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Your Ref: SSD-12618001

Minoshi Weerasinghe
Senior Planning Officer - Industry Key Sites
Department of Planning, Industry & Environment
By Planning Portal

Dear Minoshi

Request for Advice – 104-116 Regent Street, Redfern – Student Accommodation (SSD-12618001)

Thank you for your correspondence dated 25 January 2022 requesting for the City of Sydney Council ("the City") to comment on the Environmental Impact Statement (EIS) for the abovementioned application.

The site is one of the last sites to be redeveloped in this part of the Redfern-Waterloo Authority sites under State Environmental Planning Policy (State Significant Precincts) 2005. The proposed development would not be dissimilar to the existing and recently approved student accommodation developments in the locality. Despite the numeric guidelines in the Redfern Centre Urban Design Guidelines (RCUDG), the history of approvals on surrounding sites in recent years have eroded the intent and effectiveness of these guidelines.

Notwithstanding the above, the **City has reviewed the accompanying documentation and objects to the proposal** in its current form based on the following matters:

1. Urban Design

a. Building Height

The site prescribes a height of buildings of 18 storeys under SEPP (State Significant Precincts) 2005. The proposal does not comply with the height control and presents a 19-storey development as plant is distributed across the full extent of the tower and contributes to a whole storey of visible bulk and scale. The maximum height is also higher than the development at 90-102 Regent Street, despite being lower in the street due to the fall of the topography. The City strongly recommends that the maximum height of the tower be lowered to match the neighbouring development, with plant to be designed into an 18-storey tower or substantially setback from the perimeter of the tower to reduce bulk and scale.

The development also provides a consistent single height podium, which makes the site appear as monolithic with no correlation to the topography and fine grain character of the locality. The podium height is recommended to step

in elevation to relate to the topography of Regent Street and the through site link, and to be consistent with neighbouring consents in the streetscape to modulate the scale and bulk.

b. Tower Separation

The tower separation to the north and west do not respond to the recommendations of the RCUDP. The development relies on the building setbacks of neighbouring developments to achieve tower separation. The proposed tower setbacks result in inadequate spacing between buildings in the streetscape, results in loss of view sharing, privacy and acoustic amenity impacts and is not supported by the City.

Specifically, a 9-metre setback is outlined in the RCUDP to achieve an 18-metre building separation between developments. At the north-west corner, a party wall condition is proposed with a 0.3m distance from the northern boundary increasing to 4.1m at the north-east. This is the most non-compliant tower separation proposed of the 4 towers on neighbouring sites located within this respective block.

The fundamental tower massing strategy was a matter consistently raised by the State Design Review Panel as being inadequately investigated and proves to be the case in the EIS. Greater setbacks are critical to the northern and western boundaries to create a tower clearly discernible in the round with sufficient space between towers, with improved amenity and view sharing as recommended by the RCUDP. Should DPIE support the proposed setbacks, the City recommends the following to improve the outcomes for residents:

- Install fixed external privacy treatments to north facing corridor windows
- Install operable external privacy treatments to west facing rooms opposite 13-23 Gibbons Street
- Submit revised architectural plans for all levels, elevations, and sections to accurately show built and approved layouts of surrounding development. There are likely multiple separation concerns with visual and acoustic privacy impacts, and loss of view sharing from the proposal which are not apparent due to the insufficiently detailed documentation provided.

c. Wind

The Environmental Wind Tunnel Test Report, prepared by SLR Consulting, uses the ‘Melbourne’ wind criteria for its assessment stating that this is currently referenced by many Australian LGA DCPs. It requires:

- 10m/sec Dining in Outdoor Restaurant
- 13m/sec Standing, Waiting, Window shopping
- 16m/sec Comfortable Walking

However, the above criteria are not applied as a maximum and the Report outlines that some relaxation of the criteria may be acceptable for small areas under investigation provided the general site satisfies the relevant criteria.

For comparison, *Section 3.2.3 – Wind Effects* of Sydney DCP 2012 does not use the Melbourne criteria to ensure comfortable pedestrian areas but the following more stringent criteria which is a maximum.

- 10m/s for active frontages
- 16m/s for other streets

It should also be noted that these provisions are being updated to reflect the wind controls for Central Sydney contained in *Section 5.1.9 – Managing Wind Impacts* in Sydney DCP 2012.

Overall, the RCUDP requires active uses to be provided to all street frontages, which implies that the 10m/s (CoS) or 13m/s (Melbourne) more stringent criteria should be adopted for these three frontages, not the less stringent "Comfortable walking" criteria.

