APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 79C(a)(i) and Section 79C(a)(ii) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 1 – Development Standards (see **Appendix C**)
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development & accompanying Apartment Design Guide
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is identified as SSD as the proposed development is within the Redfern-Waterloo area and has a capital investment value of $34 million. The proposed development is permissible with development consent. The site is specified in Schedule 2.

State Environmental Planning Policy (State Significant Precincts) 2005

The SSP SEPP is the relevant EPI for the site, containing applicable development standards. The site is zoned Business Zone – Commercial Core and is permissible with consent in the zone. The proposal is consistent with the zone objectives as it will facilitate the development of the town centre, encourage employment generating activities and will provide residential development that is compatible with commercial and retail uses. An assessment of the proposal against the various development standards, including design excellence is contained within **Sections 3.2** and **5** of this report, and the non-compliance with the height development standard and SEPP 1 objection is considered in **Appendix C**.

State Environmental Planning Policy (Infrastructure) 2007

Relevant considerations are:

Clause 87 – Impact of rail noise or vibration on non-rail development and *Clause 102 – Impact of road noise or vibration on non-road development*

These clauses require that where a building is proposed for residential use that is likely to be adversely affected by rail or road noise or vibration due to being adjacent to a railway or roadway with a daily traffic volume in excess of 40,000 vehicles, the consent authority must take into account any relevant guidelines that are issued by the Director-General, and must be satisfied that appropriate measures will be taken to ensure the following noise levels are not exceeded:
(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.

Regent Street carries over 40,000 vehicles per day and the site is within 150 metres of a railway station. The Applicant submitted an acoustic report which concluded that with appropriate selection

of building elements and glazing, compliance with the relevant guidelines and the provisions of the SEPP could be achieved. Appropriate conditions have been recommended.

Clause 101 – Development with frontage to classified road

The clause requires that consideration be given to the location of vehicular access and any impacts for safety and efficiency to the classified road as a result of that access, or from the volume and frequency of vehicles entering the site. It also requires that the development be designed or include measures to ameliorate potential traffic noise or vehicle emissions arising from the adjacent classified road.

Access is proposed from William Lane which is not a classified road. As discussed in **Section 5.6**, 60 parking spaces are proposed, and the development will not have any material impacts to the functioning of adjoining classified roads. Measures to ameliorate potential traffic noise are discussed above. No measures are considered necessary to ameliorate against vehicle emissions from the adjoining roads.

State Environmental Planning Policy No. 55 - Remediation of Land

As discussed in **Section 5.7** a Preliminary Site Investigation (Stage 1) was prepared, which advised that further investigation in the form of a Detailed Site Investigation (DSI) was required. A DSI (Stage 2) was subsequently undertaken and submitted with the revised RTS. The DSI concludes that although there is some localised soil contamination on site, the condition of soils and groundwater are suitable for the proposed mixed use development.

The Department notes the existing use of the site is for retail and residential and is satisfied the site is suitable for the ongoing retail and residential uses proposed.

State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development

The proposal has been reviewed against the aims and objectives of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and accompanying ADG. An assessment of the proposal against the objectives of SEPP 65 and the accompanying ADG is provided below and included in **Section 5.5** of this report.

Design Quality Principles of Draft SEPP 65	**Department's Response**
Principle 1. Context and Neighbourhood Character	The proposal is consistent with the use and built form requirements of the Redfern Waterloo Built Environment Plan 2006 (BEP) (Stage One) and with the existing and future character of the locality as discussed in **Section 5.3**. The proposal results in increased density as provided for by the planning controls for the site.
Principle 2. Built Form and Scale	The proposed maximum height and FSR are consistent with the controls, although the proposal exceeds the height controls within the required setbacks. The Applicant has noted the scale and form of the building cannot deliver the envisaged development potential and maintain setbacks as required for the site. The scale and built form of the proposal are discussed further in **Section 5.3** of the report.
	The Applicant has considered design excellence principles in the design of the built form, and this has been discussed in **Section 5.3**.
Principle 3. Density	The building is of an appropriate density and scale consistent with the SSP SEPP.
Principle 4. Sustainability	An ecologically sustainable development (ESD) report, was submitted with the application. The report concludes the proposed development incorporates sustainability techniques beyond the requirements of BASIX and demonstrates the proposed development can achieve compliance with the BASIX water, energy and thermal efficiency targets. Further, ESD principles have been incorporated into the proposal as discussed in **Section 3.6.**
Principle 5. Landscape	A landscaping plan has been provided and includes details of the communal open space on the rooftop of the building.

