contained in **Attachment 8**.

In essence, NBRS indicate that:

- the mass of the building is 'broken-up' through the use of different heights and materiality of its 3 main components and the part closest to the corner of Eveleigh and Lawson Street is coloured in a neutral palette in order not to detract from the rich colouration and materiality of the Booking Office;
- the building is setback from the corner of Lawson and Eveleigh Streets so as not to encroach on the setting of the Booking Office;
- while the proposal will increase the built forms in the vicinity of the Booking Office, it does not detrimentally impact on any understanding of this heritage item;
- the proposal does not impact views to and from the Booking Office along Lawson Street;
- the Statement of Significance and assessed cultural values contained in the heritage listing entry do not attribute any significance to views to and from the Booking Office;
- Redfern Station will be subject to substantial change in a proposed upgrade of station facilities as outlined in the *UTS*; and
- the proposal responds to the significance of Redfern Station as a commuter hub and its expansion into the 21st century and reflects the continuing changes to the surrounding context of the Station which have been part of its history.

The *Design Excellence Design Review Panel (DRP)* associated with the design excellence program associated with the proposal was reconvened on 12 March 2018 to consider design issues associated with the project.

The concerns expressed by the Heritage Council were discussed at this meeting and the *DRP* supports *NBRS's* report in relation to the development's impact on the railway station group of buildings. See **Attachment 22**.

In relation to the building's effect on the Darlington Heritage Conservation Area, *NBRS* has indicated that:

- Precinct P3 is the furthest removed portion of the *Project* from the Conservation Area and is most removed from those streets within the Conservation Area assessed as having the most intact streetscapes;
- the narrow width and density of development on the streets in the Conservation Area limit:
 - views out of the streets; and
 - important views along the line of the streets where the scale and rhythm of the relatively homogeneous narrow lot development can be appreciated;
- the view-line along Caroline Street extends upwards toward Precinct P3 and the area of intact streetscape is located centrally in the street block and on the southern side of the street facing public open space in the two blocks between Abercrombie and Louis Streets;
- the block between Louis and Eveleigh Street is the location of the approved Precinct P1 development which will contain a mix of residential and community uses;
- the design follows the conservation principles established in the Australia ICOMOS Burra Charter 2013, which is the principal guiding document for conservation in Australia, with Article 22 referring to New Work and stating that new work should be readily identifiable and not distort the cultural significance of a place;
- in accordance with Article 22, the proposal uses new materials and finishes and does not attempt to mimic the materials, colours and finishes of the heritage conservation area; and
- the proposal incorporates visual clues developed from the fine-grained vertical rhythm of the Conservation Area with the podium heights reflecting the heights of the two-storey terraces with steep roof pitches, effectively interpreting both the vertical and horizontal rhythm of the neighbourhood.

The proposal will, therefore, not have any unacceptable impact on the heritage significance or setting of any heritage item or heritage conservation area.

3.1.3 Relationship to Existing Approvals & Agreements

3.1.3.1 Relationship with Approved Development

A comparison between the approved and proposed development is as follows:

Element		Approved	Proposal
Retail/Commercial		1,100m ²	Nil
Gallery		475m ²	Relocated to Precinct P1
Student Housing	Units	43 units	522 units
	Beds	154 beds	596 beds
Building Height		3 to 6-storeys	3 to 24-storeys
Floor Space Ratio	Residential	2.3:1	6.95:1
Total		2.9:1	6.95:1

The proposal represents a significant increase in the height, floor space ratio and extent of student accommodation to be provided in Precinct P3 approved by *CPA-MOD1*, issued on 21 December 2012.

The rationale for this intensification is outlined in Section 3.1.1.

The concept plan approval process is particular to the development in the Redfern-Waterloo area under the terms of *State & Regional Development SEPP*.

The *Policy* provides that building height and floor space ratio standards specified in the *Policy* only apply when a concept plan approval has not been given and it is in this context that the modification to *CPA-MOD 1* is sought.

Floor space ratio is a measure of a building's bulk and scale.

The proposed floor space ratio of the modified proposal of 6.95:1 is marginally less than the 7:1 floor space ratio of contemporary 18-storey buildings on the eastern side of the railway corridor adjacent to Redfern Station and is, therefore, consistent with the character of contemporary development adjacent to the Station.

The height of the part of the proposal above those contemporary buildings does not represent increased bulk, but more facilitates a more sculptured, city-shaping building, a product of the design excellence program that was conducted.

The Eveleigh Street component of the building is lower in height and is designed to be complementary with the 2-storey terraces in this locality.

As part of the design excellence program, the Project Architects examined a number of height scenarios to determine the most appropriate built form for development on the land.

The current proposal was determined to result in the most appropriate outcome and the *DRP's* final report, prepared by the NSW Government Architects Office, endorsed the proposed development plans and confirmed that in the *Panel's* view design excellence had been achieved.

The proposed building will not have any adverse effects in terms of solar access or privacy enjoyed in nearby surrounding residential buildings.

In addition, draft *ECDP*, which has more recently been published, envisages significant change in the future character of development in this area indicating that current initiatives and opportunities for additional housing capacity are progressing across much of the District and include State initiatives, such as:

- the *UTS* which involves Central Station, Redfern Station, North Eveleigh, South Eveleigh and Waterloo; and
- a *Communities Plus* project in Redfern.

In this context, the modification of *CPA-MOD1* as proposed is justified and appropriate.

3.1.3.2 Relocation of Gallery

A Deed of Agreement between *SCC* and the *AHC* obligates the *AHC* to deliver core elements, which include the provision of affordable housing, child care, a gallery and public open space.

The *Project*, as modified, is to include:

- 62 dwellings to be owned and occupied by the *ATS/* community in Precinct P1;
- 100 beds available for use by *ATS/* students in the student housing in Precinct P3;
- a 60-place child care centre in Precinct P2;
- a gallery in the 340m² area approved for retail/commercial use in Precinct P1; and
- 1,138m² of public open space.

Following the *SCC*'s submission, *SCC* on 11 December 2017 resolved to extend the Agreement for a further 12 months.

