

Response to Issues – Department of Planning and Environment

80-88 Regent Street, Redfern – SSD 7080

Issues raised by DP&E in February 2017

Matter	Particulars of Issues	Response	Location in Report
Setbacks, building separation and design response	<i>The reduced setbacks on all boundaries from those required by SEPP (SSP) and SEPP No 65 results in excessive bulk inconsistent with the intended built form for the area and with the predominant and proposed built form of adjacent sites.</i>	The increased setback to the northern boundary and setbacks to the west and south are in keeping with predominant building separations within the proposal will not have undue amenity impacts in terms of overshadowing, privacy, or view loss because of variations to building setbacks.	Refer to Section 4.2.2 and 4.3
	<i>The reduced setbacks and building separations result in impacts on surrounding properties (privacy, solar access, views and outlook) beyond those impacts envisaged by the planning controls for the site.</i>	The northern setback has been increased	Refer to Section 4.3 and 4.8
	<i>The exclusion of the breezeway from the floor area (GFA) calculations critically adds to the bulk of the proposal in excess of that envisaged by the planning controls.</i>	The reduced residential tower floorplates and apartment number per level as reduced the bulk of the building. The GFA has been calculated consistent with the definition in the SEPP SSP	Refer to Section 4.2 Refer to 4.5
Apartment Design Guide	<i>The substantially low level of solar access of 17% against the requirement of 70% during 9 am to 3 pm midwinter is not supported</i>	Solar access is provided to 54% of units between 9am and 3pm as a result of the reduction in the unit to 56. This has been achieved by replacing two (2) of the lower residential levels with commercial levels and reducing the number of dwellings per floor from five (5) to four (4)	Refer to Section 2.2, 4.1 and 4.4
	<i>Window and boundary wall treatments (such as screened windows and blank wall treatment on the northern boundary) to address privacy impacts from reduced setbacks are also considered to impact on the ability to achieve high quality amenity.</i>	The northern boundary setback has been increased from a variable setback of 0m – 3m to a variable setback of 3m – 5m to provide building separation of 12m. This has allowed for the introduction of high level windows on this boundary thereby minimising the need for	Refer to Section 4.3



Design excellence & integration with existing streetscape character	<i>The proposal results in reduced active frontages and associated opportunities for improved integration with the public domain.</i>	A continuous shopfront is provided on Regent Street and extends around the corner to Marian Street to maximise the active frontages. The provision of a residential lobby and a second lobby for the childcare and commercial uses, both along Marian Street also maximises activation.	Refer to Section 3.2 and 4.6
	<i>Whilst the architectural expression is of a high standard, the podium does not integrate with the scale, form, height and building expression of the local character of Regent Street.</i>	The architectural resolution of the podium responds to the scale and height of the podium of the approved Iglu development.	Refer to Section 4.6 and Attachment 1

Issues raised by DP&E in October 2016

Matter	Particulars of Issues	Response	Location in Report
Building separation	<i>Demonstrate there are no undue impacts on amenity as a result of decreased setbacks (privacy, overshadowing, views and wind) compared to a compliant scheme.</i>	The proposal will not have undue amenity impacts in terms of overshadowing, privacy, or view loss as a result of variations to building setbacks.	Refer to section 4.4.2, 4.4.3, 4.7.1, 4.7.2, 4.7.3, 4.7.4 and 4.7.5
Street setbacks	<i>William Street - issue of doors opening to William Street (particularly close to the corner at Marion Street).</i>	Doors required to service substation. Measures can be put in place to reduce potential safety issues arising from doors.	Address through conditions
	<i>Marian Street - increased setback to Marian Street.</i>	The tower setbacks on Marian Street have been increased to predominant setback of 3.15m.	Refer to section 2.2, 4.2.2 and Attachment 1
ADG	<i>Complete and detailed assessment against the requirements</i>	A comprehensive ADG assessment has been provided.	Refer to section 4.4 and Attachment 6
Solar access	<i>Assessment to be completed in accordance with ADG requirements.</i>	Solar analysis has been provided consistent with ADG requirements of 9am to 3pm.	Refer to section 4.4.2 and Attachment 1.
Wind impacts	<i>How the revised design and setbacks address wind impacts</i>	An assessment of wind impacts indicates there is a nominal difference between a complying 4m setback to Marian Street and the proposed setback.	Refer to section 4.2.2, 4.7.4 and Attachment 7
GFA	<i>Clarification of calculations and legal advice on the definition of GFA.</i>	GFA calculations are as per definition of GFA.	Refer to section 4.5 and Attachment 8
Childcare centre	<i>Address issues of non-compliance (solar access) in relation to the National Quality Framework..</i>	The outdoor space is consistent with the framework subject to detailed design including landscaping, to be part of a future application.	Refer to section 4.9 and Attachment 11



Podium design	<i>Further clarification/detailing to be provided.</i>	Further details of the podium, including expression and materials are provided.	Refer to section 4.2.1, 4.6, Attachment 1 and SEPP 65 Statement at Attachment 6
Design excellence –	<i>Including how the proposal achieves best practice sustainable design. The variations to the design of the building should also be discussed.</i>	The proposal exhibits design excellence in terms of built form, materiality, amenity and sustainability.	Refer to section 4, Attachment 6 and Attachment 9

