

SUBMISSION

Address: Nos. 80 – 88 Regent Street, Redfern

Proposal: Mixed Use Development (SSD 7080)

16 MAY 2017

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Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Attention: Ben Lusher

**NOS. 80 – 88 REGENT STREET, REDFERN
PROPOSED MIXED USE REDEVELOPMENT (SSD 7080)**

Dear Ben,

Thank you for this opportunity to make a submission regarding the amended materials submitted in support of the abovementioned application on behalf of the proponent for the potential future redevelopment of Nos. 90 – 102 Regent Street, Redfern.

We wish to make clear that we do not object to development of the site per se, nor the 18 storey building height being proposed, as this is consistent with the desired future building typology of the Redfern Centre. We do however object to any component of the proposal that may prejudice the development of Nos. 90 – 102 Regent Street, or compromise its potential, because of any variation to the Draft Urban Design Guidelines (Redfern Centre), or any inconsistency with the building envelope controls or design criteria espoused by the Apartment Design Guide.

Road Widening

- The design excellence principles included in the Draft Urban Design Guidelines (Redfern Centre), prepared in accordance with Clause 22(4) of Part 5 of Schedule 3 of State Environmental Planning Policy (State Significant Precincts) 2005, prescribe that a 1.5 metre setback be provided to Marian Street to enable footpath widening. It is requested the Department affirm in its determination of this application that it raises no objection to the building cantilevering over, and being constructed under, the required footpath widening setback.
- Similarly, it is requested the Department affirm in its determination that it raises no objection to the building cantilevering over, and being constructed under, the required 0.8 metre footpath widening setback to William Lane.

Building Separation

- Marian Street is 12 metres wide.
- The Draft Urban Design Guidelines prescribe a minimum 4 metre setback for the tower element of the building above Marian Street.
- The building envelope and privacy separation requirements of the Apartment Design Guide (ADG) recommend that buildings 9 storeys and above be separated 24 metres between habitable rooms and balconies.
- The ADG advocates that where applying separation requirements to buildings on adjoining

properties, half of the minimum separation distance measured to the boundary should be applied to each site (or in this case to the centreline of Marian Street).

- As habitable rooms are proposed on the southern elevation of the proposed building, a minimum 6 metre setback would therefore be required to the site's Marion Street frontage to all apartments 9 storeys and above to ensure equitable separation between the north facing habitable rooms of any future development on No. 90 Regent Street, accounting for the Marian Street road width.
- It is noted the completed development at Nos. 7 – 9 Gibbons Street has habitable rooms setback 4 metres from its Marian Street alignment, consistent with the requirements of the Guidelines.
- Balconies and habitable rooms of the proposed development are currently within the 4 metre Marian Street setback prescribed by the Guidelines, and within the recommended separation distances espoused by the ADG for buildings in excess of 8 storeys.
- The applicant has provided, in part, the following justification for the non-compliance in the exhibited documentation:

It is considered that there will be opportunities to provide greater separation distances with the redevelopment of 90 Regent Street given it is not affected by the same physical constraints as the subject site.

- This is unacceptable, as it seeks to 'borrow amenity' from No. 90 Regent Street.
- The reduced setback consequently compromises privacy and solar access to any potential future development that includes No. 90 Regent Street.
- It is suggested the 4 metre setback above the podium level to Marian Street should be strictly applied to maximise opportunities for privacy separation between these buildings and solar access to the north face of the proposed future development at No. 90 Regent Street.

Building Setbacks

- The Guidelines prescribe an 8 metre setback for the tower element above Regent Street.
- It is noted the proposed tower above the podium is setback between 0 – 3 metres.
- It is noted the approved alignment for development at Nos. 60 – 78 Regent Street ranges between 3 – 4.5 metres, and that existing developments at Nos. 7 – 9 Gibbons Street, and the Gibbons Street setbacks of the approved development at No. 157 Redfern Street, each exhibit similar setbacks (i.e. 3 – 4 metres).
- It would be expected that for the purpose of creating a consistent street edge within the Redfern Centre, that any setback supported for this development would be applied as an appropriate precedent to the future development of Nos. 90 – 102 Regent Street.
- An absolute minimum 3 metre setback is requested to be adhered to. Any breach to the prescribed 8 metre setback will have adverse overshadowing impacts upon the future development of Nos. 90 – 102 Regent Street. The extent of this impact and how it may prejudice the future development of Nos. 90 – 102 Regent Street has not been contemplated by the applicant in their analysis (see below).

Solar Access

- In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered. The 'shadow analysis' and 'view from the sun' diagrams fail to take account of a likely building envelope/facade to be constructed upon No. 90 George Street, to enable a determination of the likely impacts of the proposed development upon a compliant building form.
- The combination of reduced setbacks to Regent Street and Marian Street will each have consequential impacts on the ability of Nos. 90 – 102 Regent Street to receive sunlight at mid-winter. Overshadowing arising from any non-compliance with prescribed development controls is generally considered unacceptable in the application of planning principles.
- The shadow analysis and view from the sun diagrams do not contemplate a 'compliant' building that is limited to either 6 storeys in height, or setback 8 metres from Regent Street, which would provide the greatest possible amenity to the future development of No. 90 Regent Street.

- It is however understood, given the site's isolated nature, precedent established by building setbacks established along Regent Street to the north, and the orientation of development within the precinct that has a south easterly frontage and aspect to Regent Street, that ADG requirements may not be satisfied unless the hours of sunlight access are extended to 8am at mid-winter. We have no objection to some flexibility being applied to the application of solar access standards in this regard.
- It is further acknowledged that the ease with which sunlight access can be achieved is inversely proportional to the density of development that is sought to be achieved in this precinct.

Should you require any further information or clarification concerning this submission, do not hesitate to contact the undersigned on 0409 990 464.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel', with a long horizontal line extending to the right.

Daniel McNamara
Director