The relocation of the gallery from Precinct P3 to P1 has been included in:

- the proposed modification to *CPA-MOD1* relating to the overall *Project*; and
- the revised SoC in **Attachment 19**.

Commitment No.24 in the revised SoC also requires the *AHC* to submit a separate development application for the use and fit-out of the approved retail/commercial space in Precinct P1 as a gallery in the same manner as required for any use of that space.

3.1.3.3 Land-bridge over Railway Corridor

CPA-MOD1 included a land-bridge over the railway corridor, which was triangular in shape and had an area of 235m².

The land-bridge was a concept devised by the *AHC* to increase views of the *Project* from Lawson Street.

It was not a concept which sought to create additional public open space as its small and configuration would be of little, if any, meaningful use for such purposes.

The land-bridge concept has been eliminated from the *Project* for the following reasons.

- the public domain and public art strategy for the *Project*, prepared by Scott Carver Pty Ltd and Professor Michael Tawa in consultation with the *AHC*, is designed to ensure that the public domain meets the social and cultural desires of the *ATSI* community;
- the *AHC* has attributed a higher social and cultural value to the existing murals on the walls of the railway bridge and adjoining railway infrastructure than to the land-bridge in the approved *CPA-MOD1*;
- the proposal involves the rejuvenation of the murals on the railway bridge by the original artist as part of the public domain/public art plan;
- the land-bridge was to be situated over land owned by RailCorp and could not have been dedicated to *SCC* as public open space;
- the cost/benefit of the land-bridge could not be justified; and
- having regard to contemporary planning policies, such as the *UTS* published in November 2016, the land-bridge could have a prejudicial effect on future development plans for Redfern Station and its surrounds.
- in accordance with GA NSW letter dated 1 May 2018, *DRP* supports deletion of the previously proposed land bridge connecting the Meeting Place to Redfern station. The *DRP* considers it more valuable to retain existing rail corridor walls and refurbish art murals painted on them.
These items are culturally significant to the local Aboriginal community
- confirmation from Sydney Train email 3rd May 2018, that Sydney Train have no objection to the removal of splay bridge.

Advice has been received from the *DRP* and Sydney Trains endorsing the removal of the land-bridge. See **Attachment 18**.

Additionally, *NBRS* in the response to heritage issues has indicated that the proposal retains the existing boundary walls to the railway reserve and preserves the extant public art which has become important in the history of The Block, the Aboriginal community of Redfern and its pivotal role in the history of Aboriginal politics, self-determination and the growth and development of Aboriginal Community-controlled organisations from the late 1960's.

The plan in **Attachment 9** prepared by Scott Carver Pty Ltd indicates the public domain areas to be dedicated to *SCC*.

The area to be dedicated is to be increased from 700m² in the approved *CPA-MOD1* to 1,138m² with the dedication of Area C in Precinct P1, which has an area of 753m².

Area C includes:

- a public open space area designed to integrate with the open space area in front of the Redfern Community Centre; and
- 8 on-street parking spaces off Caroline Street opposite the child care centre in Precinct P2, and

more than compensates for the area of the land-bridge.

Commitment No.27 in the revised SoC in **Attachment 19** requires the dedication of this land to occur.

In this context, the elimination of the land-bridge from *CPA-MOD1* is justified and appropriate.

3.1.4 Urban Design & Public Domain

3.1.4.1 Public Domain

The plan in **Attachment 9** prepared by Scott Carver Pty Ltd indicates the public domain areas to be dedicated to SCC.

The *Project* is to be constructed as a single project, including all of the public domain works as specified in the plans submitted with the applications.

Following completion of the *Project*, all public domain works on the land to be dedicated to SCC will be managed by SCC in the same way as any public facility.

All of the works on the land remaining in the *AHC*'s ownership will be maintained by the *AHC*.

Since the receipt of the submissions regarding the applications, wind tunnel testing has been carried out by Windtech Consultants Pty Ltd as part of the pedestrian wind environment study.

A copy of the study is in **Attachment 11**.

The proposal is to embrace the recommendations of the study relating to the amenity to be enjoyed in public domain areas.

3.1.4.2 Activation of Eveleigh Street

The extent of activation in the Eveleigh Street elevation of the building has been reviewed by the Project Architects.

Precinct P3 only has frontage to Eveleigh Street and it is necessary for all of essential utilities and services, such as loading facilities, electricity substations and fire escapes, associated with any development on the land to be sited in this elevation.

The extent of these facilities has been minimised.

The plans of the development have been amended to relocate active student activities on the lower ground floor level to the Eveleigh Street frontage and to increase fenestration along the street to optimise activation visible from the street.

This has been achieved by:

- relocating the laundry to the rear of the building;
- re-positioning the cinema to enable the gymnasium facilities to be visible from the street; and
- increasing the extent of glazing at the lower ground floor level along Eveleigh Street to open up views of the gymnasium.

Drawing No. DA-110-007 and DA-250-010, Issue U, in the architectural plans in **Attachment 2** reflect this amendment.

3.1.4.3 Public Art Strategy

SCC has:

- recommended the engagement of a curator to assist in procuring artists and developing an artist's briefs;
- stated that the Pemulwuy logo should be considered as branding rather than a public art opportunity;
- recommended that the public art strategy be amended to provide the opportunity for artists to respond to the site more holistically without defined outcomes;
- indicated that the strategy should outline the budget for the public art; and
- indicated that strategy should ideally identify existing and future art works outside the immediate development site to provide context.

The detailed public domain and public art strategy in Appendix 10 attached to the *EA/EIS* was prepared by Scott Carver Pty Ltd and Professor Michael Tawa in consultation with the *AHC* to ensure that the public art met the social and cultural desires of the *ATSI* community.

This approach was agreed to with the *DRP*.

The strategy retains most of the elements of the plans approved in *CPA-MOD1* and the *Project Approval*, with refinements made through the inputs of Professor Tawa and the *AHC*.

Pemulwuy is not a branding of the *Project*. Its significance to the *ATSI* community lies with it being a meeting place, a place of refuge and a place of connection.