Original issues raised by DP&E in correspondence of 21 March 2016

Matter	Particulars of Issues	Response	Location in Report
Design options	<i>1. Further consideration is required of alternate viable design options for the site, with particular regard to the setbacks from the northern and western boundaries, to demonstrate that the preferred building envelope and built form is the best design solution for the site.</i>	The envelope of the proposal has been amended, with a reduction in height and minor increase in setbacks.	Refer to section 4.2 and 4.3
Design Excellence	<i>Further information is required with regard to design excellence, including: 2. The amenity and quality of the public domain (see points 5 and 6); 3. Consistency with best practice sustainable design principles; and 4. Further consideration of the scale, form and height of the podium to ensure that the proposal respects the local character, topography and fabric of Regent Street.</i>	The public domain has been enhanced with a revised ground plane that enhances activation.	Refer to amended architectural plans at Attachment 1
Envisaged Activation of Regent Street	<i>5. Provide further consideration of the ground floor configuration to improve the retail frontage circulation and opportunities for interaction with the public domain. 6. Provide details of any public domain works proposed (landscaping or other treatments).</i>	Ground floor has been amended to improve activation and relationship to the public domain.	Refer to amended architectural plans at Attachment 1, Section 2.2 and Section 4.6
Height and GFA	<i>7. Detailed plans should be provided to illustrate the proposed height of the building relative to the height of existing and proposed buildings in the area.</i>	Relative heights of adjoining buildings have been included on amended architectural drawings.	Refer to section 4.2 and Attachment 1
	<i>8. Further consideration of the number of storeys is required to justify compliance with the height controls for the site; and</i>	Building height has been reduced.	Refer to Section 4.2 and Attachment 1
	<i>9. Clarify the Gross Floor Area (GFA) provided to justify that the proposal can comply with the planning controls for the site.</i>	Proposal has an FSR of 7:1 and complies with the maximum FSR of 7:1.	Refer to section 4.5, Attachment 1 and Attachment 8

Setbacks, Building Separation and Design Response	10. Additional justification is required to demonstrate how the proposed built form and setbacks have considered, addressed and minimised impacts on adjacent residential amenity, including privacy, views, outlook, ventilation and solar access, and specifically, how the proposed built form and setbacks do not increase amenity impacts beyond those envisaged by the planning controls for the site.	Setbacks have been amended. Setbacks minimise amenity impacts.	Refer to Section 4.2.2, 4.3, 4.8 and Attachment 1
	11. The proposal provides windows to habitable rooms with Level 14 to the upper mezzanine level. Additional justification is required to demonstrate how privacy will be maintained to the northern boundary (and future Iglu student accommodation development) consistent with the Apartment Design Guide (ADG) requirements.	Privacy will be maintained with the provision of highlight windows. The balconies have been reorientated and upper mezzanine delated	Refer to Sections 4.3, 4.8.3 and Attachment 1
View impacts	12. A detailed view impact assessment of the proposal on neighbouring residential buildings should be provided. This assessment should address the Tenacity Planning Principle and include photomontages showing the visual impact from apartments across a number of levels within the 157 Redfern Street and 7-9 Gibbons Street. Should this analysis indicate a significant impact, further consideration should be given to the extent of the proposed built form, particularly at the edges of the western façade to mitigate these impacts.	A view impact assessment and analysis has been prepared.	Refer to section 4.8.1 and Attachment 1
Apartment Design Guide	13. Update the SEPP 65 Design Verification Statement and ADG Compliance assessment to justify how compliance with design criteria and guidance objectives, including solar access requirements, is achieved.	An updated SEPP 65 Design Verification Statement and ADG compliance assessment has been prepared.	Refer to Attachment 6 and Section 4.4
Wind Impact Assessment	14. A revised wind impact assessment should be provided including wind tunnel testing to ensure the amenity of adjoining apartments at 7-9 Gibbons Street, 157 Redfern Street and the proposed Iglu student accommodation development will be acceptable. Should this analysis indicate significant impact, further consideration should be given to mitigating these impacts through the proposed built form.	A revised wind impact assessment has been prepared.	Refer to Attachment 7
Contamination	15. A detailed contamination report is required in accordance with the recommendations of the preliminary contamination report to confirm the site is able to be developed for the proposed use. Should the detailed assessment reveal any contamination, a Remedial Action Plan would also be required.	A Detailed Contamination Assessment has been prepared.	Refer to Attachment 15
Other	16. The Noise and Vibration Impact Assessment requires amendment to address the issues raised in the City of Sydney's submission, specifically the assessment must be provided in accordance with the NSW EPA Industrial Noise Policy requirements and the Department also notes that a section 6.4.2 (noise emissions from the outdoor areas) is referred to but currently omitted from the report.	A revised Noise and Vibration Assessment has been prepared.	Refer to Attachment 10

	17. A management and/or operational plan for the childcare centre should be provided to: • Demonstrate compliance with the requirements of the Sydney DCP 2012; • Consider noise and vibration requirements and how the required noise management levels can be achieved; • The proximity of the centre to the cooling towers; and • The operation of the short term space(s) for pick up and set down arrangements.	A Plan of Management has been prepared for the childcare centre.	Refer to Attachment 11
	18. Bicycle parking for visitors and customers should be located in a visible and accessible location.	Visitor and customer bicycle parking shown on architectural plans.	Refer to Attachment 1
	19. Compliance with the BCA to be further investigated, specifically in relation to the use of the fire stair landings for access and circulation to apartments.	Floor plans have been amended to resolve BCA issues.	Refer to Attachment 1
	20. Further plans and details are required for the onsite stormwater detention and compliance with the City's Interim Flood Planning Management Policy.	Revised stormwater concept plan has been prepared	Refer to Attachment 16
	21. Justification is required where construction activities are proposed outside of standard EPA construction hours.	Standard construction hours are proposed.	Refer to Section 4.8.5 and Section 5
	22. Lot boundaries should be accurately determined in a consolidation plan to avoid any risk of encroachment.	To be addressed as a condition of consent.	