

14 December 2020

Our Ref: R/2019/22/A  
File No: 2020/510738  
Your Ref: SSD-10382

Rodger Roppolo  
Senior Planning Officer – Key Sites Assessments  
Department of Planning, Industry and Environment

By Planning Portal

Dear Rodger

**90-102 Regent Street, Redfern – Student Accommodation (SSD-10382)**

Thank you for your correspondence dated 16 November 2020 requesting for the City of Sydney Council (“the City”) to comment of the state significant development application for student accommodation at 90-102 Regent Street, Redfern.

The proposed development would not be dissimilar to existing and recently approved student accommodation developments in the locality. The site is identified in State Environment Planning Policy (State Significant Precincts) 2005 to be located within the Redfern-Waterloo Authority Sites. It would be one of the last sites to be developed in this part of Redfern. Despite the numeric guidelines in the Redfern Centre Urban Design Guidelines (RCUDG), the history of approvals on surrounding sites in recent years have eroded the intent and effectiveness of the numeric guidelines and the City’s ability to insist on their delivery.

Notwithstanding the above, the accompanying documentation has been reviewed and the City provides the following comments:

**1. Heritage**

It is acknowledged that the site does not contain heritage items or is in a heritage conservation area. The existing warehouse buildings fronting Regent Street are proposed to be demolished as part of the development. The submitted Heritage Impact Statement, prepared by Artefact Heritage, specifies that the building on 90 Regent Street was designed by Walter Liberty Vernon, for use as a pub, just before he became Government Architect. The City considers this to be an important aspect of the heritage significant of the site.

It should be highlighted that as part of a major study and recent strategic review of the Botany Road Corridor, The City is proposing that several buildings on Regent Street be included in an extension of the Redfern Estate Conservation Area (C56). These include the existing warehouses subject to this application.

Therefore, considering that the proposal involves a podium, the City highly encourages that the podium of the proposed development be redesigned to retain the building at 90 Regent Street and at least the front façade and front rooms of

the three historic buildings at 92-96 Regent Street. The demolition of one of the last remaining buildings designed by Walter Liberty Vernon would be a loss. The proposal has the opportunity to incorporate the building and emulate the character and expression of the neighbouring student accommodation at 66 Regent Street.

## **2. Urban Design**

### **a. Street Setbacks**

The proposal matches the ground level street setback to Marian Street provided by 11 Gibbons Street of 0.8m and presents a numerical departure to the 1.5m setback requirement. The ground level architectural plan shows benches within the setback. These are to be removed as the setback is for footpath widening not for street furniture.

There are trees planted within the setback long William Lane to ameliorate wind impacts. These trees are to be located 0.8m setback from the boundary in order to provide pedestrian amenity. This is also consistent with the sites to the north of Marian Street, which have delivered 0.8m setback for footpath widening along William Lane.

### **b. Proposed Awning and Street Trees**

The proposed awning has cut outs to allow for street trees. The height to the underside of the awnings is approximately 5m and is too high to provide effective weather protection from rain, sun and wind. The awning should be a simple box awning without cut outs for street trees to both Regent and Marian Streets and consistent with the requirements of Section 3.2.4 – Footpath Awnings of Sydney DCP 2012. Any signage is to be located within the fascia of the awning.

As discussed later in this letter, the proposed awning also presents conflicts with street trees.

### **c. Building Expression and Materials**

The proposed materials for the development are unclear. There are missing annotations in the architectural drawings as well as the materials board and must be provided to understand the overall expression of the development.

### **d. Signage**

Two top of building signs are proposed on the north and eastern facades. This contributes to visual clutter of the urban environment, particularly when both signs could be viewed at some vantage together. The top of building signs should be limited to a single sign.

## **3. Contamination**

The submitted Detailed Site Investigation (DSI) report and the Remediation Action Plan (RAP), prepared by Douglas Partners, identifies a presence of contamination on the site. These include asbestos containing material that is likely to be from demolition of previous buildings within the site. There is also a presence of Total

Recoverable Hydrocarbons (TRH) and Polyaromatic Hydrocarbons (PAH) above the previously adopted site assessment criteria within filled materials.

Groundwater samples from the DSI noted elevated levels of heavy metals, TRH and a detection of Volatile Organic Compounds (VOC). After the additional round of monitoring, the TRH and VOCs were considered potentially associated with the impacts of drilling and heavy metals reflective of urban groundwater levels.

The recommended remediation strategy is a combination of removal and disposal of contaminants and capping to contain the site with a long-term environmental management plan (LTEMP).

