

Review of Response to Council Submission

80-88 Regent Street, Redfern – SSD 7080

City of Sydney

Matter	Particulars of Issues	Proponent Response	CoS Response	RTS Response	Location in Report
Height in storeys and mezzanines	1. Non-compliance with State Environmental Planning Policy (Major Development) 2005 (MD SEPP) which specifies a maximum height of 18 storeys and a two storey street wall height to Regent Street.	Reduced to comply.	Acceptable	Noted	Refer to section 4.1 and Attachment 1.
	2. Issues with use of mezzanines and inconsistency with BCA definition				
Floor Space Ratio	3. Non-compliance with MD SEPP which specifies a floor space ratio (FSR) of 7:1 and relies on the definition of gross floor area (GFA) as defined in Sydney LEP 2012.	Mezzanines removed and other modifications made. The proposal has an FSR of 7:1 and complies with the standard.	The waste holding area has not been included in the GFA calculation.	The waste will be collected from the loading and service bay. As this is the principal function of this space, it is appropriate to exclude this space from the calculation of GFA.	Refer to section 4.3 and Attachment 8.
	4. Incorrect application of GFA definition resulting in excess GFA of 430m ² .	GFA calculated in accordance with the definition of GFA (as per Sydney LEP 2012).	The waste holding area has not been included in the GFA calculation.		
Solar Access	5. Non-compliance with ADG. Solar Access Schedule required to determine the number of apartments that achieve solar access for 2 hours in mid-winter, in accordance with the ADG requirements.	<p>Detailed solar analysis has been undertaken by SJB.</p> <p>This includes View from the Sun Diagrams provided at 15 minute intervals between 9am and 3pm in midwinter and Shadow Analysis Plan for each residential level of the building.</p>	<p>Not supported. Objection.</p> <p>The solar analysis provided shows impacts between 8.00am and 4.00pm, despite the ADG requiring 2 hours direct sunlight between 9.00am and 3.00pm.</p> <p>The modelling does not comply with the ADG.</p> <p>The analysis provided is unclear in the following manner:</p> <ul style="list-style-type: none"> It is difficult to determine if sun access is achieved to both the balcony and the living room for 2 hours, and indeed if it represents the measure of sun in accordance with the ADG, which is as follows: <p><i>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</i></p> By 10am it is difficult to see the vertical glass line of the living room of Apartment L2.03. However, this could be due to some self-shadowing. The same observation could be made of Apartment 1 Levels 3-5. The balconies are barely visible in the sun's eye views so it is doubtful that the living rooms are receiving 2 hours sun between 8am and 10am. <p>The above matters are further impacted by document legibility and quality. The sun's eye diagrams are small, pixelated and difficult to read.</p>	Revised solar impact analysis has been undertaken in accordance with the ADG, between 9am and 3pm mid-winter. Solar impact analysis has also been undertaken between 8am and 4pm.	Refer to Attachment 1 and section 4.4.2.
Setbacks	6. William Lane An 800mm setback to William Lane (matching that of the proposed student housing) should be provided for Ground Level and Level 1 at a minimum. This setback should be clear of any structure and building elements.	The proposal has been amended to provide an 800mm setback along the entire William Lane frontage.	Not supported. Objection. As per previous recommendations, an 800mm setback to William Lane should be provided for Ground Level and Level 1 at a minimum. This will ensure consistency with the adjacent student housing.	Amended. An 800mm setback has been provided to William Lane on the ground first level.	Refer to Architectural Drawings at Attachment 1.
	7. Regent Street	The proposal has been amended to provide a consistent street wall height with the approved Iglu development.	Appropriate in the context of the adjacent Iglu development which provides a 2-storey street wall	Noted.	Refer to Architectural Drawings at

