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Simon Truong

From: Patrick Yuen <patrick@sme-accounting.com.au>
Sent: Wednesday, 4 February 2015 5:05 PM
To: Simon Truong
Subject: 60-78 Regent Street, Redfern Mixed Use Student Housing

Dear Simon,

After reviewing the application documentation, I believe State Significant Development 6724 at 60-78 Regent Street, Redfern should be refused development consent base on following findings:

1. Inadequate Setbacks
2. Over-Shadowing of existing buildings
3. Insufficient parking
4. Violation of existing building separations & Dramatic impact to privacy of 157 Redfern St and 7-9 Gibbons St

Many thanks for your consideration.

Regards,

Patrick Yuen
CPA & Registered Tax Agent
M 0411 787 435

SME Accounting Solutions

Simon Truong

From: Padraig Scollard <PScollard@sjb.com.au>
Sent: Friday, 6 February 2015 5:47 PM
To: Simon Truong
Cc: Alison McCabe; File; Joanne McGuinness
Subject: RE: SSD 14_6724 6-0-78 - Regent Street, Redfern (SJB7241C)
Attachments: 7241C_3.1_L001_Submission_Final_150206.pdf

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Dear Simon,

On behalf of Alison McCabe, please find attached submission in regard to State Significant Development 6724 for No. 60 – 78 Regent Street, Redfern.

Should you have any questions or queries, please do not hesitate to contact Alison or myself on (02) 9380 9911 or by email at amccabe@sjb.com.au or pscollard@sjb.com.au.

Kind regards,

Padraig Scollard
Assistant Planner



SJB Planning
Level 2, 490 Crown Street
Surry Hills NSW 2010 Australia
www.sjb.com.au
T: +612 9380 9911
F: +612 9380 9922

From: Simon Truong [<mailto:Simon.Truong@planning.nsw.gov.au>]
Sent: Friday, 30 January 2015 9:31 AM
To: Joanne McGuinness
Cc: Padraig Scollard
Subject: RE: SSD 14_6724 6-0-78 - Regent Street, Redfern

Dear Joanne,

Your extension request to provide comments by 6 February is granted. Please provide comments no later than this date.

Regards

Simon Truong|Senior Planning Officer|Industry, Key Sites and Social Projects|NSW Department of Planning and Environment www.planning.nsw.gov.au

Room 303, 23 - 33 Bridge Street, NSW SYDNEY 2000|GPO Box 39 SYDNEY NSW 2001|☎: 02 9228 6457|✉:simon.truong@planning.nsw.gov.au

From: Joanne McGuinness [<mailto:JMcGuinness@sjb.com.au>]
Sent: Thursday, 29 January 2015 4:28 PM
To: Simon Truong
Cc: Padraig Scollard
Subject: SSD 14_6724 6-0-78 - Regent Street, Redfern

Simon,

SJB Planning has been requested to review the EIS and prepare a submission on behalf of an adjoining property owner. We understand the exhibition period concludes on 2 February 2015.

We only became aware of the EIS last night and would greatly appreciate an extension to the submission period until the end of next week – Friday 6 February 2015.

Kind regards

Joanne McGuinness
Senior Planner



SJB Planning
Level 2, 490 Crown Street
Surry Hills NSW 2010 Australia
www.sjb.com.au
T: +612 9380 9911
F: +612 9380 9922

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SJB Planning



Department of Planning and Environment
23 – 33 Bridge Street
Sydney NSW 2000

Attention: Simon Truong

6 February 2015

Re: State Significant Development 6724 – 60 – 78 Regent Street, Redfern

Dear Simon,

SJB Planning has been engaged by the owner of No. 80 – 88 Regent Street, Redfern to review the State Significant Development (SSD) application No. 6724 for the proposed student accommodation at No. 60 – 78 Regent Street, Redfern.

We have undertaken an assessment of the SSD against the relevant strategies, environmental planning instruments, policies and guidelines applying to the site, in particular the State Environmental Planning Policy Major Development (SEPP MD) and State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65).

It is noted that the proposal does not comply with some of the key controls, namely the setback to the eighteen (18) storey height limit from Regent Street. Our client seeks reassurance that the non-compliances will not impact on the future development potential of the site at No. 80 – 88 Regent Street in relation to the achievement of solar access and provision of appropriate building separation distances. Non-compliance with the key controls should be considered within the context of the entire street block and potentially the block to the south.

This is important for ensuring that the proposal does not prejudice future development potential on adjoining sites as a result of non-compliances with planning controls and an equitable outcome is achieved on the subject site and adjoining sites.

We thank you for your consideration in the matter. Should you wish to discuss any aspect of the information provided, please do not hesitate to contact me on (02) 9380 9911 or by email at amccabe@sjb.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alison McCabe'.

Alison McCabe
Director

7241C_3.1_L001_Submission_Final_150206

L2/490 Crown St, Surry Hills
Sydney NSW 2010

planning@sjb.com.au
sjb.com.au

T 61 2 9380 9911
F 61 2 9380 9922

SJB Planning (NSW) Pty Ltd ACN 112 509 501

Submission to SSD 6723 – 60 – 78 Regent Street, Redfern

1.0 Site and Context

No. 60 – 78 Regent Street, Redfern, the subject of the SSD application, is located approximately 110m to the south-east of the Redfern Railway Station (refer to Figure 1).

The site is irregular in shape, has a total area of 1,427.5m² and fronts onto Regent Street and William Lane. The site is comprised of ten (10) adjoining lots, containing a row of traditional two (2) storey shop fronts with ground level retail and housing and office premises on the upper floor levels.

To the west of the site are two (2) recently completed eighteen (18) storey residential flat buildings that front onto Gibbons Street.

Our client's site is located directly south of the subject site at No. 80 – 88 Regent Street.



Figure 1: Locality photograph (site identified by red outline) (Source: SIX Maps)

2.0 Proposal

The application lodged with the Department of Planning and Environment (DP&E) seeks consent for a mixed use student accommodation development.

The proposal involves the construction of an eighteen (18) storey building which includes the following elements:

- Partial retention of Regent Street facades and demolition of existing buildings within the site;
- Accommodation for 370 students within 134 units;

- Communal student facilities;
- Total gross floor area of student accommodation and ancillary facilities of 9,094m²; and
- Ground floor retail and commercial tenancies with a total gross floor area of 791m²;

3.0 Planning Policy Framework

The relevant planning policies applying to the proposal, which have been considered in the preparation of this submission are as follows:

- Major Development (2005) SEPP;
- SEPP 65 – Design Quality of Residential Flat Buildings (SEPP 65) and the Residential Flat Design Code (RFDC); and
- The Draft Urban Design Principles – Redfern Centre.

3.1 Major Development (2005) SEPP

The site is located with the Redfern – Waterloo Authority Site, which is identified as a State Significant Site under the Major Development SEPP (SEPP MD).

The site is zoned 'Zone E – Business – Commercial Core' in accordance with SEPP MD. Student accommodation, retail and commercial premises are permitted with consent in this zone.

The site is subject to a maximum Floor Space Ratio (FSR) of 7:1 under SEPP MD. The site area is 1,427.5m², as per the submitted survey plan. The Environmental Impact Statement submitted with the DA indicates that the proposal has a gross floor area of 9,885m², which equates to a FSR of 6.92:1.

The SEPP MD establishes two (2) height controls for the site: a maximum building height of eighteen (18) storeys and a two (2) storey height limit along Regent Street. The eighteen (18) storey height limit is to be setback 8m from the street boundary. The proposed tower generally complies with the eighteen (18) storey building height limit. However, the tower encroaches into the two (2) storey zone by 5m, with a setback of only 3m to Regent Street.

The SEPP 1 variation submitted with the application states that the proposal remains consistent with the objectives of the tower setback despite the variation for the following reasons:

- The existing street edge and retail terrace facades, which have character within the Redfern Centre, will be retained and maintain the consistency of the street edge at the ground plane; and
- The presentation of the existing facades will maintain the scale and architectural proportions of these shopfronts to Regent Street.