Overall, the RAP concludes that the site can be suitable for the proposed land use if procedures and requirements outlined in the RAP is successfully completed and validated. It is recommended that an NSW EPA accredited Site Auditor be engaged to peer review the DSI and RAP to provide either a letter of interim advice or part B Site Audit Statement to endorse the remediation strategy as capable of making the land suitable for the proposed use. A Part A Site Audit Statement declaring the land as suitable for the proposed use is to be provided at the end of the remediation process and prior to Construction Certificate. Further, any LTEMP should be approved by a Site Auditor as part of a Part A Site Audit Statement.

#### **4. Noise and Vibration**

The Acoustic Report submitted with the EIS concludes that the proposed development has been designed to comply with the relevant State and local planning requirements and Australian standards and guidelines.

A glazing schedule has been provided to reduce potential noise impacts associated with external noise intrusion, including traffic noise along Regent Street.

The report anticipates that tunnel boring activities for the Chatswood to Sydenham underground metro tunnel will be completed by the time the subject building is constructed. Therefore, there will be no vibration impacts from tunnel boring.

However, the report concludes that when the Metro is operational in 2024, there is potential for ground-borne noise and vibration impacts from the operation of Metro line from train pass by events. It was recommended that specialist advice will be sought for vibration and structural isolation of the building at the design stage of the project, so that relevant vibration isolation treatments can be incorporated, if required.

The City concurs with such recommendations and recommend that the applicant obtain expert advice and vibration impact predictions. The development is to incorporate any recommended vibration isolation measures into the building foundations based upon the conclusions and recommendations of such advice.

The acoustic report also provides general recommendations for the reduction of noise and vibration to neighbouring residents during demolition, excavation and construction, criteria for plant and machinery noise and recommendations to control noise from the use of common external patron areas. These should also be implemented.

## **5. Public Domain**

The City is the Roads Authority for the roads fronting this development. However, Regent Street is a classified road requiring the concurrence of the RMS for any construction within the road reserve. A separate Roads Act approval under section 138 of the Roads Act 1993 is to be made to the City's Public Domain Unit for any works within the road reserve.

The existing footpaths along Regent and Marian Street and William lane are asphalt and in reasonable condition. The kerb and gutter are concrete and in good condition and should remain at the existing levels. William Lane has no footpath and contains just a kerb and a narrow 300mm broken concrete paved area in poor condition.

The footpath along Regent Street will need to be reconstructed with paving blocks to comply with the requirements of the City's Street Code and to match the recently constructed adjoining development. Also, the footpath along Marian Street will need to be reconstructed with concrete to comply with the City Street Code.

The pram ramps are non-compliant on the corners of Regent and Marian Streets and would need to be reconstructed to current standards. There are also driveways to be removed on William Lane and Marian Street and the reinstatement of the kerb and gutter would be required.

Existing parking signage, traffic signage and a bench along Regent Street will need to be retained. The existing alignment levels of the footpath are non-compliant with localised lifting of the footpath to meet entrances and the building line. An alignment level submission will need to be produced to ensure the new alignment levels are compliant.

The level of public domain lighting will need to be reviewed for compliance with current standards as the development will result in a significant intensification of pedestrian usage. It is noted that the recently constructed development at 80-88 Regent Street has smart poles along its frontage. This can be dealt with at construction certificate stage as part of a public domain lighting submission.

A Public Domain Plan needs to be submitted as part of a construction certificate application to ensure the public domain works comply with The City's Public Domain Manual.

## **6. Tree Management**

A total of three existing street trees will be impacted by the proposal. This includes two young *Pistacia chinensis* (Chinese Pistacia) on Marian Street and one large mature *Platanus x acerifolia* (Plane) on Regent Street. All existing street trees are proposed to be retained.

The Arboricultural Impact Assessment Report prepared by Urban Arbor, has recommended pruning of up to 10% canopy removal of the Plane Tree on Regent Street to accommodate the proposed awning. The two young Chinese Pistacia trees on Marian Street are currently too small to be impacted by the proposed awning, however, as the trees mature their canopies will likely conflict with the awning.

The existing Plane Tree on Regent Street as shown on the plans is not indicative of the true size of the tree existing canopy. It is advised that the plans be amended to show the mature size of the existing and proposed street tree species. This should then be used to inform the design of the proposed awning. The design elements including the awnings, street furniture, footpath upgrade within the public domain must ensure appropriate setbacks are provided from existing street trees to allow maturity of the trees to be achieved.

All street trees surrounding the site on Council owned land must be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites. The protection and retention of all existing trees is a priority for the City. Trees are long term assets that the community highly values. The proposed development and associated landscaping in the vicinity of trees, including street trees, has a high potential to impact in their health and structure. The City of Sydney Street Tree Master Plan includes general street tree protection measures and conditions that must be followed.