Principle 6. Amenity	The proposal generally achieves good levels of internal amenity in terms of apartment layout, satisfactory levels of solar access to communal areas, natural ventilation and privacy. The proposal however does not comply in relation to solar access to apartments. Non-compliances are discussed in **Section 5.5**.
Principle 7. Safety	The proposal provides passive surveillance from balconies and terraces and well-lit and easily identifiable entry points with associated security access systems.
Principle 8. Housing Diversity and Social Interaction	The proposal provides a range of apartment sizes to accommodate a broad range of residents in close proximity to infrastructure and services. A large communal open space area is provided on the rooftop for social interaction. Affordable housing is not provided in the building, however, appropriate levels of contributions are proposed, as required. The apartment mix complies with the ADG.
Principle 9. Aesthetics	The proposal demonstrates a high standard of architectural design through an effective palette of materials and finishes to articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building with a commercial/retail component that is differenced from the residential component.

An assessment of the proposal against the ADG best practice design principles is provided below:

Relevant Criteria	Design response	Consistency
Part 3: Siting		
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	• The proposal is informed by an urban design and built form analysis which identified the likely visual impacts of the development and the appropriateness of the built form with respect to existing development in the vicinity.	Yes
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development.	• The building is designed to define and address the street layout • The building is oriented towards the east and appropriately addresses Regent Street with a strong corner element at the intersection of Regent Street and Marion Street • Access is provided from Marion Street to both the child care centre and residential apartments. Habitable rooms are generally orientated towards the east and north-east to maximize availiable solar access.	Yes
Overshadowing of neighbouring properties is minimised during mid-winter.	• The proposal will result in limited additional overshadowing to adjoining residential apartments • Overshadowing impacts are generally consistent with the overall 18-storey height and density envisaged by the planning controls • Although residential apartments at 1 Margaret Street will receive additional overshadowing partly as a result of non-compliances with the setback controls, this is limited to prior to 11 am in mid-winter and is considered minor by the	Yes

	Department. Overshadowing is discussed in **Section 5.4.2**.	
3C Public domain interface		
Transition between private and public domain is achieved without compromising safety and security.	• Passive surveillance is available from balconies and windows which overlook public domain and private areas. All ground level apartments have direct street access.	Yes
Amenity of the public domain is retained and enhanced.	• An active retail/commercial façade is proposed on the Regent Street frontage. This results in a less active frontage on Marion Street. However, the entrance to the residential lobby, future child care centre and commercial floorspace is located on Marion Street resulting in an acceptable level of street front activation.	Yes
3D Communal and public open space		
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping: • Communal open space has a minimum area equal to 25% of the site; and • Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9 am and 3 pm on 21 June (mid-winter).	• Rooftop communal open space has been provided, equivalent to 48% of the overall site area (392 m^2) • 100% of the communal open space receives more than two hours of sunlight in mid-winter.	Yes
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	• Communal open space allows for passive recreation, including communal seating, landscaping and shade structures • The communal open space is well laid out to maximise amenity. It benefits from mid-winter solar access throughout the day. Shade structures have been included for summer use.	Yes
Communal open space is designed to maximise safety.	• The landscaping and design of rooftop structures, including lifts and stairs, promote visibility across the space and minimise hiding spots • The communal open space is only accessible to residents with the use of building security access systems.	Yes
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	• No public open space is provided as the proposal is built to the boundary on all sides. This reflects the prevailing built form in this location.	N/A
3E Deep soil zones		
Deep soil zones are to meet the following minimum requirements: 7% deep soil zone and a minimum dimension of 6m.	• The ADG recognises achieving this design criteria may not be possible in the CBD, in high density areas, where there is 100% site coverage or where non-residential uses are at the ground floor	No