It would be inappropriate for SCC to control the public art to be established as part of the *Project* in view of its significance to the social and cultural values of the *ATSI* community.

3.1.4.4 Landscaping

The landscape plans for the public open space area between the building and Lawson Street have been reviewed by Scott Carver in light of the wind tunnel testing that has been carried out by Windtech Consultants Pty Ltd and in terms of the principles of crime prevention through environmental design.

Scott Carver have indicated that landscape plans submitted with the application:

- provide public and private space in order to promote a sense of ownership and foster a secure people-orientated environment;
- maximise natural surveillance and visual permeability;
- improve traffic and street circulation;
- locate facilities in highly visible areas with high levels of activity;
- integrate with the surrounding area and contribute to an active pedestrian-orientated environment;
- activate frontages sited around public spaces; and
- provide passive surveillance from overlooking balconies within the building.

Scott Carver have indicated that the landscape plans submitted with the application are not required to be amended as a result of the wind tunnel testing that has been undertaken or to achieve crime prevention outcomes.

3.1.4.5 Plant Room Louvres

The Project Architects have reviewed the suggestion that louvres should be added to all external plant rooms and have amended the plans to add louvres to all these rooms.

This is reflected on Drawing No. DA-110-001, Issue U, in the revised architectural plans in **Attachment 2**.

3.1.4.6 Interface with Adjoining Development

SCC has indicated that the urban context report accompanying the applications did not address the interface between the 3/9-storey interface between the proposed building and the 2-storey terraces on 67-75 Eveleigh Street and 1-5 Holden Street.

The building approved by *CPA-MOD1* has a height of 6/7-storey adjacent to these terraces.

In this regard, the proposed modification is unlikely to have any significant additional impact on the terraces in terms of its urban design context, particularly as the terraces are located in the Redfern-Waterloo area under the terms of *State & Regional Development SEPP* and are planned for redevelopment in accordance with the *Policy*.

The terraces are located to the north of the proposed building and will not be overshadowed by it.

The plans of the building's northern elevation have been reviewed and the windows in the northern elevation have amended to ensure the privacy of the adjoining properties is maintained.

This is reflected on Drawing No. DA-250-040, Issue U, in the revised architectural plans in **Attachment 2**.

Consequently, the proposal will not have any adverse effect on the terraces in terms of privacy or solar access.

In these circumstances, the interface of the building with the properties to the north is appropriate in terms of the urban design context for development in this area,

3.1.5 Future Amenity

3.1.5.1 Student Amenity

SCC has indicated that while *Sydney Development Control Plan 2012* does not apply to the proposal, it is concerned that the proposal does not adequately compare with the following controls in the *Plan* relating to boarding houses:

- internal communal space;
- laundry facilities;
- bicycle accommodation;
- private balconies;
- acoustic amenity; and
- wind conditions.

The standards for the provision of services and facilities for students has been derived from empirical evidence obtained from *Atira's* extensive experience in constructing, managing and operating purpose-built student housing, not on arbitrary standards contained in a development control plan designed to control boarding house development.

Internal Communal Space

A total of 1,084.5m² of communal living space is to be provided when allowance is made for:

- communal rooms and the common living facilities associated with the 5-room cluster units proposed in the plans submitted with the applications; and
- an amendment to Level 10 to provide an additional communal room.

Details of these areas are shown on Drawing No. DA-720-010, 020 and 030, Issue U, in the revised architectural plans in **Attachment 2**.

This exceeds SCC's control of 745m².

Bicycle Facilities

The revised plans have increased the number of on-site bicycle spaces from 172 to 176.

These facilities include 20 bicycles to be provided and made available to students on a bike-share basis managed by *Atira*.

Bike-share facilities provide the same efficiencies for bicyclists as those enjoyed by motorists in car-share schemes, such as Go-Get.

In addition, a number of private organisations operating in the City area provide an on-demand bicycle hiring service.

Balconies

22 of the student rooms in the section of the building abutting Eveleigh Street are to have balconies.

This design element was included to respond to the building's immediate context and reflect elements of the terrace houses and streetscapes in this locality.

The building is to provide adequate and appropriate communal space, both outdoor and indoor, to satisfy the needs of students residing in the complex.

Noise & Vibration

The modification will reduce the number of student rooms oriented toward the railway corridor from 140 rooms, or 91% of the 154 rooms approved in *CPA-MOD1*, to 112 rooms, or 22% of the 522 rooms in the proposed modified plan.

The proactive and preventative approach to noise mitigation measures outlined in Section 4.3 of the acoustic and vibration assessment prepared by Koikas Acoustics Pty Ltd contained in Appendix 26 attached to the *EA/EIS* are to be implemented to provide a satisfactory acoustic environment for the future residents of the building.

Wind Environment

The wind environment study in **Attachment 11** indicates that wind conditions for all outdoor trafficable areas within and around the building will be suitable for their intended uses,

The revised plans have embraced the recommendations of the study to ensure that a satisfactory level of amenity is enjoyed in private and public domain areas.

Conclusion

The proposal will establish an appropriate level of facilities and amenity for students to be housed in the building.

3.1.5.2 Plan of Management

As requested, the operational management plan contained in **Attachment 15** has been revised to outline:

- a complaints handling procedure;
- out of hours security; and
- the procedures to be followed in managing students moving into and vacating accommodations to minimise adverse impacts on the local road and pedestrian networks.

3.1.5.3 Location of Accessible Student Rooms

Architecture & Access (Aust) Pty Ltd's review of the location of accessible student rooms is contained in **Attachment 12**.

This review indicates that:

- the accessible rooms are located no more than 20m-25m from lifts;
- there are no maximum distances specified in the *Building Code of Australia*, (BCA), or its referenced *Australian Standards* for distances between the entry and accessible accommodation;
- the distance from the lifts to the accessible rooms is only half of the distance of 50m specified in the BCA for the distance of accessible entries into buildings from an inaccessible entrance and is unlikely to be detrimental to persons living in the accessible rooms; and
- the accessible rooms will enjoy an improved level of amenity due to their separation from the lifts.

In these circumstances, the location of the accessible rooms is satisfactory and appropriate.