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	<p>A 2 storey street wall height is provided to Regent Street, with a varied upper level setback above. The setback ranges between 0 – 3m.</p>		<p>height and 3m upper level setback above Regent Street.</p> <p>Notwithstanding the above, The City raises concern regarding the transition of the Regent Street podium to Marian Street (discussed below).</p>		<p>Attachment 1.</p>
<p>Attach 3 - Response to Issues CoS</p>	<p>8. Marian Street</p> <p>The controls for the site require an upper level setback above the street frontage height. However, the proposal is built to the boundary at the corner of Marian and Regent streets for 53% of the building frontage of Marian Street. The remainder of the building frontage has an upper level setback that varies due to the trapezoidal shape of the site and ranges from 1.2m to 4m.</p> <p>A setback above the podium should be provided as envisaged by the controls.</p>	<p>The upper level setbacks to Marian Street have been modified.</p>	<p>Not supported.</p> <p>With exception to the corner of Regent Street, Marian Street has a wall height of 18-storeys. A negligible upper level setback is proposed.</p> <p>The proposed street setbacks vary as follows:</p> <ul style="list-style-type: none"> • Ground and Level 1: Min 1.5m • Level 2 – 10: Zero – 1.5m • Level 11 – 17: 785mm – 1.5m <p>Council raises concern with the resolution of Marian Street, particularly with regard to podium design and lack of upper level setback. This results in the tower directly meeting the ground, creating the following issues:</p> <ul style="list-style-type: none"> • Lack of pedestrian scale otherwise provided by a 2 – 3 storey street wall height; • Accentuation of narrow east-west street section; • Greater overshadowing impacts to surrounding areas due to the leading edge of the shadow being closer to the boundary; • Reduced separation between the proposal and any future development on the southern side of Marian Street; and • Insufficient mitigation of down drafts – while an awning can ameliorate some of the impacts, a stepped profile of a podium and an awning would be considerably more effective. <p>Following the above points, it is noted that an awning is provided to the south-eastern corner of the site but not to the full length of Marian Street. Therefore, the footpath adjacent to this part of the site will need to rely on the 0-2.8m upper level setback to deflect the downdraft which will be insufficient. Importantly, there is no awning protecting the residential entry. This will result in down drafts directly upon the entry point and an uncomfortable environment for residents/visitors.</p> <p>Despite the requirements of Section 3.2.6 (Wind Effects) of the Sydney DCP 2012 detailed below, the wind study report indicates that Point 3, 4 and 10 (Refer Figure 5a) will not have a better than existing site wind condition as a result of the development.</p> <p><i>(2) Development must not create a ground level environment where additional generated wind speeds exceed:</i></p> <p><i>(a) 10 metres per second for active frontages as shown on the Active frontages map; and</i></p> <p><i>(b) 16 metres per second for all other streets.</i></p> <p>Furthermore, as Regent Street has active frontages and is zoned as a business/commercial centre, it should be assessed against the 10m/s requirement of the DCP not 16m/s per the wind study report. Section 3.2.6 of the DCP also requires; The shape, location and height of buildings are to be designed to satisfy wind criteria for public safety and comfort at ground level. This raises the question of the corner treatment of the building where it is built to the boundary. While this building</p>	<p>The setbacks to Marian Street are as follows:</p> <ul style="list-style-type: none"> • Ground and half Level 1 frontage = 1.5m • Level 2 and 3 = 0m • Level 4-17 = 3.15m predominant setback with the exception of balcony encroachments at the corner of Marian and Regent Street. <p>This creates a 4 storey podium element on Marian Street, in keeping with the scale of the existing podium at 7-9 Gibbons Street and the desired future character. It also ensures a better transition from the 2 storey street wall on Regent Street.</p>	