<table>
<tr><td></td><td>• No natural deep soil zone is proposed. This is acceptable given the high density CBD location, the 100% site coverage and proposed non-residential uses at ground level
• The proposal is consistent with other recent developments in the immediate locality which do not include deep soil zones given their high density CBD location.</td><td></td></tr>
<tr><td colspan="3">3F Visual privacy</td></tr>
<tr><td>Separation distances from building to boundary:
<table><tr><th>Height</th><th>Habitable rooms</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6 m</td><td>3 m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9 m</td><td>4.5 m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12 m</td><td>6 m</td></tr></table>
Separation distances between buildings on the same site should combine required building separations depending on the type of room.</td><td>• The proposed building does not satisfy all ADG setback requirements (see Table 8 Section 5.5.1) The Department considers the proposed building setbacks are however consistent with the established and emerging character of the Redfern Town Centre and are similar to other building separation distances within the town centre
• Subject to appropriate screening, the Department considers the proposed building separation distances can provide acceptable visual privacy
• The Department further considers that increasing the setbacks of the proposed building to achieve the recommended ADG separation distances would also significantly limit the development potential of the site and would not achieve urban renewal as envisaged under the SSP SEPP
• This issue is discussed further in Section 5.</td><td>No, refer to Section 5.</td></tr>
<tr><td>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</td><td>• Direct overlooking between the proposed building and surrounding development is mitigated through the orientation of the apartments and balconies to the east, south and north-west and the inclusion of highlight and screened windows
• The apartments are all dual aspect and so benefit from natural ventilation. Natural ventilation and visual privacy are discussed in Section 5.5.</td><td>Yes</td></tr>
<tr><td colspan="3">3G Pedestrian access and entries</td></tr>
<tr><td>Building entries and pedestrian access connects to and addresses the public domain</td><td>• Pedestrian entrances to the building are clearly defined and provided at grade with clear sight lines to avoid conflict with pedestrians and cyclists.</td><td>Yes</td></tr>
</table>

Access, entries and pathways are accessible and easy to identify.	• A large entry is provided off Marion Street, which is well located and easily identifiable • Several balconies are provided to the southern elevation providing passive surveillance of the entry.	Yes
Large sites provide pedestrian links for access to streets and connection to destinations.	• No through-link is proposed. This is appropriate given the restrictions associated with the size and location of the site. The site is well-connected to amenities, such as transport and commerce.	N/A
3H Vehicle access		
Vehicle access points are to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	• Vehicle access is located on William Lane away from pedestrian links and access points (Marion Street and Regent Street). Traffic and access are further discussed in **Section 5.7.**	Yes
3J Bicycle and car parking		
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas. Apply the minimum car parking requirement in RMS' *A Guide to Traffic Generating Developments* or the relevant local standards, whichever is less.	• The Sydney LEP is used as a guide, given it has a lower parking requirement than the RMS' *A Guide to Traffic Generating Developments* • The application proposes 59 spaces + 1 residential service space, as detailed in **Table 9 Section 5.6.2**.	No, refer to **Section 5**.
Parking and facilities are provided for other modes of transport.	• A total of 50 bicycle spaces are proposed on the site, with visitor bicycle parking located on Marian Street near the entry to the residential apartments and residential bicycle lockers provided within the lower ground floor level.	Yes
Car park design and access is safe and secure.	• The car park will have secure entry and there are no obscured areas in the car park • CCTV will be installed in the parking area and at the basement entry point.	Yes
Visual and environmental impacts of underground car parking are minimised.	• The proposed car parking appears well organised with a logical and efficient structural grid • The car park does not protrude above existing ground level.	Yes
Visual and environmental impacts of on-grade car parking are minimised.	• At-grade car parking is not proposed.	Yes
Visual and environmental impacts of above ground enclosed car parking are minimised. Positive street address and active frontages should be provided at ground level.	• The car parking is proposed within the basement • Access to the driveway is from William Lane and allows for activation of Regent Street (i.e. the main street) and safer pedestrian access and movement at both Marian and Regent Street.	Yes