3.1.5.4 Landscaped Courtyard - Level 17

The *DRP* recommended that the Level 17 landscaped courtyard be changed and the layout be matched to the accommodation on Level 15.

The plans have been amended to accord with this recommendation and has resulted in additional studio room being established on Level 17.

This has facilitated the conversion of a studio room on Level 10 into a communal space.

These changes are reflected on Drawing No. DA-110-080 and 110, Issue U, in the revised architectural plans in **Attachment 2**.

3.1.5.5 Interface with Railway Corridor

Glazing is to be provided in the eastern elevation of the ground floor level of the building facing the railway corridor so that the murals on the walls between Precinct P3 and the railway line will be visible from within the building.

The requirements of RailCorp relating to works in the area adjacent to the retaining wall accommodating the cutting for the railway lines precludes the establishment of any significant soft landscaping between the building and the retaining wall.

3.1.5.6 “Eco-roofs”/Green Roofs

SCC has indicated that consideration should be given to the use of the Level 2 “eco-roof” to provide additional outdoor common areas for student use.

This “eco-roof” has a non-accessible landscape area of 250m² and is designed:

- to provide an ecological landscape treatment that reduces heat load and achieve micro-climatic benefits; and
- to be in part of a broader aesthetic when viewed from above to provide a green outlook from student rooms that overlook it.

The roof will use a palette of plantings designed for their visual attractiveness, not for pedestrian accessibility.

As such, the area would be inappropriate for use as a common outdoor area by students.

The roof will also house the building’s services which are contained in a low management landscape area.

A total of 832m² of accessible open space is to be provided within the Precinct P3 site boundary.

Opportunities to establish:

- green roofs above the roof top plant level and above Level 9 roof adjacent to the railway corridor; and
- communal open space above Level 9 roof adjacent to the railway corridor,

have been reviewed.

The lack of access to these areas and their limited utility does not justify the establishment of either green roofs or use as common open space.

The plans have been amended to specify decorative inaccessible gravel roofs on the plant room roof and the Level 9 roof adjacent to the railway corridor.

The architectural and landscape plans have been amended to show this detail.

3.1.5.7 Green Star Rating

The building has been designed to achieve a 3-star Green Star rating in accordance with the specifications of *Atira*, the rating applied to all of the student housing under its ownership and/or management, and is to be constructed to achieve a high level of ecological sustainability in accordance with the ESD report and Section J report contained in Appendices 12 and 13 attached to the *EA/EIS*.

3.1.6 Transport & Pedestrian Movements

3.1.6.1 Footpath Capacity

The principal pedestrian access to the student housing will be via the main foyer, which is oriented toward Lawson Street, the shareway in Eveleigh Street and the proposed public open space between the building and Lawson Street.

The existing shared way at the southern end of Eveleigh Street is to be retained and reinforced by proposed public domain works.

A footpath capacity study has been carried out by Barker Ryan Stewart and a copy of the study is contained in **Attachment 13**.

The study concludes that:

- applying conservative assumptions, the proposed development will not have an adverse impact on the surrounding street network;
- the south side of Lawson Street is the single component of the surrounding footpath network that is identified as operating outside acceptable thresholds and this will not be exacerbated by the proposed development;
- the narrow section of Caroline Street is not expected to be utilised much, if at all, as it is not along the identified shortest routes to the main universities;
- the proposed student housing development does not increase the number of students that enrol at the University of Technology Sydney or Sydney University, but merely changes the location from which students start and finish their walking trips to and from the universities;
- the proposal would ease the demand of students using Central Station and walking from University of Technology Sydney, and students alighting from Redfern Station and walking on the south side of Lawson Street to Sydney University; and
- the subject site is suitable for the proposed student housing development in relation to the impact of pedestrian traffic and safety considerations.

In essence, the study indicates that:

- the southern footpath in Lawson Street is used to capacity because it is located on the same side of the road as the entry/exit to the Redfern Station;
- there is ample capacity on the northern footpath in Lawson Street for students to walk to the west to Sydney University;
- any pedestrian traffic to the north needs to cross Cleveland Street at the pedestrian crossings at Abercrombie or Regent Streets via the footpaths in Eveleigh, Vine, Louis or Hugo Streets and there is adequate capacity in these footpaths to accommodate pedestrian traffic; and
- pedestrian traffic to the south and east can be accommodated along the northern footpath in Lawson Street.

3.1.6.2 Drop-off Zone

The drop-off zone in Eveleigh Street that is not supported by SCC is to be deleted.

The proposed on-street parking spaces in Caroline Street in Precinct P1 are to be used to accommodate this intermittent use.

3.1.6.3 Road Bicycle Route

The proposed bicycle route connecting Lawson and Abercrombie Streets via Eveleigh, Caroline, Louis and Vine Streets has been shown on the revised public domain plan contained in **Attachment 10** as requested.

3.1.6.4 Car Parking

The Police Department has strongly suggested that 100 car spaces should be made available for student parking.

Sydney Local Environmental Plan 2012, (SLEP 2012), which applies to development of land which is outside the Redfern-Waterloo area controlled by the *State & Regional Development SEPP*, is based on the principle of minimising the amount of vehicular traffic generated by development by limiting the maximum number of car parking spaces that may be provided.

In fact, car parking that was proposed in relation to the student housing approved *CPA-MOD1* was removed at SCC's request.

The non-provision of parking is consistent with the student housing approved by the Planning Assessment Commission on the nearby land at 60-78 Regent Street (*SSD 6724*, issued on 25 August 2015) where no car parking was required or provided for the 370 students to be housed in that development.

The Environmental Assessment Report prepared for the Commission by *DPE* indicated:

- SCC supported the provision of no on-site parking noting that this was in line with strategic policy and the provisions of *SLEP 2012* given the site's high accessibility to public transport and services;
- a number of student accommodation developments nearby at Central Park, Cleveland Street and Haymarket had been approved and operated with no car parking, noting their close proximity to major tertiary educational establishments;
- students are likely to have similar low car dependency given the site is within close walking and riding distance of a number of major tertiary educational establishments and had excellent public transport accessibility being located within the Redfern Town Centre and 60m walking distance from Redfern Station;
- the site was within proximity to a number of key bus services which provide connections to other centres and tertiary educational establishments, including the Sydney CBD, Bondi Junction and the University of NSW;

- given the site's accessibility to services and facilities, the range of non-car transport options and the specialised nature of the student accommodation, providing no on-site parking was acceptable; and
- local street parking is time controlled and monitored by SCC's rangers to prevent any long-term car parking.