While in principle, we do not object to this reasoning, it is essential that the variation does not diminish the development potential of No. 80 – 88 Regent Street, particularly in terms of ensuring adequate solar access to apartments proposed as part of any future application. Furthermore, the variation to the tower setback controls should be considered within the context of the entire block, including No. 80 – 88 Regent Street, and potentially the block to the south to ensure a consistent built form response along this section of Regent Street. This is also important for ensuring an equitable distribution of built form across SEPP MD sites bounded by Regent Street and Gibbons Street.

In regard should the proposed development under SSD 6723 it is rational that consideration be given to applying a reduced tower setback along Regent Street for future proposals within the sites subject to SEPP MD provisions.

3.2 SEPP 65 Design Quality of Residential Flat Buildings

SEPP 65 requires the consent authority to take into consideration the Residential Flat Design Code (RFDC) when determining a development application for a residential flat building. It is noted that the EIS submitted with the application indicates that as the student accommodation does not constitute self-contained dwellings the proposal is not a residential flat building for the purposes of SEPP 65. Notwithstanding, an assessment of the key provisions of the RFDC, in terms of the potential impacts of the proposal on the development potential of No. 80 – 88 Regent Street be provided below.

Residential Flat Design Code

Building Separation

The RFDC applies the following building separation distances for residential flat buildings nine (9) storeys and above.

- Nine storeys and above/ over 25 metres
 - 24 metres between habitable rooms/balconies;
 - 18 metres between habitable rooms/balconies and non-habitable rooms; and
 - 12 metres between non-habitable rooms.

The tower element of the proposed development under SSD 6723 provides a separation distance of 5.24m to 7.14m to the boundary of No. 80 – 88 Regent Street. Again, it is critical that the proposed setback/separation distance does not prejudice the development potential of No. 80 – 88 Regent Street by requiring the achievement of greater separation distances. Separation distances should be shared equitably between adjoining sites.

Daylight Access

As a 'Rule of Thumb' the RFDC establishes the following requirement in regard to daylight access:

- Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.

Again as previously noted, variations to the controls should not compromise the development of No. 80 – 88 Regent Street in terms of ensuring appropriate daylight access and amenity to apartments within any future proposed residential flat building.

3.3 Draft Urban Design Principles – Redfern Centre

The Draft Urban Design Principles for the Redfern Centre (Draft UDP) provides further guidance around the building height controls contained within SEPP MD. It also adopts key principles and provisions contained within the RFDC.

The key provisions which have already been discussed include an 8m tower setback to Regent Street and a separation distance of 18m for residential flat buildings above eight (8) storeys.

The proposed variations to these controls need to be considered within the context of the entire block. This is necessary to ensure the development potential of adjoining sites, including No. 80 – 88 Regent Street, is not prejudiced by the subject development proposal. It requires a consistent application of variations to controls and equitable distribution of development capacity across the sites and a consistent built form along Regent Street.

4.0 Conclusion

Upon a detailed review of the submitted SSD and an assessment of the proposal against the provisions of the relevant strategies, environmental planning instruments, policies and guidelines applying to the site, it can be concluded that the proposed development may impact upon the development potential of No. 80 – 88 Regent Street.

The potential impacts arise from non-compliance with the key controls and relate to tower setbacks, solar access and building separation. While the grounds for the non-compliances may have some merit, it is critical that the opportunity for our client to redevelop their site at No. 80 – 88 Regent Street is not prejudiced as a result of these non-compliances.

The controls, in particular the reduced tower setback, need to be considered within the context of the entire street block to ensure an equitable development outcome and consistent built form.

L2/490 Crown St, Surry Hills
Sydney NSW 2010

planning@sjb.com.au
sjb.com.au

T 61 2 9380 9911
F 61 2 9380 9922

(120)

Simon Truong

From: David Rippingill <davidrippingill@designcollaborative.com.au>
Sent: Friday, 6 February 2015 4:30 PM
To: Simon Truong
Cc: James Lidis; andrew@netstrata.com.au
Subject: Submission to SSD 6724 - 60-78 Regent Street, Redfern
Attachments: 140525.1L.pdf; 140525.1L - Attachement 1 Site Visit Photos.pdf; 140525.1L - Attachment 2 - 157 Redfern Street - Approved Plans.pdf

Simon,

As foreshadowed last week please find attached our submission prepared on behalf of the adjoining property located at 157 Redfern Street, Redfern.

If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,



David Rippingill
Design Collaborative

Level 3 225 Clarence St Sydney NSW 2000
Ph: (02) 9262 3200
Fax: (02) 9262 3601



DESIGN COLLABORATIVE Pty Limited

ABN 36 002 126 954
ACN 002 126 954

Planning and Development Consultants

www.designcollaborative.com.au

Director
J Lidis
BTP (UNSW)
MPIA CPP

Consultants
G W Smith
BSurv(QLD)
MCP(MIT) MIS
FPIA MRTPI FAPI

H M Sanders
MPhil(Lon)
MSc(Rdg)
FPIA MRTPI

120

5 February 2015
Ref: 140525.1L

NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Simon Truong

Re: Submission – SSD 6724-2014, 60-78 Regent Street, Redfern

Introduction

We have been retained by the owners and occupiers of Strata Plan 86509 (*our client*) located at 157 Redfern Street, Redfern to review State Significant Development 6724 (*the Application*) at 60-78 Regent Street, Redfern (*the subject site*).

After reviewing the application documentation, the relevant planning controls and undertaking an inspection of the existing views and outlook from apartments 5.06, 12.06, 16.06 and 17.06 it is considered that the Application would have a significant adverse impact on the amenity of our client's property, surrounding area and future redevelopment of surrounding properties. These impacts are directly attributable to the non-compliance with the planning controls with respect to setbacks, building height and general matters of good design such as the location of noise intensive activities, traffic conflicts and site isolation.

It is our view that the Application requires significant redesign in order to satisfactorily reduce the level of anticipated adverse impact arising out of the above issues. Absent of any meaningful changes, the Application must be determined for refusal.

Context

Our client is Strata Plan 86509 which is located directly to the west of the subject site. Those apartments that would be affected by the Application are those that face east toward the subject site. We have had the benefit of a site visit to a range of apartments as noted above, which span the building from the lowest to the highest residential dwelling unit.

All of our client's units have prime habitable living areas that face east, including balconies, living areas and kitchens that would be directly affected as a result of any non-compliance. Photos from those dwellings are **enclosed**.

Approved plans from our client's property are **enclosed** (*the Nordon Jago Plans*) which illustrate existing boundary setbacks and location of living areas and balconies toward the subject site.

Impact of the Proposal

The areas of concern to our client and based on our review of the subject application are directly attributable to non-compliance with the planning controls with respect to setbacks, building height resulting in bulk and scale issues, visual privacy and reduced outlook and poor design regarding service and communal open space locations.

The documentation, primarily the Environmental Impact Statement (*the EIS*), makes a number of incorrect assertions seeking to explain the reason behind the non-compliant setbacks and height which in our view are unsatisfactory. The non-compliance will result in adverse impacts to our client's property with significantly reduced privacy and outlook which will detrimentally affect the amenity of those dwellings and the amenity of the public domain.

A more skilful design or an expanded development site that does not isolate the adjoining properties would allow a better, more compliant building.

Compliance with Controls

The controls for the subject site are found within the Redfern Centre Urban Design Guidelines (*the Design Guidelines*) that were adopted by the Minister for Planning and Infrastructure following their exhibition in 2010.

1. Setbacks

Control 4.2 of the Design Guidelines provides the design principles for high rise development. The relevant controls for setbacks are provided on page 24 of the Design Guidelines.

It states that SEPP 65 has been used as a reference for separation of residential buildings. It then states that the separation distance between ***non-habitable rooms*** is to be:

- (a) 13 metres for buildings below eight (8) storeys; and
- (b) 18 metres for buildings above eight (8) storeys.