Part 4: Building		
4A: Solar and daylight access		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space: • At least 70% of apartment living rooms and private open spaces receive a minimum of 2 hours direct sunlight between 9 am and 3 pm in mid-winter; and • a maximum of 15% of apartments receive no direct sunlight between 9 am and 3 pm in midwinter.	• 52% of apartments would receive two hours of sunlight between 9 am and 3 pm in mid-winter and 68% of the apartments receive a minimum of two hours direct sunlight between 8 am and 4 pm in mid-winter. Solar access is discussed in **Section 5.5** • The communal open space is provided on the rooftop at the north of the site. This location receives direct sunlight between 9 am and 3 pm in mid-winter.	No, refer to **Section 5**.
Daylight access is maximised where sunlight is limited.	• Solar access on the site is below the ADG recommendations, however design changes, such as orientating habitable rooms to where there is greater solar access, have resulted in an acceptable outcome given the constraints of the site.	Yes
Design incorporates shading and glare control, particularly for warmer months.	• The location of apartments towards the eastern side of the building means afternoon sun will be avoided. Cladding materials with a maximum visible light reflectivity are incorporated to decrease glare.	Yes
4B Natural ventilation		
All habitable rooms are naturally ventilated.	• All habitable rooms are naturally ventilated.	Yes
The layout and design of single aspect apartments maximises natural ventilation.	• All the apartments are dual aspect.	Yes
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents: • At least 60% of apartments are naturally cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated). • Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured from glass to glass.	• All apartments are naturally cross ventilated • No apartments exceed 18 m in depth • All of the apartments on level 10 and higher have unenclosed balconies.	Yes
4C Ceiling heights		
Ceiling height achieves sufficient natural ventilation and daylight access.	• All apartments achieve a minimum habitable room ceiling height (2.7 m).	Yes
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	• The hierarchy of internal spaces is emphasised through higher	Yes

<table>
<tr><td>Ceiling heights contribute to the flexibility of building use over the life of the building.</td><td>ceilings to habitable rooms and lower ceilings (e.g. bulkheads) to non-habitable rooms.</td><td></td></tr>
<tr><td>4D Apartment size and layout</td><td></td><td></td></tr>
<tr><td>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.
• One-bedroom apartments are required to have a minimum internal area of 50 m^2 and two-bedroom 70 m^2
• Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.</td><td>• All apartments comply with the minimum internal areas
• Habitable rooms have a window on an external wall or a door / window onto the balcony and windows exceed the 10% requirement.</td><td>Yes</td></tr>
<tr><td>Environmental performance of the apartment is maximised:
• Habitable room depths are limited to a maximum of 2.5 x the ceiling height (6.75 m).
• In open plan layouts the maximum habitable room depth is 8 m from a window.</td><td>• The open plan layouts (living rooms and kitchens) are within the maximum room depth of 8 m
• The apartments that are not open plan have room depths less than the recommended maximum of 6.75 m.</td><td>Yes</td></tr>
<tr><td>Apartment layouts are designed to accommodate a variety of household activities and needs:
• Master bedrooms have a minimum area of 10 m^2 and other bedrooms have 9 m^2 (excluding wardrobe space).
• Bedrooms have a minimum dimension of 3 m (excluding wardrobe space).
• Living rooms or combined living / dining rooms have a minimum width of 3.6 m for studio and one bed apartments and 4 m for two and three bed apartments.
• The width of cross-over or cross-through apartments are at least 4 m internally to avoid deep narrow apartment layouts.</td><td>• All bedrooms meet the guidelines for floor area
• Bedrooms have minimum dimensions of 3 m
• Living areas widths satisfy the design criteria in all apartments.</td><td>Yes</td></tr>
<tr><td>4E Private open space and balconies</td><td></td><td></td></tr>
<tr><td>Apartments provide appropriately sized principal private open space and balconies to enhance residential amenity:

<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4 m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8 m^2</td><td>2 m</td></tr><tr><td>2 bedroom</td><td>10 m^2</td><td>2 m</td></tr><tr><td>3+ bedroom</td><td>12 m^2</td><td>2.4 m</td></tr></table>
Minimum depth to count towards area is 1 m.</td><td>• All apartments provide open space in the form of balconies or private gardens or winter gardens
• All balconies meet the minimum recommendations for depth and area
• There is no private open space located at ground level.</td><td>Yes</td></tr>
</table>