The 'Planting Palette' schedule as shown in the Landscape Report by Truf Design Studio, is incorrect. There is only one *Pistacia chinensis* (Chinese Pistacia) proposed on Marian Street and not five. There are three *Platanus x acerifolia* (Plane trees) on Regent Street and not four. A total of four new street tree plantings is proposed and not nine. The City supports the street tree planting on Regent Street and Marian Street in accordance with the City's Street Tree Masterplan (STMP) 2012. However, the design of the proposed awning must be amended to provide adequate space and clearance for the new street trees to grow without conflicting with the awning.

## 7. Landscaping

Section 3.5.2 – Urban Vegetation of Sydney DCP 2012 requires tree canopy cover be considered and provided to at least 15% canopy coverage of a site within 10 years from the completion of development. Proposed new tree planting within the site boundary is limited to five *Tristanopsis laurina* (Water Gum), and three *Leptospermum petersonii* (Lemon scented tree) planted in small raised planters on slab. Both species are small trees reaching 8m and 5m mature height in natural ground. It would be unlikely that the trees would reach mature height. The proposal does not demonstrate the capability of providing viable urban canopy on the site and meeting the control.

The site is subject to significant wind effects due to location, topography and surrounding development. The submitted Wind Report is not complete. The wind tunnel testing carried considers the proposed awning only omits existing and proposed landscaping at ground or upper levels. Landscaping that may provide some wind amelioration include landscaping proposed around the development site, vegetation and trees along Regent Street and the Gibbons Street Reserve and tree planting and landscaping planned for the Level 2 Podium.

The podium is the location of the Level 2 communal open terraces. A reliance on landscaping to completely mitigate wind is not supported as the trees may fail and die. It is unclear if the proposal relies on full height balustrades and screens to mitigate wind effects on the Level 2 common open space. It is recommended that the façade design be amended to limit wind effects and downwash to the common open space, noting this is the only open area for the students. Further wind tunnel testing should be carried out that includes the full design to meet the relevant safety criteria.

Landscaping on the Level 2 communal area is in undersized raised planters and pots and areas of astro turf. Synthetic astro turf are not supported. Due to the artificial nature, a plastic turf surface finish does not contribute any biophilic and biodiversity outcomes and is likely to end up in landfill in the future. In warmer summer months the surface finish traps heat and is a hot surface.

Proposed new trees that are in raised planters and free-standing pots are too small and shallow to support the healthy growth of trees, let alone in high wind environment. The landscape proposal does not comply with minimum soil depths and soil volumes required by the Sydney Landscape Code. Elsewhere, perimeter planters are 600mm wide and 450mm depth. The success of landscape on slab requires great design, coordinated services, soil depth and soil volume, drainage, watering systems and ongoing maintenance. These details should be provided.

Two inaccessible terraces are provided on Level 3 with narrow 450mm depth perimeter planters that are proposed to service areas on the western and southern edges of the building. There is insufficient information to assess the proposed design. Details relating to the intended design, pergola design, screening service areas, planting design and how the spaces will be accessed and maintained must be provided.

The roof level includes areas for plant and photovoltaic cells surrounded by roof ballasts. Greening of the site is limited to the ground floor and Level 2, which is a poor sustainability outcome. There is opportunity to provide additional green roofs for stormwater infiltration and rainwater harvesting, help cool the buildings, reduce energy consumption, with plant species that contribute to habitat creation and biodiversity.

## **8. Transport**

The architectural plans do not clearly illustrate the access and loading arrangements of the development. It is indicated that loading will be provided in the basement. However, a ramp access to the turntable is not shown. Additionally, the proposed driveway must be in accordance with the requirements of Sydney DCP 2012 and the relevant Australian Standards.

The provision of bicycle parking is supported in principle. However, these should be provided to support sustainable transport outcomes and encourage use. The proposal should follow the studio apartment and residential requirements for bicycle parking, as outlined in Sydney DCP 2012. This equates to 1 space per resident or at a minimum, 1 bicycle parking space per 2 beds.

## **9. Environmentally Sustainable Development (ESD)**

The ESD report, prepared by Vipac, does not clearly state what the ESD measures are included in the design and construction of the development. The architectural plans do not contain reference to BASIX and particularly, the roof plans do not adequately illustrate details and size of the photovoltaic system. The drawings depict the solar panels to be flat on the roof, which is at odds to the required tilted positioning to attain solar gain and enable easy maintenance. These need to be indicated in revised plans and appropriately illustrated in elevational drawings.

Should you wish to speak with a Council officer about the above, please contact Reinah Urqueza, Specialist Planner, on 9265 9333 or at [rurqueza@cityofsydney.nsw.gov.au](mailto:rurqueza@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A-T', enclosed in a thin black rectangular border.

**Andrew Thomas**  
**Acting Director**  
City Planning | Development | Transport