In response to the non-provision of on-site parking, Barker Ryan Stewart have indicated:

- the site is well-located for access by sustainable transport methods;
- there are no clearly defined planning requirements for student housing land-use;
- the non-provision on-site parking is justified on the basis that:
 - students housed on the site are expected to have low, if any, private car ownership;
 - the site is located within a reasonable walking distance of universities, public transport and shops;
 - 184 bicycle parking spaces are to be provided, including 176 spaces at the lower ground floor level of the building and an additional 8 visitor spaces in the forecourt adjacent to Lawson Street;
 - the cycleway network is located immediately adjacent to the site for cyclists heading any direction;
 - the student rooms will be marketed to occupants with the expectation that there will be no parking provided;
 - the resident permit parking restrictions surrounding the site will ensure there are no students with private vehicles on-street, as occupants of the student housing will not be issued with resident permits;
 - as such the proposal is not likely effect on-street parking availability in the streets in the immediate vicinity, or the surrounding area; and
 - not providing on-site car parking is consistent with City of Sydney's aim to minimise parking numbers, encouraging sustainable transport methods and address inner-city congestion by minimising the amount of vehicular traffic generated from developments.

The non-provision car parking is considered appropriate and consistent with established practice relating to purpose-built student housing development in this locality.

3.1.7 Design Excellence

The design excellence program involved determining the most appropriate architectural form of the proposed building as was documented in the *DRP's* minutes contained in Appendix 7 attached to the *EA/EIS*.

The *DRP's* final report, prepared by the NSW Government Architects Office, endorsed the proposed development plans and confirmed that in the *Panel's* view design excellence had been achieved.

Following the submission period, a meeting was held with the *DRP* on 12 March 2018 to provide an update on the submissions that were received.

The *Panel's* report on this meeting is contained in **Attachment 22**.

Due to the strong community interest in this project, its scale and prominent location, the *DRP* recommends that:

- the *DRP* continue its involvement as a *Design Integrity Panel (DIP)* up until construction completion; and
- to ensure the design excellence quality of the development is retained:
 - *TURNER Studio (TURNER)* remain on the *Project* throughout and have direct involvement in the design documentation, contract documentation and construction stages of the *Project*;
 - *TURNER* have full access to the site and be authorised by the *AHC* to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the *Project*;
 - the *DIP* review and provide comment on the architectural drawings, landscape drawings and samples of all external materials, including revised 3D photomontages prior to the submission of the Construction Certificate to ensure the design submitted and endorsed *EA/EIS* submission is consistent with the designed developed for the Construction Certificate; and
 - the *DIP* review and comment on the development prior to the issue of an Occupation Certificate to ensure design integrity.

These matters can be assured through the imposition of appropriate conditions to be imposed on the approvals.

In addition, Commitment No. 29 in the revised SoC in **Attachment 19** requires the design excellence of the *Project* to be retained throughout *Project* to the completion of construction.

3.1.8 View Impact

A detailed assessment of the impact of the proposal on views enjoyed by residents of apartments at 157 Redfern Street in accordance with the planning principles enunciated in *Tenacity Consulting v Warringah Council* has been prepared by Cardno (NSW/ACT) Pty Ltd and is contained in **Attachment 14**.

The assessment concludes that:

- assessed against the principles of view sharing, the proposal would have an acceptable impact on views from the apartments; and
- with respect to impacts on views from the apartments, there is no reason why the proposal should not be approved.

3.1.9 Construction Management

A construction pedestrian and traffic management plan is to be prepared in consultation with Transport for NSW prior to the issue of a Construction Certificate for the proposal.

Commitment No. 5 in the revised SoC in **Attachment 19** requires this to occur.

Construction is to occur between the standard working hours of 7am and 7pm on Mondays to Fridays and 7am and 5pm on Saturdays contained in the *City of Sydney Construction Noise Code* and works are to be carried out in accordance with the acoustic and vibration assessment prepared by Koikas Acoustics Pty Ltd contained in Appendix 26 attached to the *EA/EIS*.

3.1.10 Community Consultation

A Consultation Report relating to the proposal, prepared by Scott Carver Pty Ltd, was contained in Appendix 21 attached to the *EA/EIS*.

An update of the community consultation that has occurred since the preparation of that report is contained in **Attachment 23**.

3.1.11 Social Impact

A Social Impact Statement relating to the proposal, prepared by Urban Advisers, was contained in Appendix 28 attached to the *EA/EIS*.

An update of the statement addressing the issues raised by the *DPE* is contained in **Attachment 24**.

3.1.12 Amendments to Concept Plan Approval

Attachment 17 contains the amendments required to:

- the conditions contained in *CPA-MOD1*; and
- the concept plans relating to the Overall Drawings - All Precincts referred to in Condition A2 of the consent, which have been amended to show:
 - the modified development in Precinct P3;
 - the amended building envelopes, broad development parameters and public domain proposals for the overall project including:
 - the areas to be dedicated for public open space; and
 - the deletion of the proposed land-bridge over the railway corridor; and
 - the relocation of the gallery from Precinct P3 to P1.

Attachment 19 contains the revised SoC required to facilitate the modifications to *CPA-MOD1*.

3.1.13 Additional Information

The following additional information is provided as requested by the *DPE*:

- **Attachment 20** – An additional computer-generated image looking along Caroline Street from the intersection of Caroline and Abercrombie Streets.
- **Attachment 21** – 1:20 detailed sections of the façade describing all building material components.

Materials, finishes and colours to be used in the construction of the building are to be in accordance with the physical material sample board submitted with the applications.

3.2 Public Submissions

The following sections provide a detailed response to the key issues raised in the public submissions and identified in public feedback report in **Attachment 6**.