Private open space on the ground level has a minimum area of 15 m^2 and a minimum depth of 3 m.		
Primary private open space and balconies are appropriately located to enhance liveability for residents.	• Primary private open space areas are located adjacent to the living space in all apartments • There are no balconies on the western elevation to avoid privacy issues associated with the proximity to the apartment building at 7-9 Gibbon Street.	Yes
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	• The design of the private open space is well designed to be integrated within the building architecture. East facing balconies are not integrated into the building façade and create an architectural statement on the Regent Street and Marion Street corner of the building.	Yes
Private open space and balcony design maximises safety.	• Balconies on three faces of the building allow for passive surveillance. Private open space on the eastern side is screened for safety and privacy.	Yes
4F Common circulation and spaces		
Common circulation spaces achieve good amenity and properly service the number of apartments: • Maximum number of apartments off a circulation core is eight (or no more than 12 apartments). • For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. Common circulation spaces promote safety and provide for social interaction between residents.	• The maximum number of apartments off a circulation core is four • Corridors will receive natural light and ventilation • There are two lifts servicing the 56 apartments (one lift per 28 apartments).	Yes
4G Storage		
Adequate, well designed storage is provided in each apartment. In addition to storage in		Yes

<table>
<tr>
<td>kitchens, bathrooms and bedrooms, the following storage is provided:

<table>
<tr><th>Dwelling type</th><th>Storage size volume</th></tr>
<tr><td>Studio</td><td>4 m^3</td></tr>
<tr><td>1 bedroom</td><td>6 m^3</td></tr>
<tr><td>2 bedroom</td><td>8 m^3</td></tr>
<tr><td>3+ bedroom</td><td>10 m^3</td></tr>
</table>

With at least 50% located within the apartment.
Additional storage is conveniently located, accessible and nominated for individual apartments.</td>
<td>• Residential storage is located within the apartments and the basement and is provided in accordance with the minimum rates specified in the ADG
• Over 50% of the required storage volume is provided within the apartments.</td>
<td></td>
</tr>
<tr><td>4H Acoustic privacy</td><td></td><td></td></tr>
<tr>
<td>Noise transfer is minimised through the siting of buildings and building layout

Noise impacts are mitigated within apartments through layout and acoustic treatments.</td>
<td>• The residential building is located in close proximity to other residential buildings as well as the student housing building, Iglu
• 50% of apartments are orientated toward Regent Street. To mitigate traffic noise, living and sleeping areas are fitted with 12.38 mm thick glazing with acoustic seals.</td>
<td>Yes</td>
</tr>
<tr><td>4K Apartment mix</td><td></td><td></td></tr>
<tr>
<td>A range of apartment types and sizes is provided to cater for different household types now and into the future.

The apartment mix is distributed to suitable locations within the building.</td>
<td>• A variety of apartment sizes and types suitable for the housing needs of the area are accommodated and appropriately located within the building
• Dwelling mix is further discussed in Section 5.5.</td>
<td>Refer to Section 5.</td>
</tr>
<tr><td>4L Ground floor apartments</td><td></td><td></td></tr>
<tr>
<td>Street frontage activity is maximised where ground floor apartments are located.

Design of ground floor apartments delivers amenity and safety for residents.</td>
<td>• There are no apartments on the ground floor
• The orientation of the buildings allows for surveillance of the public domain.</td>
<td>Yes</td>
</tr>
<tr><td>4M Facades</td><td></td><td></td></tr>
<tr>
<td>Building facades provide visual interest along the street while respecting the character of the local area.</td>
<td>• The design provides visual interest on the street level and respects the character of the local area. The design of the façade is discussed in further detail in Section 5.</td>
<td>Yes</td>
</tr>
<tr>
<td>Building functions are expressed by the façade.</td>
<td>• The retail, commercial and residential components are externally expressed in the design of the building They are clearly differentiated and articulated through changes in materials and the built form.</td>
<td>Yes</td>
</tr>
</table>