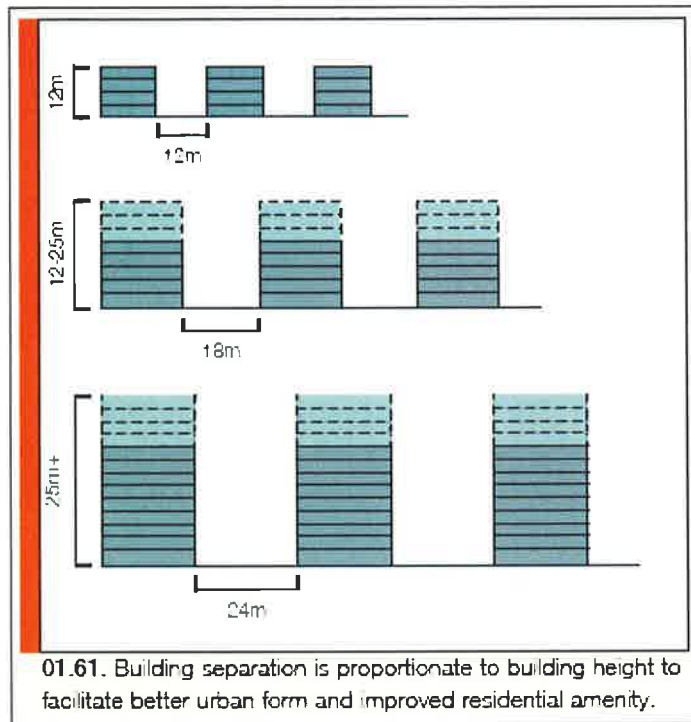
The Application seeks to provide a minimum 13 metre setback at all levels of the proposed development between habitable rooms of the proposed development and our client's building and so does not comply with the above minimum setback requirements.

The setback between our client's site and the subject site varies between 13 metres toward the centre of the site and upwards of 20 metres at its northern and southern boundaries. It is therefore evident that there is sufficient space on the site for improvement with respect to setbacks.

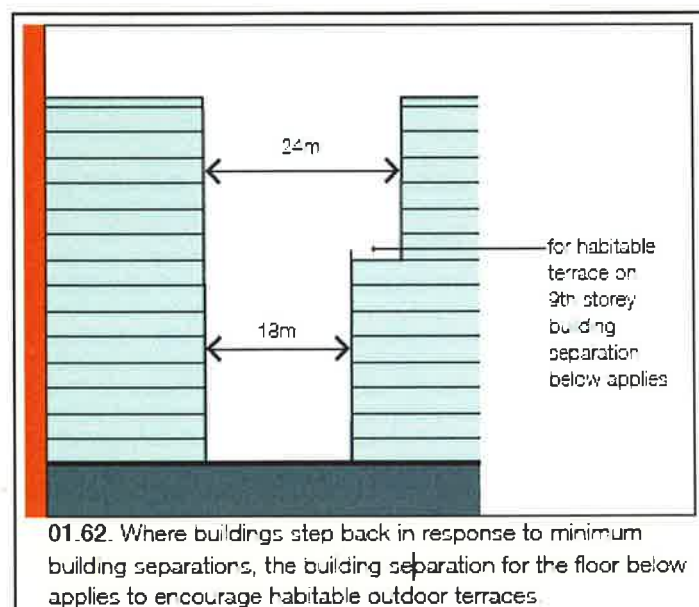
It is further noted that the Design Guidelines do not provide a minimum level of separation between ***habitable rooms*** and so it is considered appropriate to review the SEPP 65

Residential Flat Design Code (RFDC), as it is stated in the Design Guidelines as having been used as a reference for separation between residential buildings.

The RFDC requires less separation for smaller buildings and greater separation for taller buildings; viz:



It does however permit stepping back of the upper floors, so lesser setbacks for the lower floors and greater setbacks for the upper floors; viz:



The Application does not comply with any of the above controls, in particular, not even the minimum setbacks for separation between **non-habitable** spaces above eight (8) storeys provided in the Design Guidelines of 18 metres.

The obvious effect of the non-compliance is a significant loss of privacy and sense of enclosure for the residents that front east from our client's property.

It is our further opinion that the non-compliance is a result of poor design as opposed to any issue such as site constraints, as is stated in the Applicant's EIS. On page 53 it is stated that it is not possible to meet the setback controls due to the "failure" of our client's site to provide 50% of the required setbacks and that doing so would make the SSD 6724 unfeasible. That is manifestly wrong when the development at its northern and southern extremities has been able to provide more substantial setbacks and the Nordon Jago Plans demonstrate the provision of adequate boundary setbacks on our client's property. Furthermore, the Applicant seeks to rely on a requirement to provide a six (6) metre setback to the southern undeveloped properties to rationalise the non-compliant setback to our client's property. That is illogical reasoning, particularly, where side boundaries offer a lesser potential for adverse visual privacy impacts.

Enclosed with this letter are floor plans of our client's property, previously approved as a State Significant Development which we obtained through the Department of Planning's (*the Department's*) website. It clearly shows that our client's property provides setbacks to its boundary of between:

- On Level 5: Five and a half metres from the balcony edge and 11 metres to the building; and
- On the upper levels: 7-10 metres from balcony edges and 10-11 metres to the building.

If the subject development was to provide setbacks to the habitable rooms of our client's building that reflect that provided by SP 86509, that would almost double the setback presently proposed and substantially lessen the privacy impacts of the proposed development.

It is considered that in its present form the Application cannot be approved due to adverse privacy impacts that would result from insufficient setbacks.

It is further noted that due to the density of the student accommodation proposed, that the propensity for adverse privacy impacts is greatly intensified as a result of the larger number of windows and study desks proposed to front toward our client's property. A less intensive land use, such as residential accommodation, would have more moderate, but nonetheless, unacceptable level of impact.

In addition to the view impacts, the closeness of the proposed building will adversely impact on the outlook and thereby the internal amenity of our client's habitable areas and private open space areas through a greater sense of enclosure than is necessary.

In support of the above we refer to the recent State Significant Development (5249) assessment of TNT Towers at 1 Lawson Square and the assessment of the State Significant Development (0039) at our client's site of 157 Redfern Street.

The TNT Towers report on page 27 made an assessment of the separation to our client's building. It concluded that whilst the level of separation was some three (3) metres less than the desired control, that reduction had no impact upon privacy and so was acceptable.

The report for our client's site considered the reduced setback between it and (the concurrently proposed) development at 7-9 Gibbons Street to the south. It noted that due to the fact that the development at 7-9 Gibbons did not include windows or balconies to the north, that it would be appropriate to apply the 18 metre separation requirement between non-habitable spaces, as opposed to the 24 metre separation between habitable spaces.

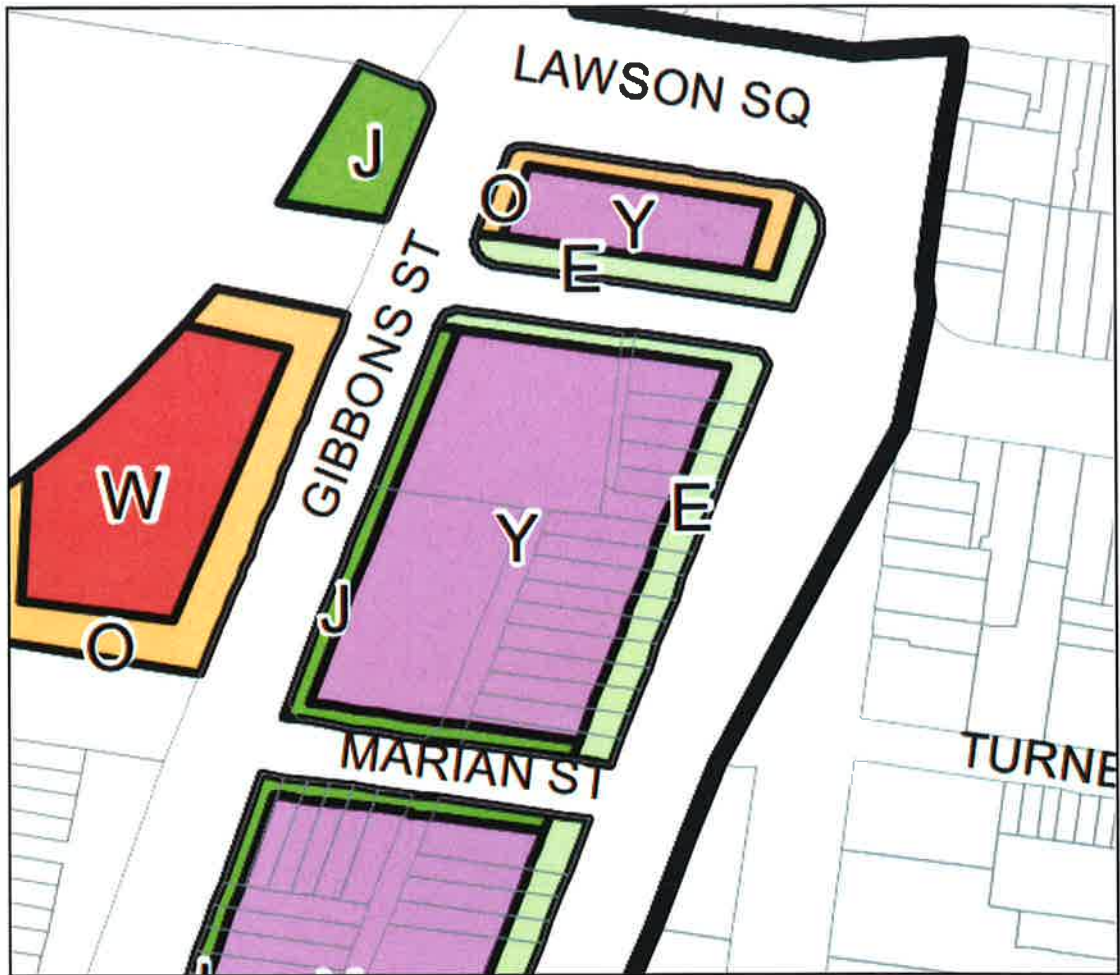
The report also considered varying the 18 metre setback to a reduced setback of six (6) metres to the southern building. That was only considered acceptable because there would be no adverse privacy impacts and because it was necessary to assist the development in proceeding feasibly. The same circumstances do not apply to the subject Application. It will result in adverse privacy impacts that in our view arise primarily from poor design.