A combination of a fine continuous awning, greater tower setbacks, and, possibly amended tower geometry to Margaret Street are to be investigated to ameliorate the exceedances of the above requested criteria. The conclusions of the wind report do not verify that suitable wind conditions are achieved for the intended uses of the site. It is recommended that the City's wind criteria in Sydney DCP 2012 be used to ensure that the development provides a safe and comfortable wind environment for users and pedestrians. Further testing is to be undertaken to ameliorate wind impacts to the levels 2 and 16 terraces, given these are the major outdoor communal space for students, and will be subject to long duration stationary use where 10m/s maximum criteria would be appropriate.

The following recommendations in the wind report to are not yet reflected in the design and need be addressed in combination with the above:

- The awning to Regent Street is to be continuous for wind effects mitigation
- The existing street tree to Regent Street is proposed to be removed. Therefore, the report recommends planter boxes to the entry on Regent Street to mitigate wind effects, however, this is not implementable as these would sit outside of the site extent on the public footpath.
- Therefore, the existing street tree is required to be retained to achieve required wind mitigation.
- No new trees are proposed to Regent Street. As such, if relied upon to mitigate wind effects they need to be included in the proposal.

d. Overshadowing

The overshadowing analysis confirms that the proposal would cast a large shadow over properties to the southwest, south and southeast in mid-winter. The analysis does not consider the specifics of any overshadowing on individual properties nor does it capture the full extent of the overshadowing impacts with cropped shadow plans omitting the full shadow extent. The impact must be quantified, in terms of both the measurable criteria in the RCUDP controls, and any impacts justified.

Of particular concern is the impact to 1 Margaret Street and the playing field at National Centre of Indigenous Excellence at 160-202 George Street. Additional information, which quantifies resulting solar access, the overshadowing impact, and adequate justification is required for these sites in half hourly views from the sun.

e. Active Frontages

The proposed development has frontages to Regent and Margaret Streets as well as the future through site link and provides opportunities for street activation. However, the development does not provide a genuine active frontage with good levels of passive surveillance.

The Regent Street entry provides minimal passive surveillance as a result of the location of the bicycle parking facilities that occupy the majority of frontage. It presents areas of concealment with Crime Prevention Through Environmental Design (CPTED) concerns for both residents and the public. A small area of retail is located on the north-east corner. It provides a 3.8 metre floor to floor height and 2.8-metre-high window, which presents a more residential scale than commercial and does not maximise a genuine active frontage. A large fire booster cabinet is provided on the Regent Street elevation and does not adequately integrate with the façade.

The Margaret Street facade includes a recessed secondary entry, which sits in an under croft of the podium. This fails to positively reinforce the street edge, would receive no natural light due to its orientation, and creates CPTED concerns for both residents and the public. The though site link facade also includes large areas of services with no entry point for activation.

The City recommends that these street frontages be redesigned to create safe and welcoming entrances with good passive surveillance, which positively contributes to the street. A more generous provision of retail area to the Regent Street frontage is also encouraged to increase genuine activation with increased floor to floor heights and glazing. An entrance point is recommended to be investigated on the through site link frontage to assist in activation of William Lane along with some food and beverage offering which has significantly more appealing acoustic environment away from traffic noise from the heavy traffic corridors of Regent Street and Gibbons Street.

f. Building Expression

The proposed development presents large expanses of tower to the south and north which are of plain paint finish walls. The site will be the terminating tower of the block, which transitions to much lower scale development to the south. Therefore, the southern tower walls will be highly visible from multiple long views for the long term and as proposed, do not demonstrate design excellence in architectural design. The building needs to architecturally address the corner, provide greater articulation, and propose improved materiality to the south and the possible incorporation of public art.

Similarly, the northern tower parapet and plant room wall treatment are a painted finish, which appear unintegrated with the tower and are not of high quality. The RCUDP skyline and rooftop design provisions regarding roof

mounted plant have not been satisfactorily addressed. The brick podium effectively acts as a screen to empty space behind it on levels 2 and 3, therefore, the design, depth, and detailing of this wall are key to delivering a good outcome adjacent the public domain.

The City recommends that an improved design, articulation, materiality and public art be considered to all south and north facing tower walls that are indicated as paint finish as well as to the paint finish walls at Levels 3 and 4. Further details is requested in the form of 1:20 wall sections and elevations detailing the brick and construction elements of the podium and screen. The quality, materiality and finishes of all ground level services is recommended to match the façade quality and not be the contrasting paint finish to the brick colour.

g. Signage

The RCUDP requires a signage strategy be prepared for the entire development.