4N Roof design		
Roof treatments are integrated into the building design and positively respond to the street.	• The roof treatment is defined by the landscaped roof garden. The garden is not visible from street level.	Yes
4O Landscape design		
Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity.	• Landscaping includes a mixture of native and non-native plants that require little water and will survive in the exposed conditions of the roof garden • Planting and furniture is provided within the rooftop garden.	Yes
4P Planting on structures		
Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces.	• Appropriate rooftop planting is proposed.	Yes
4Q Universal design		
Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design features). A variety of apartments with adaptable designs are provided. Apartment layouts are flexible and accommodate a range of lifestyle needs.	• The proposal provides a total of sixteen adaptable dwellings, equivalent to 20% • All apartments (100%) achieve a silver level performance rating (Liveable Housing Guidelines, Liveable Housing Australia) • 15% of apartments are adaptable, which complies with the Sydney DCP 2012.	Yes
4S Mixed use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	• The development addresses the street and active frontages are provided • The building has a distinctive brickwork corner element • Access to commercial and childcare uses are from Marion Street.	Yes
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	• Residential circulation areas are clearly defined and access to communal open space is provided.	Yes

4T Awning and signage		
Awnings are well located and complement and integrate with the building design.	• An awning undercroft element is proposed on the corner of Regent and Marian Streets to mitigate wind impacts and provide weather protection • The undercroft consists of a one-storey high canopy created by a setback on the corner on the ground level and zero setback on the podium levels directly above. For further discussion on this element, see **Section 5.3.2**.	Yes
4U Energy efficiency		
Development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation.	• The development meets BASIX water, thermal and energy efficiency targets • The building has been orientated to maximise solar access and achieve natural ventilation, where possible • All apartments are cross-ventilated.	Yes
4V Water management and conservation		
Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into site design.	• Water efficient fittings and appliances will be installed • a Stormwater Management Strategy has been prepared which considers the water sensitive design initiatives such as rainwater tanks, harvested roof areas and native planting.	Yes
4W Waste management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient source separation and recycling.	• Resident waste facilities are located on each level with bin storage provided in the basement • Waste, loading and services are provided at ground level along William Lane. A service lift will provide access between the lower ground waste holding bay and the ground level service area.	Yes
4X Building maintenance		
Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs.	• The building awning provides weather protection • The materials selected are low maintenance, recyclable and have a long life cycle.	Yes

Planning Circular 'Using the Apartment Design Guide'

On 29 June 2017, the Planning Circular '*Using the Apartment Design Guide*' was issued by the Secretary. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.

The Circular supports the Department's approach to assessing the residential amenity of the proposed building in that all proposed units are not reasonably required to achieve every amenity design criteria in the ADG and that this is not the intention of the ADG. As demonstrated in the analysis above and in **Section 5**, the Department considers all unit types will achieve an acceptable level of amenity and concludes the proposed building satisfies the intent of the ADG.

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

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water and energy use and thermal comfort. SEPP BASIX requires all new dwellings meet sustainability targets of a 20% reduction in energy use (building size dependent) and a 40% reduction in potable water

There has been a commitment to use the requirements of BASIX as a minimum requirement and a BASIX reports has been submitted for the building demonstrating satisfactory compliance with BASIX targets. The resulting BASIX scores for the building are:

- Energy - 20
- Water - 41
- Thermal Comfort – Pass

The applicant has submitted a report which confirms compliance with the relevant sections of the BCA. A condition requiring compliance has been imposed.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Control	Compliance
Early childhood education and care facilities – specific development controls	
22 Centre-based child care — concurrence of regulatory authority required for certain development If the proposed child care centre does not comply with one of the non-discretionary development standards listed in Clause 25, then concurrence with the Department of Education is required for the development to be approved.	The future indoor and outdoor space areas would comply with the requirements of the Department of Education. The future child care centre proposal would comply with the two non-discretionary development standards.
25 Centre-based child care — non-discretionary development standards The development standards for location, indoor and outdoor space area, site area, site coverage, site dimension, colour of building materials or shade structures and design are non-discretionary. Clause 108 of the *Education and Care Services National Regulations* applies to the subject development.	The future child care centre would comply with the standards set by the Department of Education under Clause 25: • Outdoor Space : 7 m² per child = 322 m² • Indoor Space : 3.25 m² per child = 149.5 m² No assessment has been made against the design criteria as the use will be the subject of a separate DA with Council.
26 Centre-based child care—development control plans Clause 26 lists the provisions of Development Control Plans that do not apply to child care centres.	The provisions of Council's Development Control Plan in relation to child care centres do not apply. Relevant matters in the *Child Care Planning Guideline* will be considered by Council at the relevant DA stage.

Other Policies

In accordance with clause 11 of the SRD SEPP, Development Control Plans do not apply to State significant development.