			<p>expression has architectural merit, it will undoubtedly contribute to the uncomfortable wind impacts for pedestrians on either side of Marian Street's footpaths.</p> <p>Although the awning could help deflect the wind and augment the scale of the tower for pedestrians on Regent Street and part of Marian Street, an awning will not address all the above mentioned issues.</p> <p>In terms of the street wall height to Marian Street, a 3 – 4 storey podium element is preferred in keeping with the existing and future desired character of the area. It is envisaged this would transition to/from the 2 storey podium height of Regent Street and emphasis the podium element of Marian Street.</p>		
Building separation	<p>9. The approved Iglu development immediately to the north of the site has one window per floor addressing its southern boundary. Levels 14 to the upper mezzanine of the proposal addresses the northern facade to optimise solar access to living spaces for the apartments. An 8m separation between windows of the proposal and adjoining student housing development is proposed for these levels.</p> <p>The proposal shows a habitable room directly opposite the window to the dining room of the Iglu development.</p> <p>The ADG requires buildings over 9 storeys to be setback a minimum of 12m from the boundary for habitable rooms to achieve reasonable levels of external and internal privacy.</p> <p>Recommendation to provide high level windows to the habitable rooms that are offset from the dining room window of the Iglu development.</p>	Setbacks have been amended and will minimise amenity impacts.	<p>The proposal does not comply with the 12m side setback requirements of the ADG for buildings of 18 storey height. There is 8m separation from Iglu at the narrowest point. The side setback is inequitably shared, with Iglu providing most of the separation due to the proposal abutting the side boundary with a corner.</p> <p>The varying side setback (0-2m) to the north east corner of the building and a 3m side setback to the north west corner results in the 'eye' reading all the cumulative surfaces of the building and there is no legibility of the negative space between the buildings. However, it is noted that the site is highly constrained and is not capable of delivering the side setbacks as a result of poor planning decisions made by the Department of Planning, none the less in this regard, visual privacy has been generally satisfactorily addressed by the design of the apartments in response to the existing conditions.</p> <p>There is approximately 14m separation between 7-9 Gibbons Street and the Proposal. This is less than the 24m separation required by the ADG. To overcome the insufficient separation angled windows have been proposed to provide visual privacy. While this mainly affects bedrooms, there is no outlook from these bedrooms and depending on where the window is located (it is not shown), these bedrooms may not be able to achieve the design guidance in 4D Apartment size and layout:</p> <p><i>A window should be visible from any point in a habitable room.</i></p> <p>This approach is acceptable for the apartments facing west. The primary living spaces are orientated north and south in this manner there is no conflict between light and air and visual privacy.</p> <p>Notwithstanding the above comments, insufficient building separation may affect the common open space area of the adjacent Iglu development through the creation of downward drafts. The issue of downward drafts is reoccurring in the development due to insufficient setbacks and street wall heights.</p>	<p>Noted. Separation distances are constrained by the existing development.</p> <p>The location of the windows within the bedrooms facing west is considered to satisfy the design guidance in 4D of the ADG.</p> <p>Noted.</p> <p>The proposal will not have unreasonable wind impacts.</p>	<p>Refer to section 4.2.2 and Attachment 1.</p> <p>Refer to section 4.7.4 and Attachment 7.</p>
Overshadowing and view loss	<p>10. Extensive overshadowing of adjoining properties and Conservation Areas between Cope and George streets.</p> <p>Potential view loss to residents in the adjoining residential building immediately to the east and north east.</p> <p>A careful review of the proposal is required to determine additional overshadowing and view loss impacts of the proposal as follows:</p>	Overshadowing analysis and an assessment of the impacts on views has been undertaken.	<p>The proposal continues to overshadow some parts of the Conservation Area. However, this is a reduction from the original proposal.</p> <p>As discussed elsewhere, the lack of street wall height to Marian Street contributes to greater overshadowing impacts on surrounding areas due to the leading edge of the shadow being closer to the boundary. This issue</p>	The proposal, including the non-compliance with the 4m tower setback to Marian Street, does not have unreasonable overshadowing impacts.	Refer to Attachment 1 and section 4.7.2.

	<ul style="list-style-type: none"> Ensure that there are no additional impacts created by the additional 2 storeys by comparing the proposal against a complying 18 storey scheme; and Ensure that there are no additional impacts created by the reduced upper level setback for Levels 15 to upper mezzanine by comparing the proposal against a complying setback scheme. 		can be partly resolved through introduction of a 3 – 4 storey street wall height to Marian Street and appropriate upper level setback.		
Podium design	<p>11. The podium proposes a series of five, large, high arches, which appear to be an interpretation of the existing 5 terrace buildings.</p>	The podium has been modified.	<p>Partially supported.</p> <p>The podium design to Regent Street has been improved by introduction of the vertical architectural elements and reinterpretation of land subdivision pattern and existing shopfronts. However, the double storey shops are over-scaled by the new building.</p> <p>Of particular concern is that the expression of the podium and shops is diminished at the corner of Marian Street. The prominent corner component of the new building, built on the street boundaries and emphasized with dark brickwork, not only overwhelms the two storey podium and shops, but also disconnects the 2-storey element from the main part of the new building.</p> <p>The shop podium is more like a tokenism responding to the northern historical shops rather than an integrated part of the new building. The expression of the two storey street wall should extend to the corner of the site.</p> <p>Furthermore, the 10-18 storey corner component does not relate to the streetscape and the neighbouring buildings due to its height and lack of setbacks. In this regard, it is out of context and likely to establish an undesirable precedent for other Major Project developments along Regent St.</p> <p>In consideration of the above points, a transition in street wall height from Regent Street to Marian Street should be provided in the form of a 3 – 4 storey podium at Marian Street. This is consistent with both the existing and future desired character of the area. The provision of a podium is likely to resolve a host of issues including the deep undercroft created by ground level setbacks to Marian Street, awnings, wind impacts, and safety and security issues arising from the arrangement of visitor parking and building entries which provide opportunities for concealment.</p>	A 4 storey podium form has been provided to Marian Street.	Refer to Attachment 1, Attachment 6 and section 4.2.1 and 4.5.1.
European heritage	<p>12. An assessment of European archaeology has not been included within the Heritage Impact Statement or the Archaeological Assessment. Archaeological potential was identified at adjoining sites at 60-78 Regent Street and 157- 161 Gibbons Street during the DA assessment stage. The site contained early residences and shops before the current commercial terraces and as such, archaeological potential is likely.</p> <p>An assessment of European archaeological potential by a suitably qualified archaeologist must be prepared and submitted to the consent authority prior to any consent being granted. Subject to the conclusion and recommendations by the archaeological report, a S140 excavation permit pursuant to the NSW Heritage Act 1977 may be needed prior to commence of the project.</p>	A Historical Archaeological Assessment has been prepared for the site.	<p>Acceptable.</p> <p>An assessment report has been prepared by Urbis. The report concludes the site has no research potential and that any historical remains will not meet any criteria for heritage significance. It is understood the assessment will be reviewed by NSW Office of Environment and Heritage.</p>	Noted.	Refer to section 4.9 and Attachment 13.
Bicycle Parking	<p>13. Bicycle parking for visitors and customers should be located in a highly visible and accessible location. It is recommended bicycle parking is swapped with the fire hydrant & sprinkler booster room located adjacent to the foyer on Marian Street. Details of any proposed screening should be provided.</p>	The bicycle parking has been relocated further along Marian Street alongside the entry to the residential apartments.	<p>Acceptable.</p> <p>Proponent should confirm that BR:02, 'Hit and Miss – rick Type 02' is to provide screening to bicycle parking area.</p>	Hit and miss brickwork provided to bicycle parking.	Refer to Attachment 1.
Building Code of Australia	<p>14. Potential issues with BCA compliance regarding fire stairs and location of windows on northern boundary.</p>	Floor plans have been amended to resolve BCA issues.	Acceptable.	Noted.	
Stormwater and on-site detention	<p>15. On-site detention (OSD) has not been included on the submitted Drainage Concept plans. An OSD system is required for the development's stormwater drainage system as per the Sydney</p>	Revised stormwater concept plan has been prepared by Bekker incorporating OSD.	The City recommends conditions recommended to ensure proponent consults with Sydney Water for OSD	Noted.	Refer to Attachment 16.