An improved design would reduce impacts and assist the development in proceeding feasibly. It is inappropriate for feasibility of the Application to be borrowed against the adequate setbacks provided by our client's building and which would result in adverse privacy impacts.

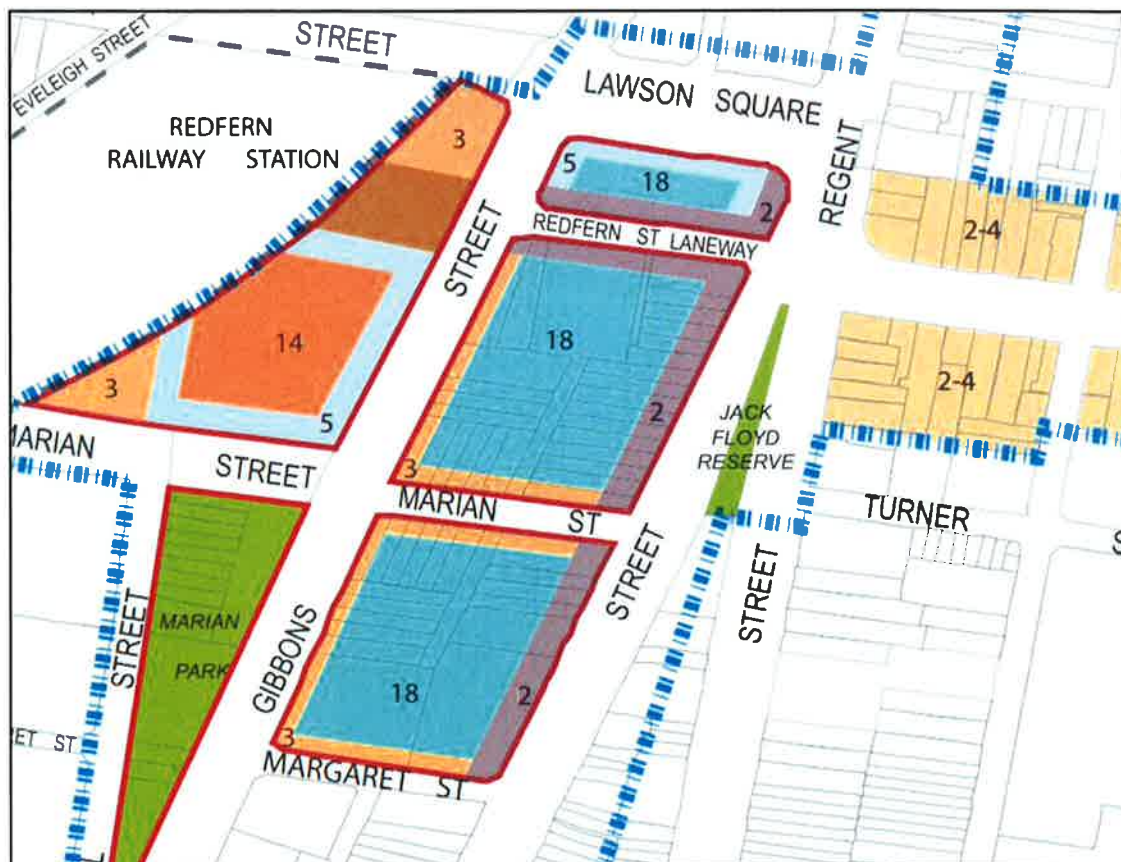
2. Height

The maximum height of the building complies with the maximum permitted below indicated by Y below as 18 storeys. The letter E represents a maximum height of two (2) storeys and, more relevantly, for a setback of eight (8) metres from the boundary to Redfern Street. This is to lessen the impact of a building constructed to the allowable height of 18 stories so as not to adversely impact on the pedestrian environment. Higher buildings built to the boundary reduce amenity of pedestrian areas by giving a perception of enclosure. Setbacks assist in providing the perception of openness to the pedestrian environment.

The Applicant seeks to provide a three (3) metre setback to Redfern Street. That is considered an unacceptably low setback for an 18 storey building, having regard to the context of the surrounding area which, predominantly to the east, is two-four storeys in height. The Applicant seeks to dispense with this requirement and has submitted an objection pursuant to *State Environmental Planning Policy No. 1 (SEPP 1)*.



The control is also repeated in the Design Guidelines and so should be given significant weight in that the same control is reinforced as a development standard and in a development control plan.



The Applicant seeks to take advantage of the maximum height but not provide the required setback to maintain (or mitigate the impact on) the existing level of amenity afforded to pedestrians and users of the public domain.

In our view this could lead to an unacceptable precedent where the remaining buildings to be developed to the south likewise seek to dispense with the requirement to provide a setback to Redfern Street, thus undermining the controls and resulting in adverse impact on the pedestrian public domain.

Precedent is a relevant town planning consideration where the result would be unacceptable and any precedent that follows would likewise be unacceptable (see *Goldin & Anor v Minister for Transport Administering the Ports Corporation and Waterways Management Act 1995* [2002] NSWLEC 75). In our view, the considerations in this case apply to the subject development application.

The SEPP 1 objection is founded on the basis that they seek to retain the existing facades to Regent Street, and on that basis, a three (3) metre setback is just as acceptable as an eight (8) setback.

Evidently an eight (8) metre setback and the retention of the façades could be achieved simultaneously. There is limited and superficial discussion about the merits of the change and the impact on the public domain, which is unsatisfactory. The SEPP 1 objection is therefore not well-founded and the Application must therefore be refused on this basis alone.

Overshadowing

The Shadow Diagrams enclosed with the Design Report demonstrate that the proposed development would eliminate the remaining remnant of solar access to those dwellings on our client's site located on its south-eastern corner. Solar access is presently only available during the early morning period prior to approximately 11am during the summer solstice and equinox. The Application would appear to eliminate that remaining solar access for those dwellings.

Limited information has been provided in order to assess that impact. In particular, more detailed overshadowing elevation diagrams have been prepared for 7-9 Gibbons Street but not for our client's property. Neither has sufficient information been provided to conclude whether the impact arises out of necessity or poor design, having regard to the Planning Principle for solar access found in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082, and in particular where it is said: "Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours." [emphasis added].

It has been identified above that impacts regarding visual privacy have arisen out of poor design. Impacts arising from poor design may therefore extend to impacts on solar access.

The Applicant must provide additional information in order to demonstrate whether the elimination of the remnant solar access to our client's property is reasonable. Based on the information presently available it could not be concluded that the impact on solar access is reasonable and so must be refused on that basis.