The Regent Street podium signage is not supported as it is not in accordance with RCUDP 3.4.2 signage requirements. An under-awning sign would be supported which assists identifying the entry to pedestrians.

Two top of building signs are proposed which contribute to visual clutter. The William Lane signage is recommended to be removed as this will be partially blocked by the Gibbons Street towers. The colour of the proposed signage is not supported as it highly contrasts and is not sympathetic with the proposed colour palette.

2. Noise and Ventilation

There are conflicts in the information provided between the submitted Acoustic Report, prepared by Acoustic Logic and the Alternative Ventilation Solution Report, prepared by Vipac.

The Acoustic Report assumes that windows will be closed for all eastern and southern habitable rooms to meet the stated acoustic criteria while windows on the western facade will be opened to also meet the stated acoustic criteria.

However, the ventilation report is unclear about whether air conditioning is proposed and provides no summary of which rooms are proposed as alternatively ventilated in line with the acoustic report recommendations. The ventilation report does not provide sufficient detail on how air is supplied or how the design of the ducts is integrated into the design of building and its interface with the facade. These additional details are critical and could impact on the design and height of buildings that are already concerns raised for this development.

3. Landscaping and Tree Management

There are discrepancies in the submitted architectural plans, landscape plans, Arboricultural Impact Assessment Report and Environmental Wind Tunnel Test Report regarding trees and landscaping on the site.

The Arboricultural Impact Assessment Report, prepared by Urban Arbor, identifies one existing Platanus acerifolia (Plane) on Regent Street that will be impacted by

the proposal. It is proposed to be removed due to the proposed awning that would require up to 25% canopy removal.

The submitted architectural and landscape plans do not show the existing street tree. However, the Environmental Wind Tunnel Test Report, prepared by SLR, recommends the retention of all existing trees and planned trees to mitigate and reduce wind speeds.

The City does not support the removal of the street tree. It is in good health, condition, provides great amenity to the streetscape and forms part of an avenue planting along Regent Street. It is strongly advised that all plans be amended to show the mature size of the existing and proposed street tree species. This should then be used to inform the design of the elements such as awnings, furniture, footpath upgrades within the public domain to ensure that appropriate setbacks are provided from existing street trees to allow maturity of the trees to be achieved.

Six *Tristaniopsis laurina* (Water Gum) street trees are proposed on Margaret Street. Adequate spacing between the new street trees must be in accordance with the City's Sydney Street Tree Master Plan. Furthermore, consideration must be given to the proposed awning and future impacts to the street tree canopies. The proposed tree planting within the site appears clustered and does not give consideration to the future tree sizes and canopy spread that will likely result in poor outcomes.

The street trees on Council owned land must be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites. The protection and retention of all existing trees is a priority for the City of Sydney. Trees are long term assets that the community highly values. The proposed development and associated landscaping in the vicinity of trees, including street trees, has a high potential to impact in their health and structure. The City of Sydney Street Tree Master Plan includes general street tree protection measures and conditions that must be followed.

With regards to the landscaping on the proposed development, the accessible roof terraces are acceptable in principle, but require detailed designs to confirm the quality, soil depth and overall quality and viability of the detailed scheme. Detailed designs will also need to consider tree spacing and ensure all wind mitigation requirements are incorporated.

Some detailed landscape sections must also be provided to clarify the typical edge conditions, ensuring all planting is safely and easily accessible from within the roof terraces. Planting beyond a balustrade is strongly discouraged, particularly at these heights and at such windy conditions. In addition, some narrow planters are indicated to portions of the Level 2 perimeter. Further detail is required on this element including dimensions and the design intent.

The planted facade elements to the podium are annotated as being maintained from either within the building or by cherry pickers from the public domain. The latter option is not a certainty as a permit would be required, so maintenance from within the building must be demonstrated for this element to be supported.

4. Transport and Access

The proposal provides 102 bicycle parking spaces for students and customers. Whilst the City strongly recommends that the development provide 1 bicycle parking space per 2 beds (1 bicycle space per 2 students) in accordance with Sydney DCP 2012, the rate of 1 bicycle rate to 5 beds can be accepted given that the proposal does not provide any on-site car parking or motorcycle parking and importantly, having regard to the site's accessibility to active and public transport. It is expected that the shortfall of bicycle parking will be distributed among walking and public and transport. As such, the City recommends that a monitoring system be put in place for when the bicycle parking demand grows, additional facilities can also be provided.