	<p><i>Water On-site Stormwater Detention Guide.</i></p> <p><i>The applicant is to consult with Sydney Water for OSD requirements and specifications.</i></p> <p><i>Amended Drainage Concept plans are required for submission.</i></p>		<p>requirements and specifications.</p> <p>The City recommends Drainage Concept Plans are to be submitted to Council for approval prior to the issue of a Construction Certificate.</p>		
Flooding	<p><i>16. The City's Alexandra Canal Catchment Flood Study (2014) shows the extent of flooding around the subject site is below the mapping thresholds (less than 0.15m). To comply with the City's Interim Floodplain Management Policy, the proposal is to have a minimum flood planning level of 300mm above the adjacent road gutter invert for ground level floors as well as entry to basement including any opening to basement, stair well and lift shaft.</i></p> <p><i>Amended plans are required for submission.</i></p>	Addressed in amended drawings	Flood levels should not be approved as part of the development. The City recommends public domain plans are submitted to Council for approval prior to issue of a Construction Certificate.	Noted.	
Land Contamination	<p><i>15. The submitted a Preliminary Site Investigation (PSI) indicates potential contaminants of concern including uncontrolled fill, pesticides, leaks and discharges from vehicles, metal degradation and asbestos. The PSI recommends a Detailed Site Investigation be undertaken.</i></p> <p><i>A Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land. The DESI must confirm that the site is suitable (or will be suitable, after remediation) for the proposed use.</i></p>	A Detailed Contamination Assessment has been prepared.	.	Noted	Refer to Attachment 15.
Child care centre	<p><i>17. A number of issues were raised regarding approval of the proposed childcare centre. These related to:</i></p> <ul style="list-style-type: none"> • <i>Use and operation;</i> • <i>Outdoor play area and unencumbered space;</i> • <i>Submission of a Plan of Management;</i> • <i>Acoustic Assessment;</i> • <i>Electromagnetic frequency; and</i> • <i>Cooling Towers.</i> 	Additional information submitted (partial).	Due to the complexity, sensitivity and outstanding issues regarding use of the childcare centre, Council recommends a separate development application to ensure adequate assessment of this aspect of the proposal.	The childcare centre use is appropriate for the site and proposal as demonstrated in the supporting documentation and should not be subject of a separate application, only the fitout.	Refer to Attachment 1, Attachment 11 and section 48.
Noise and vibration	<p><i>18. A suitably qualified acoustic consultant is to be engaged to undertake and provide an acoustic assessment which follows the below scope of work:</i></p> <ul style="list-style-type: none"> • <i>a minimum of seven days long-term unattended noise monitoring to be conducted in complete accordance with the NSW EPA Industrial Noise Policy (INP), being unaffected by extraneous noise and weather data to within the limits described by the Industrial Noise Policy.</i> • <i>The acoustic assessment should provide further consideration and assessment of the noise impacts from road traffic, the proposed child care centre and roof top plant from neighbouring sites, to the relevant levels of the building façades, accounting for distance attenuation and façade exposure.</i> 	An amended Noise and Vibration Impact Assessment and a separate response to these issues has been prepared by Acoustic Logic.	The development is required to comply with the City of Sydney Noise General and Noise – Entertainment Venues.	Noted	
Lot consolidation	<p><i>19. A consolidation plan should be prepared and lodged with LPI NSW. It is recommended this action be undertaken prior to construction commencing in order to avoid the risk of encroachments occurring as a consequence of changes to the boundaries and potential boundary disputes.</i></p>	To be addressed as a condition of consent.	Acceptable.	Noted	
General design	<p><i>19. Air conditioning condensers are shown located at each residential level. This arrangement is supportable however, it is unclear from the drawings if the enclosing material (where it forms part of the balustrade) will provide sufficient circulation and ventilation to the condensers.</i></p>	Further details relating to plant is provided on the amended drawings where relevant.	Acoustic advice is required to determine if the location of the condensers have an impact on the adjacent bedroom windows. Additionally, if these condensers be serviced and allow sufficient curtilage for air circulation.	Noted	
	<p><i>20. A planter is shown above the entry to the residential lobby, it is unclear how this will be accessed and maintained.</i></p> <p><i>The planter above the entry to the residential lobby combined with the recessed gates may create anti-social behaviour and the gates may need to come forward to deter sleep outs.</i></p>	Further details relating to plant is provided on the amended drawings where relevant.	<p>There are planters shown on Level 2. It is unclear how and who maintains these planters. Maintenance is an important issue as it appears that these planters supply the plants that 'green' the façade If the planters are in common property and are being maintained by the body corporate there may be some privacy/safety and security issues for residents whose private open space abuts the planters.</p> <p>There are planters located on Levels 3-6. The planters are contiguous with the balcony that belongs to Apartment 3 but the planter is in front of Apartment 2.</p>	The planters now form part of the podium terraces of the apartments on Level 2.	Refer to Attachment 1.