Parking and Transport Conflicts

The Application seeks to have all servicing from William Lane, in a position perpendicular to where our client's building contains its servicing and car parking entry.

There is concern regarding the propensity for frequent vehicle movements in the loading area for the coming and going of students as they move in and out of the building. It is however noted that the Operations Plan states that all furniture is provided for students of the building.

If the Application can be modified sufficiently so as to overcome the concerns expressed above with respect to setbacks and height sufficient to warrant approval, then we would expect that a condition of consent be imposed reflecting the Operation Plan that all necessary furniture such as beds, desks, fridges and so on that would require to be delivered via the dock be provided by the operator and that all residents are prohibited from utilising the loading dock for any reason.

In addition to the above we note that there is gated entry to William Lane which suggests access for students on bikes. We recommend that the security gate be deleted and that all bike traffic is required to be walked through the main building entry on Redfern Street.

The location of the gate adjoins directly to our client's car park entry and poses significant risk not to our client, but to the health and safety of the proposed students. As cars enter and leave our client's site those bikes leaving through the rear security gate would not be readily visible upon leaving the car park or on approach to it down William Lane. This has the potential for bike and vehicle collisions.

Proposed Courtyard

The Application proposes a 93sqm outdoor courtyard area. It is one level below our client's nearest residential receiver. The potential for that area to impact on our client's site has not been included in any of the documents.

The Acoustic Report submitted with the Application makes an assessment of outdoor areas comprising the BBQ and terrace area proposed to Regent Street but is silent on the potential impact of the courtyard adjoining our client's site. An assessment of that area must be undertaken and demonstrate no adverse impact before the Application can be determined.

The Landscaping Plan for this area shows it to be astro-turfed and line marked. It is clearly proposed to be used for ball games. The Acoustic Report must be revised to incorporate an assessment based on the use of the 93sqm ball games area, as it would appear to be intended to be used. Such an assessment must include the use very loud voices and intermittent shouting and yelling which must be anticipated as being likely for a games area. We would expect recommendations arising from such an assessment to limit the total maximum number of persons permitted to enter that area and whether music will be permitted and the maximum volume of any music if it can be provided without adversely impacting upon our client's building.

Further to the above, we note no assessment has been made on the potential for light spill to our client's building. If the area is to be used for ball games this will require the use of flood lighting during the evening. That has the potential to adversely impact upon the amenity of our client's property in the evening and late at night, and particularly, for those apartments that have master bedrooms located adjacent to this area. An assessment on the impact of any lighting in this area against Australian Standard 4282 '*Control of the Obtrusive Effects of Outdoor Lighting*' needs to be included with the Application before it can be determined.

Laneway

An unnamed Laneway runs along the western boundary of the subject site from Redfern Street Laneway. The Applicant proposes to install a locked gate at its northern extremity close to its boundary. Inside the locked area, the laneway will be used to provide private seating for the retail land uses proposed to front Regent Street.

This is quite clearly a private grab for public land that is not in the public interest and the gateway must be deleted from the Application.

Surrounding Redevelopment and Design Excellence

The potential impact of the application on our client's site must be considered in the context of surrounding redevelopment. Relevantly, TNT Towers at 1 Lawson Square have recently

been granted approval for redevelopment that includes widening of the towers which will narrow an existing vista to the north available to our clients.

To the south, the remaining block will likely be redeveloped in the future which will further enclose our client's site and that to its south at 7-9 Gibbons Street. The proposed Application will isolate a single site to the north at 56-58 Regent Street and will limit development potential to the south between 80-88 Regent Street.

Immediately east, the subject site will limit our client's outlook and result in adverse privacy impacts.

The above constraints must be considered in conjunction with the non-compliances with respect to height and setbacks. The Applicant has opted not to undergo a competitive design process in order to obtain the best possible development. In our view, such a process is warranted given the site constraints and impacts of the present Application to ensure that the development provided is one that meets the relevant objectives of Design Excellence, found in *Sydney Local Environmental Plan 2012*, cl. 6.21; viz:

- (4) *In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
 - (c) *whether the proposed development detrimentally impacts on view corridors,*
 - (d) *how the proposed development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *the existing and proposed uses and use mix,*
 - (iii) *any heritage issues and streetscape constraints,*
 - (iv) *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *the bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*
 - (x) *the impact on, and any proposed improvements to, the public domain,*
 - (xi) *the impact on any special character area,*

- (xii) *achieving appropriate interfaces at ground level between the building and the public domain,*
- (xiii) *excellence and integration of landscape design.*[emphasis added]

In our view, given the proposed building height, site constraints and likely future surrounding development, the most appropriate way forward is a competitive design process to ensure that a range of options are considered that will result in a positive addition to the built environment.

Further to the above, regarding the potential for future development, the Applicant has not provided any information that would allow for an assessment regarding site isolation, in particular, having regard to the northern extremity of the block for the property 56-58 Regent Street which would become completely isolated. Such an assessment is considered warranted, as is detailed in the relevant Land and Environment Court Planning Principle for site isolation *Karravellas v Sutherland Council* [2004] NSWLEC 251.

It is considered that redevelopment of the southern sites should be considered in any application for redevelopment of those remaining properties that run along Regent Street to ensure a consistent street front for the benefit of the public domain and to maximise the available site area in order to reduce potential and likely impacts to the existing residential developments to the east that comprise our client's site and 7-9 Gibbons Street to its south.

Conclusion

Based on the above, we have concluded that State Significant Development 6724 should be refused development consent.

We have formed the view that the proposed development will have significant adverse impacts on our client's visual privacy and outlook directly attributable to the non-compliance with the setback controls found in the relevant Design Guidelines. It is also our view that the proposed three (3) metre setback to Redfern Street for the proposed 18 storey building will have significant adverse impacts upon the public domain and is not appropriately supported by a well-founded SEPP 1 objection. On that basis, determination other than by refusal is not permitted under the EP&A Act.

Other matters we have identified can be resolved through the provision of additional documentation or conditions of consent.

We would be pleased to discuss the above matters further if required. In the meantime, we look forward to being kept informed of progress on the processing of this application.

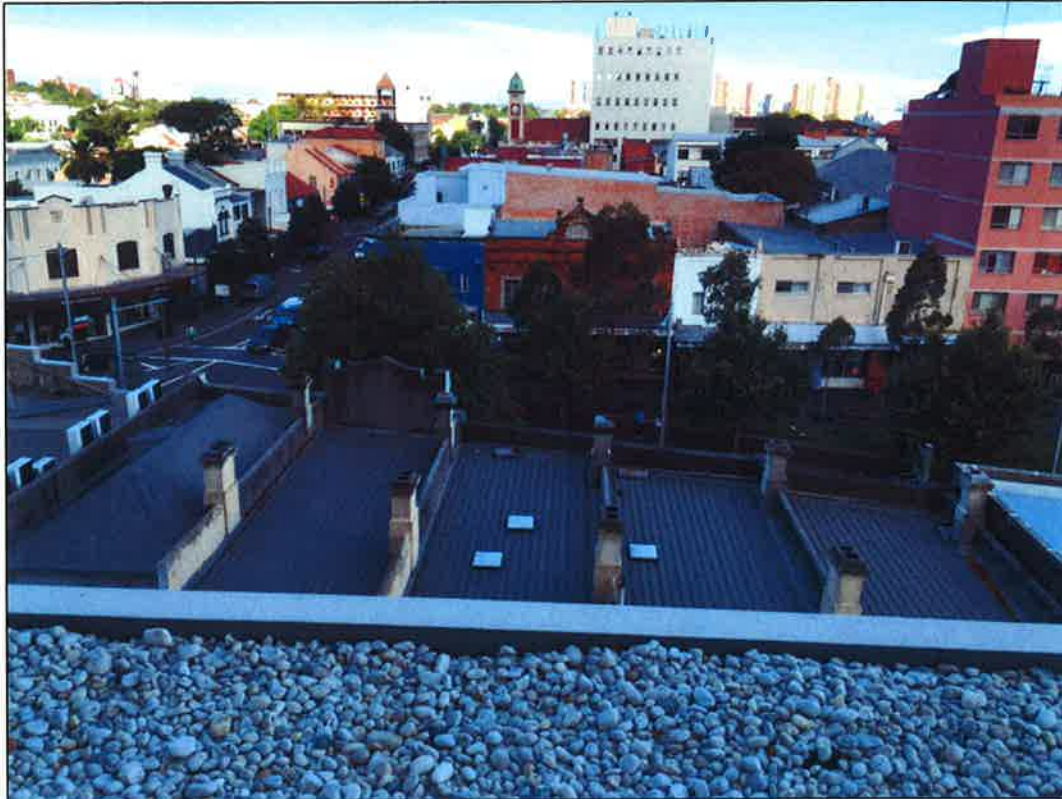
We also invite the assessing officer and the decision makers with respect to this matter to attend on-site to see first-hand the impact of the proposal before any reports or decision is made with respect to the application. Our office can be contacted to assist with making those arrangements.