All the servicing, waste collection, deliveries will be conducted within the adjacent building at 90-102 Regent Street with a single SRV for both the buildings. The loading dock is fitted with a turntable to ensure a forward in and forward out vehicle movement on William Lane. Loading and servicing is a big concern if it is to be carried out by a single SRV for 800 students within two building with retail uses. As discussed later in this submission, the waste management arrangement of 90-102 Regent Street will need to be resolved first before further consideration be made to development. A loading and service management plan will also need to be prepared for both sites. Whilst it is acknowledged that this plan can improve the efficiency and capability of loading and service requirements, the success of achieving these benefits will depend on strict compliance of the plan.

5. Public Domain

The existing public domain is in poor condition and is not to the City's standards. The new development will intensify use and increase pedestrian movement and as such, the public domain will need to be upgraded.

The proposed public domain upgrades on Regent Street and Margaret Street must comply with The Sydney Street Code 2020. The paving material and details must align with the Part D – The City Palette, so that the public footpaths can look and feel as public and distinguished from the private areas.

New street trees are strongly recommended on Regent Street. The statement of "no street trees proposed on Regent Street due to existing services" needs to be further demonstrated. The removal of the existing mature street tree on Regent Street is not supported, as detailed elsewhere in this submission. In addition to the kerb and gutter reconstruction and new footpath pavement on Regent and Margaret Streets, the improvement of the existing crossing on Margaret Street should be part of public domain upgrade works in this application. This includes the reconstruction of the kerb ramps, restoration of the cobb stone road pavement.

Public domain light upgrades are also required for this development and must be in accordance with the City's Sydney Streets Technical specification A5: Street Lighting Design and the relevant Australian Standards.

6. Waste Management

The proposed development seeks to carry out all loading and waste collection activities within the loading area of the adjacent student accommodation at 90-102 Regent Street. The City is currently reviewing the waste management

arrangements for the neighbouring property and it is strongly advised that its waste management issues need to be resolved first before consideration can be made to the servicing of subject site on the same loading dock.

Notwithstanding the above, the City has reviewed the proposed waste arrangement for the subject site and raises the following preliminary issues based on the information provided:

- Clear and separate waste storage areas for the commercial and residential aspects of the development have not been provided. A separate bulky waste storage for the commercial tenancy is also lacking.
- The City recommends that food waste must be stored within bins no larger than 240L. Larger bins will be too heavy to transfer, especially considering bins are proposed to be transferred to the neighbouring loading dock for collection.
- The proposed chutes do not comply with the chute room requirements and do not provide spare mobile garbage bins in case of chute failure. The City recommends that the proponent investigate chute rooms on all floors. If this cannot be rectified, the waste management plan must include procedures for managing bulk cardboard from residents as well as how the building will manage a chute failure as residents would not be able to access a waste area due to chute discharge.

7. Sustainability

The SEARs set out clear sustainability requirements to be addressed in the EIS as follows:

- *Demonstrate how future buildings will meet or exceed the relevant industry recognised building sustainability and environmental performance standards.*
- *Detail measures to be incorporated to reduce carbon emissions, reflecting the Government's goal of net zero emissions by 2050, and the consumption of resources, water (including through water sensitive design principles and water re-use) and energy.*
- *Estimate the likely greenhouse gas emissions from the development, including construction and operation, having regard to the Greenhouse Gas Protocol for Project Accounting, and measures to be incorporated to reduce greenhouse gas emissions*

The EIS and accompanying appendices do not address any of these matters in detail, nor has consideration been made to embodied emissions resulted from the construction and operation of the development.

Further, there are discrepancies with the information submitted regarding the development's photovoltaic system. The submitted architectural plans indicate solar panels to be located on the roof. However, the BASIX requirements of 40-kilowatt peak capacity will require approximately 280 square metres of roof area. This is confirmed in Vipac's Ventilation Report, that suggests 130 panels are needed. The Report also indicates that the development will house an on-site battery system to store renewable energy. The proposal must verify this intent and confirm that there is adequate roof area to accommodate the required solar

panels. The system size in kilowatt peak is defined by BASIX and is not negotiable. Accordingly, the exact system sizing and configuration of the required solar panels must be confirmed and depicted in the architectural plans.

Overall, the commitment and demonstration of sustainability is lacking. The City strongly recommends that the online 'Design for Environmental Performance Template' be completed for this development.

Should you wish to speak with a Council officer about the above, please contact Reinah Urqueza, Specialist Planner on 9265 9333 or at rurqueza@cityofsydney.nsw.gov.au

Yours sincerely,

Graham Jahn AM LFRAIA Hon FPIA
Director
City Planning I Development I Transport