3.2.1 Height, Bulk & Scale

The principal issue raised in the submissions objecting to the proposal is its height, bulk and scale.

This issue needs to be considered in the context of the area having been earmarked to accommodate significant change and identified as:

- a State significance site under the *State & Regional Development. SEPP and State Environmental Planning Policy (State Significant Precincts) 2005*;
- a potential precinct under *State Environmental Planning Policy (Urban Renewal) 2010*; and
- falling within the scope of the *UTS*.

The *UTS* specifies a number of key moves relevant to development in the vicinity of Redfern Station, which include:

- the renewal of the Station;
- the creation of centres of activity around the Station; and
- the integration of new high-density mixed-use buildings with existing neighbourhoods and places.

The existing and future character of development within 100m of Redfern Station, is epitomised by contemporary buildings such as:

- the 18-storey mixed-use development accommodating shops, the Redfern RSL Club, offices and apartments, constructed on 157-161 Redfern Street in accordance with Project Approval No.09_0039, issued on 22 December 2009;
- the 18-storey mixed-use development accommodating retail and commercial uses, a supermarket and apartments, constructed on 7-9 Gibbons Street in accordance with Project Approval No.08_0112, issued on 22 October 2010;
- the 2 x 12-storey commercial office buildings, known as the GCA Towers, constructed on 1 Lawson Square, currently being altered and added to, to create an 18-storey mixed-use development comprising retail, commercial and residential uses in accordance with *SSD Approval 5249*, issued on 18 December 2014; and
- the 18-storey mixed-use development accommodating student accommodation and retail and commercial premises currently nearing completion on 60-78 Regent Street in accordance with *SSD Approval 6724*, issued on 25 August 2015.

In addition, a plan to transform Central Station into Sydney's "mid-town" in the area between Central Station and Cleveland Street was announced on 21 March 2017 and involves the creation of over 1 million m² of space accommodating apartments, offices, a hotel, shops, restaurants and bars.

It is expected that the *UTS* will lead to further significant development around Redfern Station.

Floor space ratio is a measure of a building's bulk and scale.

The proposed floor space ratio of the modified proposal of 6.95:1 is marginally less than the 7:1 floor space ratio of contemporary 18-storey buildings on the eastern side of the railway corridor adjacent to Redfern Station and is, therefore, consistent with the character of contemporary development adjacent to the Station.

While the height of a part of the proposed building is higher than these buildings, it does not represent a building bulk in excess of them, but facilitates a more sculptured, city-shaping building, a product of the design excellence program that was conducted.

The Eveleigh Street component of the building is lower in height and is designed to be complementary with the 2-storey terraces in this locality.

As part of the design excellence program, the Project Architects examined a number of height scenarios, as documented in the information submitted with the applications, to determine the most appropriate built form for development on the land.

The current proposal was determined to result in the most appropriate outcome and the *DRP's* final report, prepared by the NSW Government Architects Office, endorsed the proposed development plans and confirmed that in the *Panel's* view design excellence had been achieved.

Issues relating to the effect of the building on the heritage values of the area are addressed in Section 3.1.2.

In this context, the height, bulk and scale of the proposed building are appropriate.

3.2.2 Overshadowing

The following concerns have been expressed regarding the proposal:

- it will impact on the level of solar access and daylight enjoyed on surrounding residential properties;
- it will cast shadows over Lawson and Caroline Street;
- the shadow diagrams are inadequate and purposefully avoid modelling summer morning shadows; and
- no shadow diagrams were submitted with the application.

Drawings No. DA-851-010,020, 030 and 040 and DA-852-010 and 020 submitted with the applications provide a detailed assessment of the shadows cast by the proposed building between the hours of 9am and 3pm at the winter solstice.

This assessment has been conducted in accordance with accepted town planning practice during the winter solstice, the worst-case scenario.

The diagrams do not indicate any overshadowing of residential properties in Caroline Street or on the western side of the railway corridor.

Residential properties on the eastern side of the corridor are not overshadowed until sometime between 1pm and 3pm.

Consequently, the proposal will not reduce solar access to any surrounding residential property to less than 3 hours and will not have any unreasonable overshadowing effects.

3.2.3 Privacy

Apart from the adjoining properties at 67-75 Eveleigh Street and 1-5 Holden Street and the development to be carried out in Precincts P1 and P2 of the *Project*, the closest residential properties on the western side of the railway corridor are located in:

- Lawson Street, a minimum of some 45m from the proposed building;
- Caroline Street, a minimum of some 65m from the proposed building; and
- Hugo Street, a minimum of some 75m from the proposed building.

The residences in Lawson and Caroline Street have a north-south orientation, facing away from the proposed building, and the intervening area is to accommodate the approved Precinct P2 development which is to comprise a 2/part 3-storey mixed-use building comprising 1,465m² of retail/commercial space and a 60-place child care centre.

The residential properties in Hugo Street extend to Louis Street and contain large scale vegetation and off-street parking facilities adjacent to their Louis Street boundary, the part of those properties closest to the proposed building.

The approved Precinct P1 development, which is to comprise a 2/part 6-storey mixed use building containing 62 dwellings and community facilities, is to be located between the Hugo Street properties and the proposed building.

The nearest residential property on the eastern side of the railway corridor is over 60m from the proposed building.

The distance of separation between buildings is well in excess of standards, such as 24m contained in the *Apartment Design Guide* associated with *State Environmental Planning Policy No. 65*, designed to ensure a satisfactory level of privacy.

The northern elevation of the building has been designed to provide a satisfactory level of privacy to the residents of 67-75 Eveleigh Street and 1-5 Holden Street. See Section 3.1.4.6.

In this context, the proposal will not have any undue or unreasonable effect on the privacy of surrounding residential properties.

3.2.4 Transport & Pedestrian Movements

See Section 3.1.6.

3.2.5 Design Excellence

See Section 3.1.7.