Should you have any enquiries with respect to the above please do not hesitate to contact us to discuss.

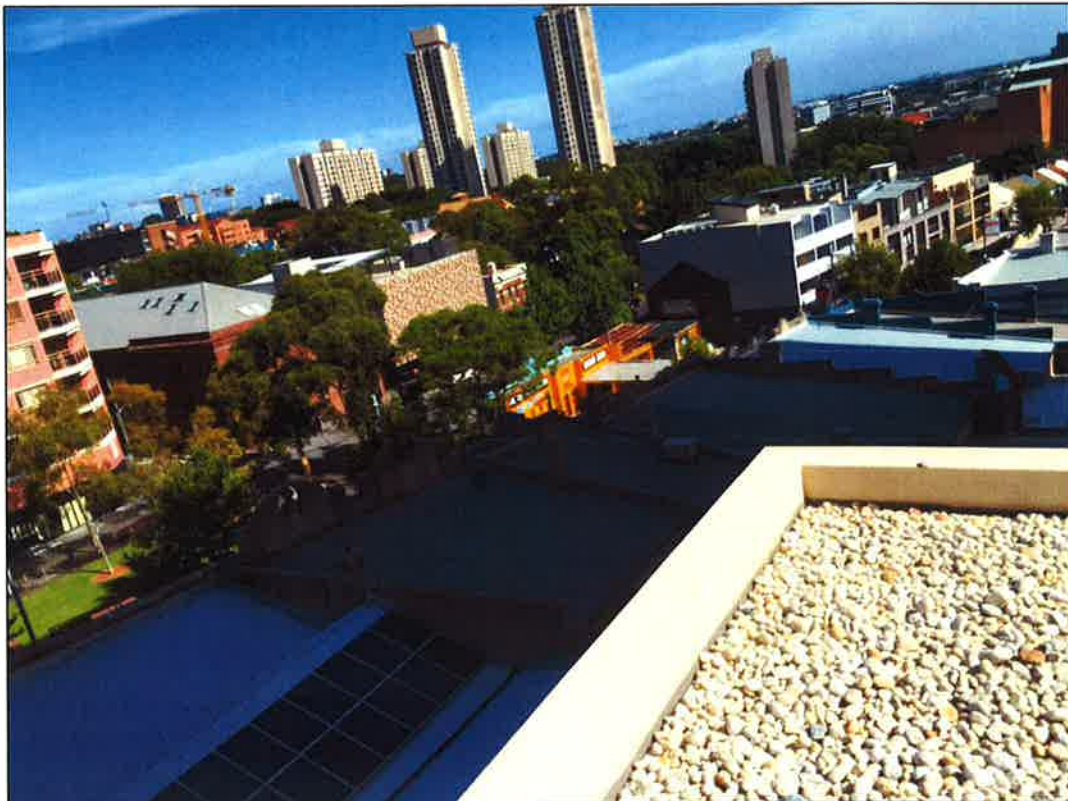
Yours faithfully,
DESIGN COLLABORATIVE PTY LTD

A handwritten signature in dark ink, appearing to read 'James Lidis', with a long horizontal stroke extending to the right.

James Lidis
Director



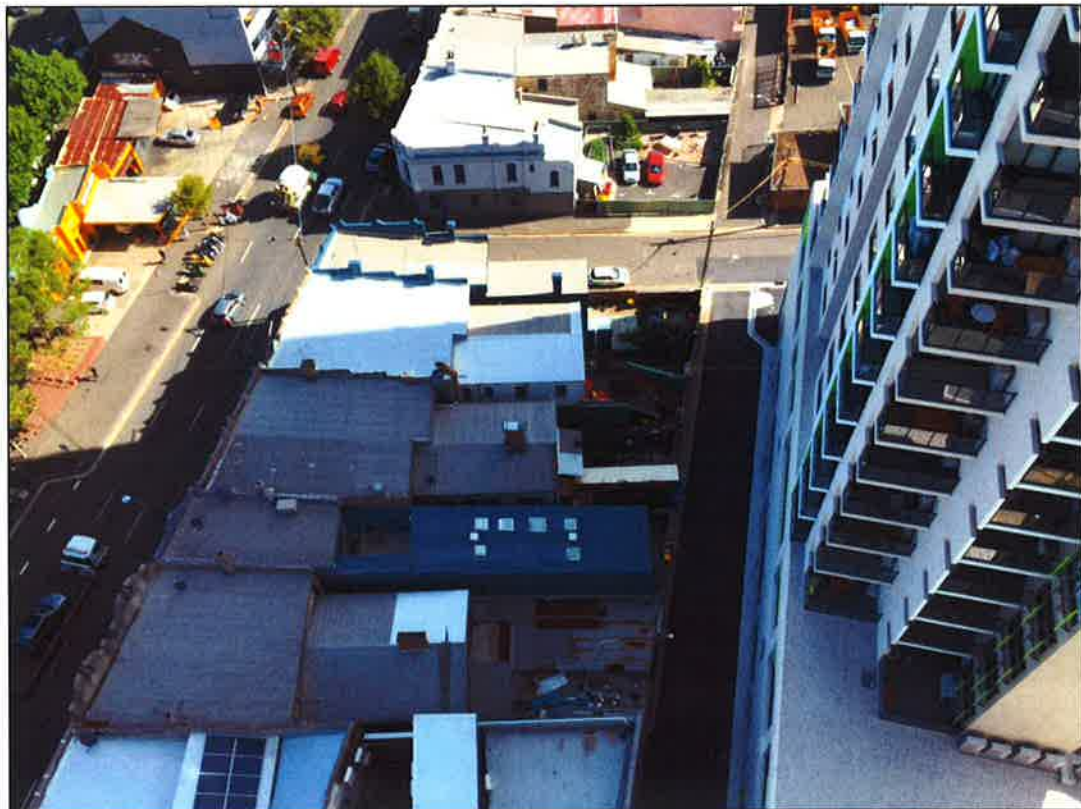
View of development site from Unit 5.06.



View of proposed courtyard area from Unit 5.06.



View of development site from Unit 12.06



View of proposed courtyard area in relation to 7-9 Gibbons Street.