			<p>Maintaining the planter from Apartment 3 could impact on the privacy of Apartment 2. This condition is the same for Apartments 2 and 3 on Levels 7-10.</p> <p>Greenery is shown on the William Lane elevation for the child care but with no corresponding landscape planter. A detailed landscape plan should be submitted.</p>		
Additional issues raised by CoS June 2016	21. Lift arrangements		It appears that the child care lift also services the residents. This create safety and security issues.	Secure controlled access will be provided to ensure that only workers and users of the childcare centre can access Level 1.	Refer to Attachment 11.
	22. Servicing		<p>The garbage chutes provided to the child care are the same as those for the residents. Separate waste storage areas should be provided for residential and non-residential uses.</p> <p>The retail tenancies on ground level will have to access the garbage areas via the public domain, that is, exit the retail tenancies onto the footpath and then re-enter the building.</p> <p>The garbage chutes for the residential do not have space for a recycling bin and are just chutes. Some advice from the waste management team may be required to assess if this arrangement is suitable.</p>	The waste storage areas are considered adequate for the scale of non-residential uses proposed as detailed in the Waste Management Plan included with the EIS.	Refer to Attachment 1 and Waste Management Plan included with EIS.
	23. Building expression		<p>The vertical (triangular) part of the awning located on Marian Street is not shown in plan. The elevations DA0502 have a brick awning annotated to Marian Street and a metal awning to Regent Street. The photomontages show the same treatment for the awning wrapping around the corner of the building. Clarity is required with regard to what is actually proposed.</p> <p>The building expression has been maintained over the duration of the process and has been refined to respond to our comments. As mentioned above, it is the detail and co-ordination that is being sought in these comments.</p> <p>It will be important that the proposal maintains its intent of the building expression through the construction process. Due to the 'tight fit' of the 4 towers on this block, materiality and finishes will play an enormous role in distinguishing each tower. If the materials, finishes and colour of the towers are too similar this could result in all the cumulative surfaces of the 4 towers being read as one mass due to the lack of negative space between each tower form.</p>	Architectural drawings and visualisations have been updated to provide further detail of the building expression.	Refer to Attachment 1.

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