3.2.6 Development Objectives

A number of the submissions raised the following issues:

- the proposal does not protect and preserve the area's Aboriginal culture and ideals and will adversely affect the housing to be provided for the *ATS/* community;
- all of the development on the land should be reserved for the *ATS/* community;
- there is an imbalance between the project's commercial and community aims;
- the majority of the Redfern community is not represented by the *AHC*;
- there is no guarantee of when the affordable housing for the *ATS/* community will be provided;
- the proposal should be funded by Federal, State and local governments so that it can be smaller;
- the extent of development should not be justified on the grounds of the economic viability of the *Project*; and
- the development has been designed to maximise the developer's profits.

The *AHC* was formed in 1973 to, among other things, establish, develop or assist in establishing, developing Aboriginal and Islander housing projects.

The *AHC*'s core objectives for the *Project* are:

- to deliver quality affordable housing to the *ATS/* community;
- to retain full ownership and control of the land; and
- to create history for the *ATS/* people through a new era of self-determination by delivering the *Project* to the community without financial burden to future generations and maintaining its long-term financial independence.

The *AHC* has been involved in all stages of the consideration of the design and funding of the *Project* and is the proponent of the development.

The profit from the development is represented by the construction of the development of the *ATS/* housing and community facilities in Precinct P1 and the retail/commercial facilities and child care centre in Precinct P2 which are to be owned and managed by the *AHC*.

A submission supporting the proposal has made the following remarks:

- the site has stood vacant for too long when it could have been used for affordable housing by the *ATS/* community and should this proposal fail, it will put at risk the establishment of this housing;
- the affordable housing for the *ATS/* community is not market housing and its construction is not commercially fundable from current lending sources; and
- in the absence of Government funding, the *AHC* has no alternative than to leverage its landholding to fund the *Project*.

The 3 precincts comprising the *Project* are to be constructed in a single concurrent construction program and this has been embodied in Commitment No. 25 in the revised SoC in **Attachment 19**.

This will ensure that the development in Precincts P1 and P2 are constructed concurrently with the P3 development.

3.2.7 Development Density & Character

A number of the submissions raised the following issues:

- the proposal will result in a large number of people living in the area and the public infrastructure, including transport services and community facilities, services and amenities, is inadequate to accommodate them;
- there is ample student accommodation available in the area and there is no need for any additional student housing;
- the proposal is designed to accommodate international students rather than indigenous people;
- the social implications of bringing 596 students into an area of Aboriginal significance;
- the proposal will result in an imbalance between existing residents, the local *ATS/* community and students to be accommodated in the proposed building; and
- potential anti-social behavior of students to be housed in the building.

It is consistent with accepted town planning policy and practice relating to the integration of transport and land use planning and transit-oriented development to concentrate increased development density around major transport nodes, such as Redfern Station, which are serviced by retail and services in town centres, such as Redfern.

There are numerous contemporary examples of this throughout the Greater Sydney Region.

Major tertiary educational establishments located in close proximity of the site include Sydney University, University of Technology Sydney, Notre Dame University and TAFE Ultimo and it is inevitable that there will be demand for student accommodation in this area.

This demand will need to be met by competition in the private housing rental market for shared student accommodation or by purpose-built student housing of the nature proposed.

The site is strategically located to these major educational establishments and the trunk public transport services offered by Redfern Station and associated bus routes to satisfy demands for student housing and reduce demand and pressure on existing private rental housing stock.

The need for student accommodation was addressed in detail in Section 4.2 of the *ES/EIS*.

The Deed of Agreement between the *AHC* and *Atira* provides that 100 of the beds in the building are to be made available for use by *ATS/* students.

Commitment 26 in the revised SoC in **Attachment 19** reflects this commitment.

It is expected that this is more likely to result in greater mutual understanding and respect of *ATS/* heritage and culture.

The behavior of students in the building is to be managed by *Atira* in accordance with the operational management plan submitted with the application and security features, such as CCTV.

A revised management plan contained in **Attachment 15** includes a complaints handling procedure for any complaints received concerning student behavior outside the building.

3.2.8 Community Facilities

A number of the submissions raised the following issues:

- the proposal will result in elimination of the existing child care centre on the site, the approved art gallery and land-bridge over the railway corridor designed to increase views of the *Project* from Lawson Street; and
- the proposal will remove the sense of openness of the area in front of the Redfern Community Centre.

The former Murawina child care centre in Precinct P3 was partially demolished prior to *CPA-MOD1* being approved on 21 December 2012 and its complete demolition has since been completed.

The current proposal does not involve any change to the development in Precinct P2 which includes the construction of a 60-place child care centre.

The approved gallery in Precinct P3 is to be relocated to Precinct P1 and this matter is addressed in Section 3.1.3.2.

The removal of the land-bridge over the railway corridor is addressed in Section 3.1.3.3.

The area in front of the Redfern Community Centre has a direct interface with the 2/part 6-storey mixed-use building containing 62 dwellings and community facilities and open space approved in Precinct P1.

This relationship does not change as a result of the proposal and the proposal will not result in any shadows being cast over this area.

While parts of the building will be visible from the open space area, its open space and recreational value will not be diminished.

3.2.9 Community Consultation

A number of the submissions raised the issue of the adequacy of the community consultation program associated with the applications.

A detailed description of the program was contained in Appendix 21 attached to the *EA/EIS*.

The extent of consultation was more extensive than the program involved in the *CPA-MOD1* and the associated *Project Approval*.

3.2.10 Wind Environment

A number of the submissions raised the issue of the effect of the building on the locality's wind environment.

Since the receipt of the submissions regarding the applications, wind tunnel testing has been carried out by Windtech Consultants Pty Ltd as part of the pedestrian wind environment study.

A copy of the study is in **Attachment 11**.

The proposal is to embrace the recommendation of the study relating to the amenity to be enjoyed in public domain areas.

3.2.11 Loss of Property Values

A number of the submissions raised the issue of the proposal resulting in the loss of value of surrounding and nearby properties.

These submissions are not uncommon in respect to many developments, however, there is no empirical evidence to support this contention.