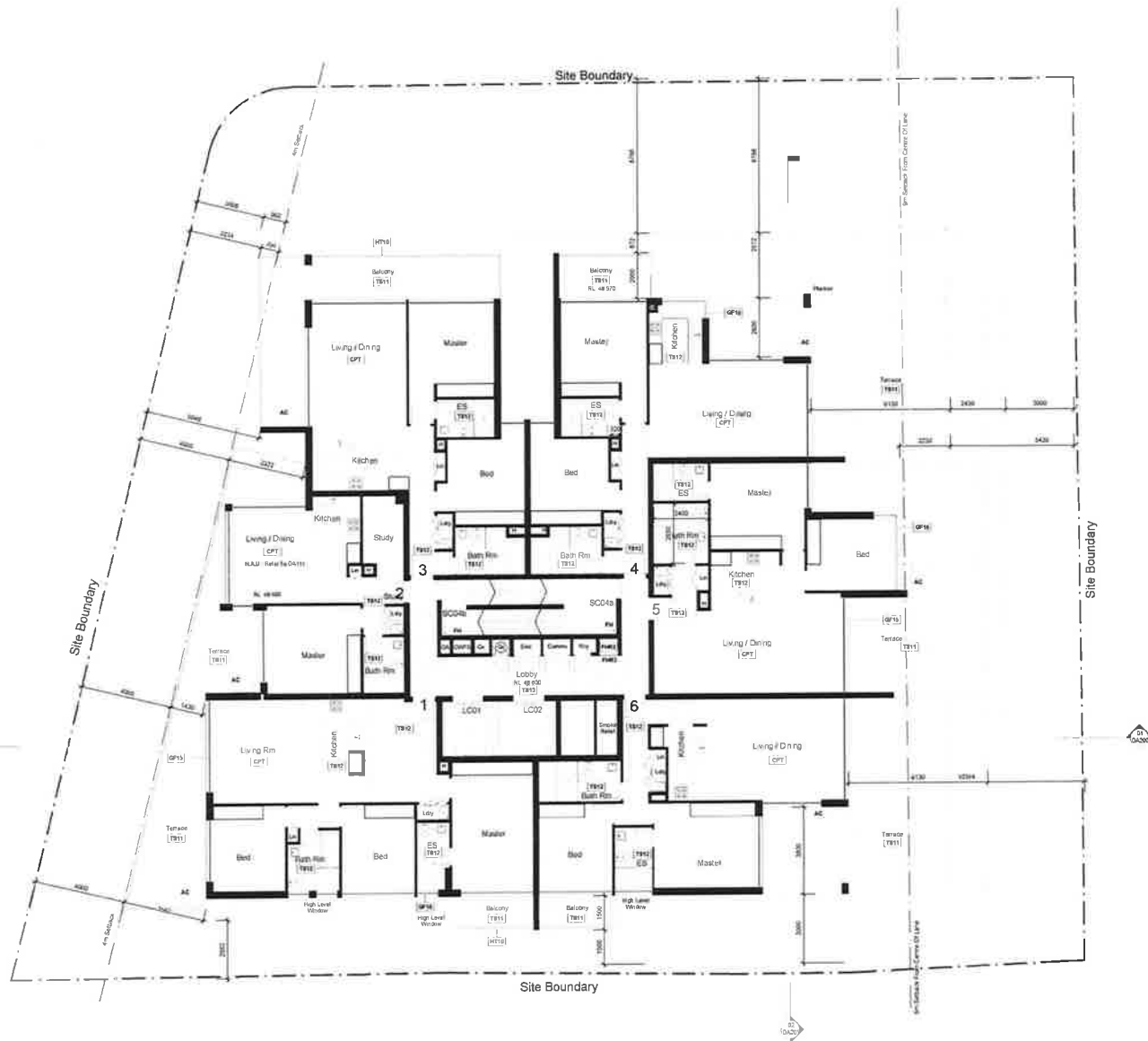
Typical Outlook (taken from Level 16)



Location of rear loading dock and entry to 157 Redfern Street



Facades sought to be retained from Regent Street.



General Notes

All structural drawings to be filed in accordance with AS 1502
 Construction Details to be in accordance with AS 1502
 All levels indicated unless otherwise stated
 Refer to RIG 100 & 1000 for more information
 Surveying Services Pty Ltd -
 100/101 Stirling Street, Perth WA 6000

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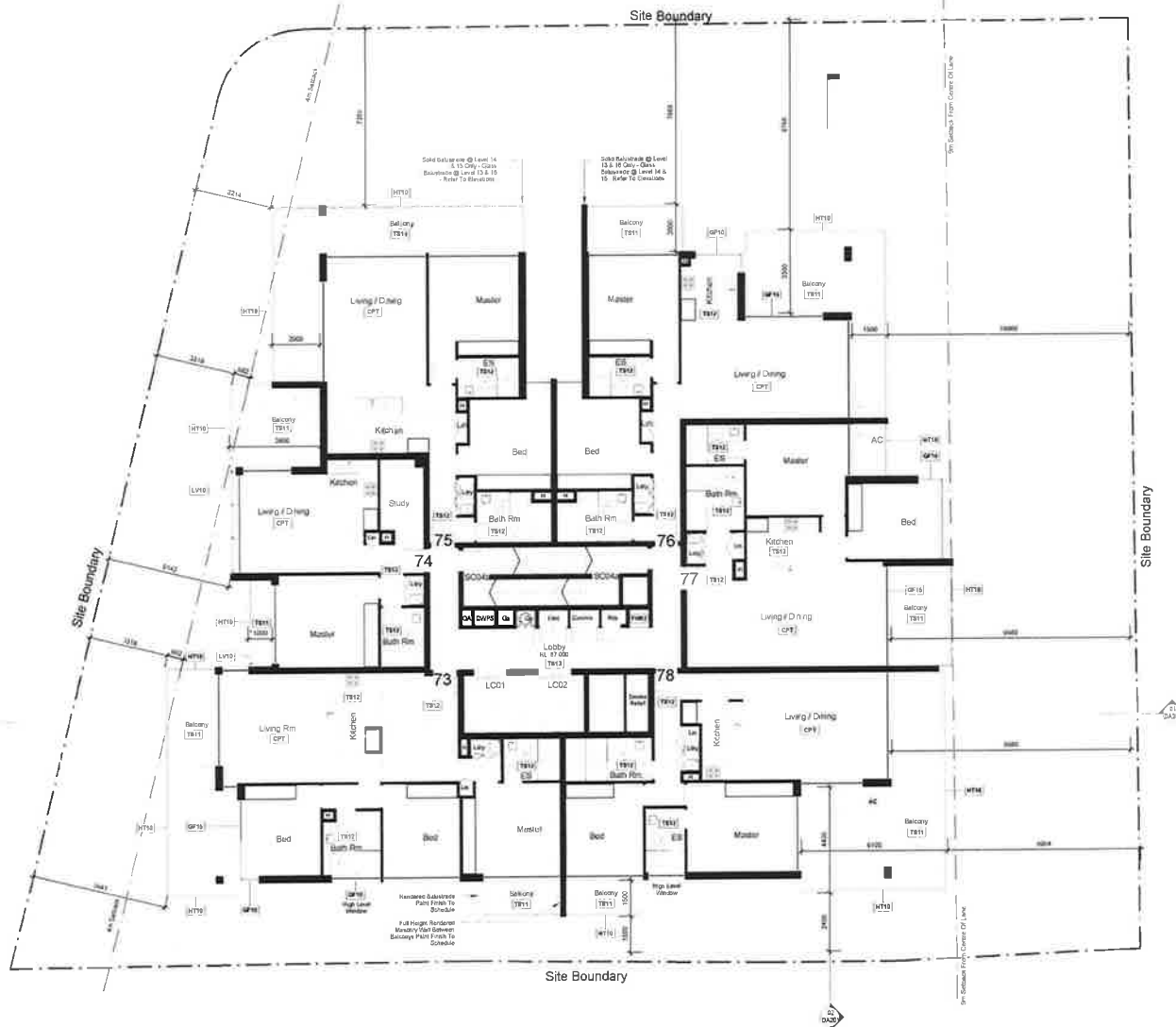
Development Application

Proposed Mixed Use Development - 157 Redfern Street REDFERN

Level 5 (Residential)

DA110 J





General Notes

Architectural Drawings To Be Read In Conjunction With All Other Construction Documents, Excluding Specifications.

All Levels Indicated Unless To Assumed Height (AHD).

Refer To 102-885-8 Administrative Schedule For Proposed Features.

Survey Underlay Carried Out By CAD Surveying Services Pty. Ltd. - Refer To Drawing 102556.

