

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-10382 90-102 Regent Street, Redfern - Student Accommodation
Applicant	The Trustee for WH Regent Trust
Consent Authority	Minister for Planning and Public Spaces

Decision

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

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

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

Date of decision

24 June 2021

Reasons for decision

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

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

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

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

- the project would provide a range of benefits for the region and the State as a whole, including a capital investment value of \$51 million, 220 construction jobs, and \$1.7 million of community contributions;
- the project is permissible with development consent, and is consistent with NSW Government policies, including, the Greater Sydney Region Plan, Eastern City District Plan, Redfern-Waterloo Built-Environment Plan (Stage One) 2006 and the Redfern Centre Urban Design Principles (RCUDP);
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards as identified in the Department's Assessment Report;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 November 2020 until 13 December 2020 (28 days) and received 19 submissions. This comprised of 12 submissions from government agencies, a submission from City of Sydney Council, and six public submissions of objection.

The Department also undertook the following consultation activities:

- conducted a site visit; and
- responded to numerous enquiries from interested community members.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include oversupply of student accommodation in the area, construction impacts, overshadowing, lack of community engagement/consultation, amenity impacts, lack ground floor activation and heritage impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Oversupply of student accommodation</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers student accommodation is an appropriate use for the site as it is permissible within the Redfern Town Centre and is ideally located close to public transport, services and a number of universities. • Further, the Department is satisfied the proposal would not result in any significant operational or traffic impacts as the proposal complies with the density control for the site, the use will be subject to an Operational Management Plan and no on-site car parking is proposed.
<i>Heritage</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers the potential heritage impacts of the proposal acceptable as: <ul style="list-style-type: none"> ▪ the planning controls for the site permit high-density development extending to 18 storeys within the Redfern Town Centre ▪ the 90 Regent Street building and front façade and front rooms of 92-96 Regent Street are not of sufficient heritage significance to warrant retention ▪ while there are a number of heritage items in the vicinity of the site, these items are reasonably well removed from the subject site visually and spatially due to Regent Street and existing development. • This matter is further discussed in Section 6 in the Department's Assessment Report. <p><i>Conditions</i></p> <p>Conditions include the:</p> <ul style="list-style-type: none"> • preparation and implementation of a Heritage Interpretation Strategy • a salvage strategy to be prepared to recover heritage building fabric for salvage and reuse • photographic archival recording to document the interior and exterior of the building at 90 Regent Street and buildings at 92-96 Regent Street
<i>Overshadowing</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers the impacts to the solar access on nearby existing and future residential developments are acceptable as: <ul style="list-style-type: none"> ▪ the proposed development complies with the 18-storey height control and is generally consistent with the form of development envisaged by the planning controls ▪ the extent of overshadowing is generally consistent with a compliant development and the additional overshadowing caused by the variation to the tower setback/height control is minor and would not result in any material amenity impacts to surrounding properties ▪ a portion of the overshadowing generated by the proposed development would be subsumed within shadows generated by any future tower developments at 104-116 Regent Street which are also subject to an 18-storey height control ▪ the proposed development would not preclude solar access being achieved to any future development at 104-116 Regent Street given this site has an east facing street frontage ▪ the proposed development would result in only one hour of additional overshadowing to St Luke's Church, which is considered reasonable in the context of the development permitted by the planning controls • This matter is further discussed in Section 6 in the Department's Assessment Report.
<i>Construction impacts</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department considers construction impacts can be reasonably mitigated and managed through restricting hours of construction activity and implementation of management plans. • This matter is further discussed in Section 6 in the Department's Assessment Report. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> • limiting hours of construction to between 7 am and 6 pm Mondays to Fridays and 7.30 am and 3.30 pm Saturdays. No work on Sundays and Public Holidays • restriction on high-noise activities • the establishment of a Community Communication Strategy

	<ul style="list-style-type: none"> the preparation of a Construction Environmental Management Plan, Pedestrian and Traffic Management Plan, Noise and Vibration Management Plan, Air Quality Management Plan, and a Soil and Water Management Plan the protection of trees.
<i>Visual privacy</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed setbacks/building separation distances are consistent with the street block and the emerging built form character of the Redfern Town Centre and combined with the proposed design treatments, provides an acceptable balance between providing a reasonable level of visual privacy to residents and allowing development to proceed in this high-density area. This matter is further discussed in Section 6 in the Department's Assessment Report.
<i>Noise/operational impacts</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has assessed the potential noise impacts associated with the proposal and considers the building design and the proposed Operational Management Plan (OMP) would appropriately mitigate and manage noise impacts to an acceptable level. This matter is further discussed in Section 6 in the Department's Assessment Report. <p><i>Conditions</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> compliance with the OMP restricting the use of the external northern terrace to: <ul style="list-style-type: none"> 8 am to 10 pm Sunday to Thursday 8 am to midnight on Friday, Saturday and any day immediately before a public holiday restricting the use of the eastern and western terrace to: <ul style="list-style-type: none"> 8 am to 10 pm, 7 days a week no speakers in external areas and only low-level background music permitted in associated internal common areas no alcohol to be consumed within the building, except within apartments and the ground floor common areas. students to close windows when playing loud music the use of the development shall not give rise to 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
<i>Consultation</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers its notification and public participation statutory obligations have been satisfied. The application was publicly exhibited for 28 days, surrounding properties were notified in writing and all application material was made publicly available on the Department's website. Based on the communications and public consultation, the Department is satisfied the community has had a number of opportunities to express its views about the proposal. This matter is further discussed in Section 6 in the Department's Assessment Report.