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**Simon Truong**

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**From:** David Rippingill <davidrippingill@designcollaborative.com.au>  
**Sent:** Thursday, 23 April 2015 11:27 AM  
**To:** Simon Truong  
**Cc:** James Lidis  
**Subject:** Further Submission to SSD 6724 - 60-78 Regent Street, Redfern

Simon,

We have reviewed the Applicant's 'Response to Submissions, prepared by JBA Planning and dated March 2015. Many of the concerns of our client remain unaddressed. We reiterate those below which we consider remain outstanding.

1. Setbacks and Height

The Application does not comply with required minimum setbacks between the proposed building and our client's building, in particular, above eight (8) storeys. The setback proposed is 13 metres, where the setback required between buildings is 24 metres.

The Applicant's in **bold** response is: *The RFDC rules of thumb propose increased separation distances at higher levels, however, it is considered that the intent of this increased separation is for urban design reasons rather than privacy, given that there is no apparent difference between privacy needs of dwellings at lower, middle and upper levels.*

We agree with the statement above of the Applicant. It is true that setbacks are required for urban design reasons. We question therefore why, the building provides no appropriate setbacks toward our client's building nor an appropriate setback to Redfern Street? The setback to Redfern Street proposed is a modest three (3) metres for an 18 storey building. This matter is addressed further below with respect to SEPP 1.

Notwithstanding the above, the Applicant's assertion that the setback controls are unnecessary because the privacy of our client's property will not be adversely impacted due to design changes is incorrect firstly in premise and secondly, in fact.

Setback controls are not just privacy controls. They are also amenity controls. One of the obvious reasons for increasing upper level setbacks, but not lower level setbacks, is to reduce the impact of towering buildings, particularly for those on the lower levels. No comment has been provided by the Applicant on the amenity impacts associated with a 50+ metre building being located 13 metres away.

With respect to privacy the Applicant suggests through Figure 12, that the 45 degree window treatments will prevent views toward our client's site. Figure 12 is misleading. Views will still be available in a forward direction, just through a smaller vista. That does not resolve the issue of privacy impacts arising from close proximity.

SEPP 1 – Height

The Applicant has failed to properly address the non-compliance with the development standard for height to Redfern Street. The only basis on which the Applicant has sought to support the SEPP 1 variation to height to Redfern Street is the Application seeks the retention of the façade of the building which will provide a benefit to the public domain.

We questioned in our submission what bearing and relevance the retention of the façade has on height non-compliance. We concluded that it is of no relevance and therefore the SEPP 1 objection could not be considered well-founded. We refer to and rely again on that submission. A more skillful design could reduce and lessen the impacts from or reduce the extent of non-compliance.

In our view, the SEPP 1 objection is not well-founded and consequently a consent authority would not be empowered to determine the Application other than by way of refusal.

#### Proposed Courtyard

The Applicant has deleted a part of the Application that seeks to utilize the “courtyard” after 10pm. No response has been made with respect to our submission that the Acoustic Report has failed to properly assess all of the outdoor areas associated with the Application. We refer to and rely again on that submission.

Furthermore, no additional information has been provided with respect to the potential for lighting impacts to lower floor apartments of our client’s site. Whilst the Applicant has precluded the use of the courtyard after 10pm, outside of day-light savings time it would be sufficiently dark from 6pm to require the use of flood lighting for the ball games area as noted on the plans.

A revised acoustic impact statement is required that takes into account the courtyard adjoining our client’s building as the one submitted only assesses the BBQ area to Redfern Street.

An assessment on the impact of lighting against Australian Standard 4282 ‘Control of the Obtrusive Effects of Outdoor Lighting’ needs to be provided for the consent authority to be satisfied adverse impacts will not result.

#### Site Isolation

The Applicant has provided no information as is required in order for the consent authority to be satisfied that all relevant matters required to be considered with respect to site isolation have been addressed. Planning Principle *Karravellas v Sutherland Council* [2004] NSWLEC 251 applies in this instance and must be considered.

#### Design Excellence

We consider that given the constrained nature of the site and evidence of impacts regarding setback, privacy, view impacts, overshadowing and site isolation that it is appropriate for a competitive design process to be undertaken.

City of Sydney Controls require a competitive design process for any building over 25 metres. The subject building significantly exceeds 25 metres. The controls provide exemptions to such a process where the Application:

- (a) involves only alterations or additions to an existing building, and*
- (b) does not significantly increase the height or gross floor area of the building, and*
- (c) does not have significant adverse impacts on adjoining buildings and the public domain, and*
- (d) does not significantly alter any aspect of the building when viewed from public places.*

It is clear that arising out of our assessment that the above exemptions do not apply to the Application. The objectives of the Design Excellence provisions have been outlined in our previous submission. It is considered that a competitive design process which seeks to meet those objectives will assist in reducing impacts that reduce the outlook of our client’s dwellings and the outlook of the public domain.

#### **Conclusion**

Based on the above, we maintain our previous position that State Significant Development 6724 should be refused development consent.

The Applicants’ response has failed to satisfactorily resolve the majority concerns expressed and, in our view, made no serious attempt to do so. In particular:

- No submission regarding or revised acoustic report has been provided despite demonstrating that the one submitted failed to consider all outdoor areas in its assessment;

- No submission regarding or light impact study has been provided despite the clear potential for adverse impact from the outdoor games area adjacent to and below residential dwellings;
- No assessment of the Planning Principle in *Karravellas v Sutherland Council* [2004] NSWLEC 251 for site isolation has been provided;
- The submissions regarding adequacy of the setback to our client's property have been advanced on the basis of privacy and have ignored the impacts on outlook;
- The SEPP 1 objection has failed to properly consider the objectives of the height control and whether they would still be achieved notwithstanding the non-compliance and so the objection is not well-founded;
- A more skillful design would reduce impact and non-compliances, but only modest and superficial changes have been made in recognition of adverse impacts; and
- Having regarding the obvious constraints of the site, it is appropriate that a competitive design process be entered into to ensure that the final development is one that has properly and transparently sought to reasonably reduce the potential for adverse impact.

Should you require any further information regarding the above, please do not hesitate to contact us to discuss.

Regards,



**David Rippingill**  
**Design Collaborative**

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**From:** David Rippingill  
**Sent:** 06 February 2015 16:30  
**To:** [simon.truong@planning.nsw.gov.au](mailto:simon.truong@planning.nsw.gov.au)  
**Cc:** [andrew@netstrata.com.au](mailto:andrew@netstrata.com.au); James Lidis  
**Subject:** Submission to SSD 6724 - 60-78 Regent Street, Redfern

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,



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