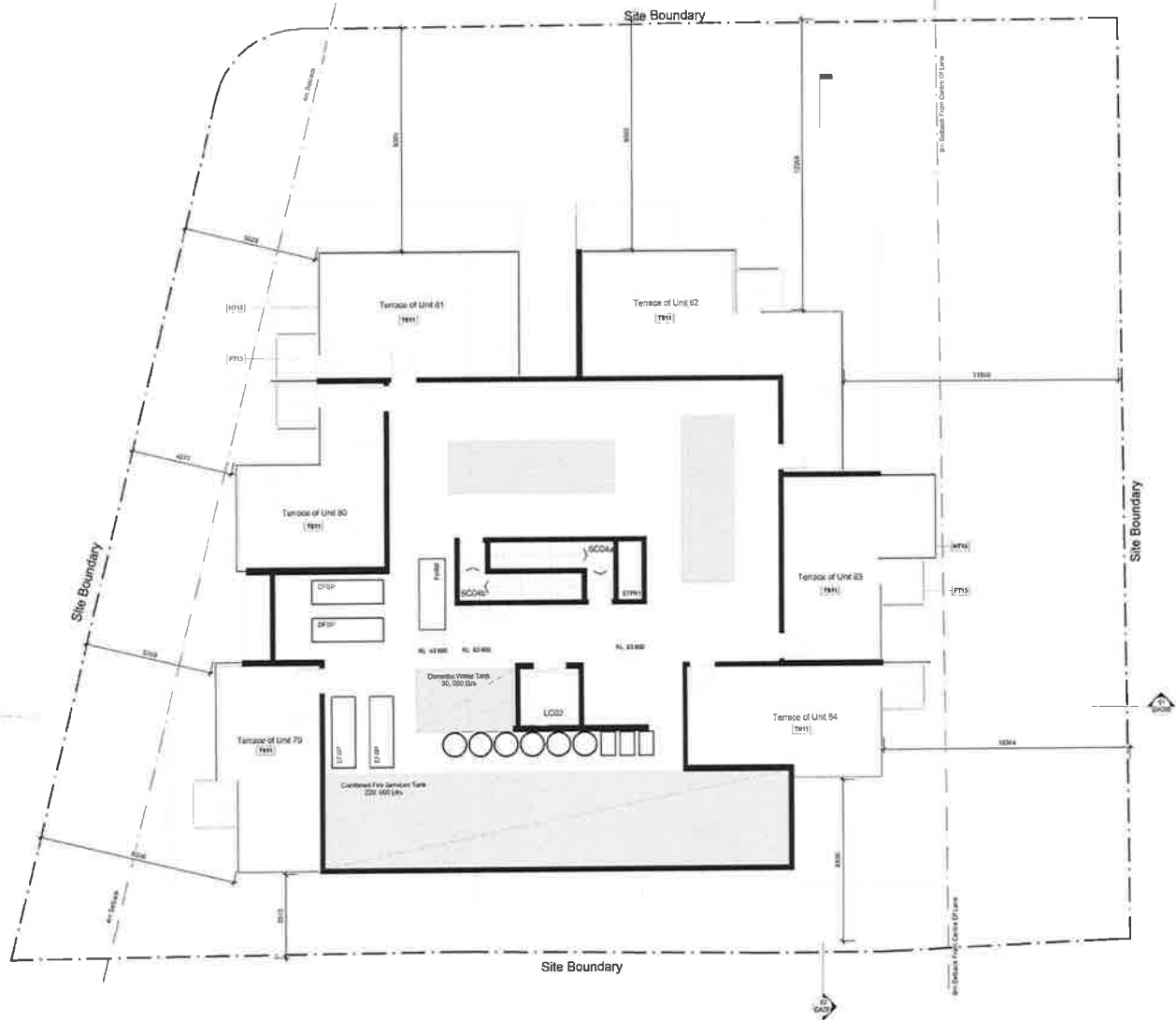
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Development Application

Proposed Mixed Use Development - 157 Redfern Street REDFERN

Level 17 (Residential)

DA113 G



General Notes

Architectural Drawings To Be Read in Conjunction With All Other Conditions, Specifications, Reports And Instruments.

All Levels Indicated Unless To Assumptions (H102)

Notes To H102 H103 & Instruments Schedule For Proposed Features.

Survey Underway Conducted By CSD Surveying Services Pty Ltd. Refer To Drawing 202008.

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Development Application

Proposed Mixed Use Development - 157 Redfern Street REDFERN

Level 19 (Roof Terrace)

DA120 G



Proposed Mixed Use Development - 157 Redfern Street REDFERN

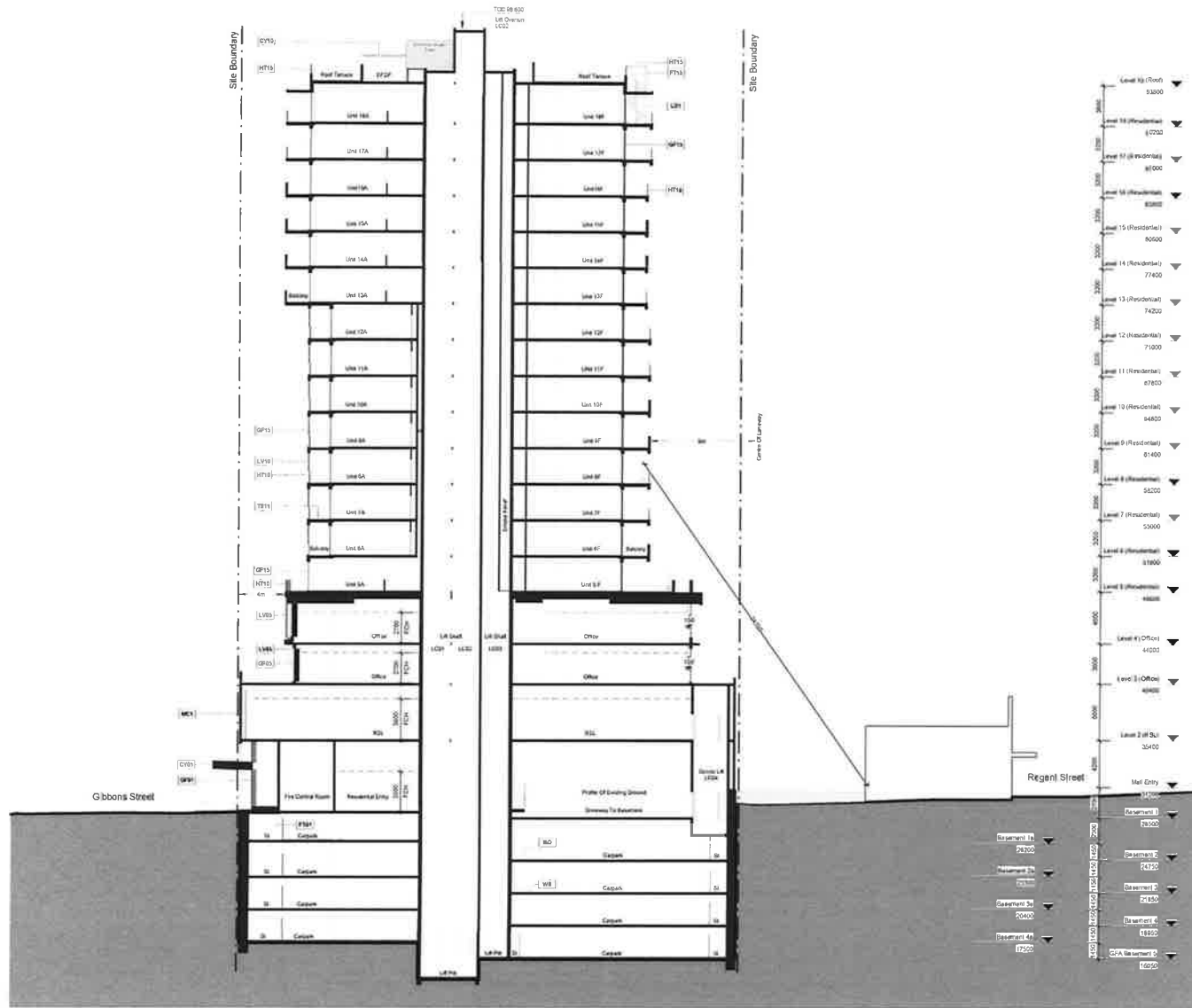
 Roof	DA121 G
DA121 G	DA121 G

Development Application

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General Notes

Amendment of Drawing To Be Read In Conjunction With All Other
Consultants' Drawings, Reports And Specifications

All Levels Indicated Unless Otherwise Stated (AHD)

Refer To NRS 2004 & Amendments Schedule For Proposed Provisions

Survey Underlying Corner Out By GSD Surveying Services Pty Ltd -
Refer To Drawing 32208

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Development Application

Proposed Mixed Use Development - 157 Redfern Street REDFERN

Section 01

DA200 G