4.0 Preferred Project

Following consideration of the submissions received after the public exhibition of the applications, the preferred project for the construction of purpose-built student housing in Precinct 3 remains a building:

- ranging in height from 3-storeys along its Eveleigh Street frontage to 24-storeys centrally on the site, the 24th storey accommodating plant rooms and lift overruns;
- having a gross floor area of 16,530m²;
- having a floor space ratio of 6.95:1; and
- containing 522 accommodation rooms and 596 beds.

A range of amendments and mitigation measures identified through the exhibition program outlined in Section 5.0.

The amendments have been incorporated into the architectural drawings for the building prepared by *TURNER* contained in **Attachment 2**.

5.0 Amendments & Mitigation Measures

A number of minor design changes and mitigation measures have been made in response to the submissions that have been received.

These are detailed in the following sections.

5.1 Approval Modifications

5.1.1 Concept Plan Approval

CPA-MOD1 is to be modified by amending the concept plans relating to the Overall Drawings - All Precincts referred to in Condition A2 to show:

- the modified development in Precinct P3;
- the amended building envelopes, broad development parameters and public domain proposals for the overall project, including:
 - the areas to be dedicated for public open space; and
 - the deletion of the proposed land-bridge over the railway corridor; and
- the relocation of the gallery from Precinct P3 to P1.

The amendments required to the conditions and plans referred to in *CPA-MOD1* to facilitate the proposed modification are contained in **Attachment 17**.

5.1.2 Project Approval

To address the issues raised by *UrbanGrowth* relating to the *Contribution Plans*, the *Project Approval* will need to be modified in a separate application to be submitted to the *DPE*.

5.2 Architectural & Other Amendments

5.2.1 Architectural Amendments

Revised architectural drawings for the building prepared by *TURNER* encapsulating the changes proposed to be made to respond to the submissions received are contained in **Attachment 2**.

The following architectural changes have been made to the applications:

- activation along the building's Eveleigh Street frontage has been increased by:
 - relocating the laundry to the rear of the building at the lower ground floor level;
 - re-positioning the cinema to enable the gymnasium to be relocated adjacent to the Eveleigh Street frontage; and
 - increasing the extent of glazing at the lower ground floor level along Eveleigh Street to open up views of student activities in the gymnasium;
- louvres have been added to all external plant rooms;
- the windows in the northern elevation have amended to ensure the privacy of the adjoining properties is maintained;
- the Level 17 landscaped courtyard be changed and the layout matched to the accommodation on Level 15, as recommended by the *DRP*;
- a studio room on Level 10 has been converted into a communal room;
- decorative gravel roofs are to be provided on the plant room roof and the Level 9 roof adjacent to the railway corridor;
- the drop-off zone in Eveleigh Street has been eliminated;
- the internal layout of the bicycle store has been amended to increase the number of bicycles to be accommodated from 172 to 176;
- the 5-bedroom clusters, Type A, A2 and C have been slightly reconfigured to maintain a minimum dimension of 3m in the communal living area; and
- a screen has been added at Level 21 to conform with the wind study.

5.2.2 Public Domain Amendments

The public domain plan has been amended to show the proposed cycle route connecting Lawson and Abercrombie Streets via Eveleigh, Caroline, Louis and Vine Streets.

5.2.3 Plan of Management

The operational management plan has been amended to outline:

- a complaints handling procedure;
- out of hours security; and
- the procedures to be followed in managing students moving into and vacating accommodations to minimise adverse impacts on the local road and pedestrian networks.

5.3 Statement of Commitment Amendments

The following changes have been made to the SoC:

- Commitments 4 and 6 have been amended to change the reference from “Project Approval” to “approval” as the development in Precinct P3 will be a SSD and not a Project Approval;
- Commitment 5 has been amended to the effect that a construction pedestrian and traffic management plan is to be prepared in consultation with Transport for NSW prior to the issue of a Construction Certificate for the proposal;
- Commitment 7 has been amended to confirm that public domain works are to be carried out in accordance with the public domain and public art strategy prepared by Scott Carver Pty Ltd and Professor Michael Tawa;
- Commitment 14 has been amended to ensure that the building will be constructed in accordance with the ESD report prepared by JHA Consulting Engineers as well as the BASIX certificate;
- Commitment 15 has been amended to commit to the development of an interpretative heritage strategy;
- Commitment 17 has been amended to reflect the proposed student accommodation in terms of access by people with a disability;
- Commitment 24 has been added requiring the gallery to be relocated from Precinct P3 to Precinct P1 and a development application to be submitted to SCC for the use and fit-out of the gallery;
- Commitment 25 has been added requiring the development in Precincts P1, P2 and P3 to be constructed concurrently;
- Commitment 26 has been added requiring 100 beds in the complex to be made available to ATS/ students;
- Commitment 27 has been added to require 1,138m² of land to be dedicated to SCC as part of the public domain;
- Commitment 28 has been added to require wayfinding strategies and travel access guides to be developed to assist with increasing mode share of walking and cycling for students, staff and visitors; and
- Commitment 29 has been added committing to design excellence throughout the construction of the *Project*.

These commitments will form part of the approval for the development.

6.0 Conclusion

The submissions received from public authorities and the general public following the exhibition of the applications have been reviewed and considered.

A number of minor design changes and mitigation measures have been made in response to the submissions.

The proposal will deliver self-funded, quality and culturally appropriate housing for the local *ATSI* community and achieve the *AHC*'s core objectives of:

- retaining full ownership and control of the land; and
- creating history for the *ATSI* people through a new era of self-determination by delivering the *Project* to the community without financial burden to future generations and maintaining its long-term financial independence.

The development will also:

- satisfy a demand for purpose-built student housing in this locality;
- support the continued growth of the international education sector and tertiary educational establishments in this area; and
- contribute to the sector's growth and the NSW economy.

The proposal is consistent with contemporary metropolitan strategies, including:

- *A Plan for Growing Sydney*,
- the draft *GSRP* and *ECDP*; and
- the *UTS*.

In terms of its built form, the development:

- will provide an interesting and attractive built form element in this section of Redfern;
- will represent a desirable urban design outcome for the development of the land in terms of the future character of the area surrounding Redfern Station; and
- achieves design excellence.

Given the justification for the proposal and its fulfilment of strategic and design excellence objectives, the applications are worthy of approval.