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File No: R/2015/21/C  
Your Ref: SSD 7080

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23-33 Bridge Street  
Sydney NSW 2000

Attention: Michele Nettlefold  
Email: [michele.nettlefold@planning.nsw.gov.au](mailto:michele.nettlefold@planning.nsw.gov.au)

Dear Michele,

**RE: Proposed mixed use residential and retail development at 80-88 Regent Street, Redfern (SSD 7080) – Revised Response to Submissions (RTS)**

Thank you for your correspondence dated 25 November 2016 which sought to provide Council with the opportunity to review the proponent's Revised Response to Submissions for the above mentioned Stage Significant Development application.

Despite numerous attempts to address the issues previously raised by Council, the revised plans do not demonstrate compliance with SEPP 65 or the Apartment Design Guide. In this regard, the suitability of the site for a predominately residential development is questionable, with each iteration of the plans unable to resolve the fundamental issues of building separation and solar access.

The cumulative impacts arising from non-compliance with setbacks and the design criteria of the ADG, suggest an overdevelopment of the site which has been compounded by the proponent's desire to achieve maximum residential yield despite zoning objectives. Accordingly, **the City maintains its strong objection to the proposed development and advises that the proposal should be sent to the Planning Assessment Commission to be determined.** The building is poorly designed, not in keeping with the State's own planning controls and does not exhibit Design Excellence and should therefore be refused.

A detailed overview of issues is provided in *Attachment A*.

Should you wish to speak with a Council officer about the above, please contact Michaela Briggs, Specialist Planner, on 9265 9333 or email, [mbriggs1@cityofsydney.nsw.gov.au](mailto:mbriggs1@cityofsydney.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. Corradi', with a stylized flourish at the end.

**Christopher Corradi**  
**Area Planning Manager**

## Attachment A: Review of Response to Council Submission

### SEPP 65 & the Apartment Design Guide Compliance

#### *Solar Access:*

- The 'DA 3203' solar access diagram show no solar access to the apartments between 9am and 3pm for Levels 2-11. Overall the proposal achieves 17% solar access according to these diagrams. This is not supported as the minimum ADG requirement is 70%.
- The poor solar access performance indicates that perhaps the lower levels (L2-11) would be better suited to commercial uses. This would reduce the overall number of apartments and therefore increase the percentage of apartments achieving a minimum of 2 hours solar access in mid- winter.
- This shift in the mix of uses in the development to more commercial would be more consistent with the '**Business zone – mixed use**' land use in the Redfern-Waterloo Built Environment Plan August 2006 3.2 Land Use Zones for RWA's Strategic Sites. With regard to this site the proposed amount of retail/commercial GFA is 438m<sup>2</sup> (not counting the 'outdoor' courtyard associated with the retail). This represents approximately 7% of the entire development. In this manner the proposal is a predominantly residential building and not predominantly business as envisaged by the Built Environment Plan.
- The shadow diagrams are unclear in demonstrating the extent of the shadow cast by the current proposal. In order to understand the impacts arising from the revised building envelope, a shadow diagram illustrating a compliant 8-storey scheme and the proposed 18-storey proposal should be prepared.
- It appears the proposal will overshadow residential apartments at 1 Margaret Street and the adjacent Gibbons Street Park. A detailed shadow diagram should be prepared illustrating the shadows cast on winter solstice for both sites, in addition to elevational shadow diagrams for residential apartments.

#### *Natural cross ventilation*

- The Regent Street elevations show floor to ceiling glass to bedrooms and living rooms. For example, Apartments 7.01 and 7.02. It is not clear how these rooms achieve natural ventilation in accordance with the ADG as no window types have been shown to these habitable rooms.

#### *Setbacks and separation*

- The proposed building envelope generally complies with the 1.4m setback along Marian Street, except at the corner of Marian Street and Regent Street where the setback varies between 0 – 1.4m. While this has a built form rationale of expressing the corner, *more* rather than less footpath is required at corners as it is a natural congregation point for pedestrians.
- It is unclear if the 1.4m setback to Marian Street will be dedicated to Council or if it is an extension of the footpath within private land. It is necessary to understand the purpose of this setback as Level 2 and 3 encroach into this setback area (see section below). The appropriateness of this encroachment is contingent on whether the 1.4m is a dedicated footpath widening and a primary building setback or an extension of the public domain into private land.



- The drawings illustrate a slight misalignment of the subject site and adjacent 68 – 70 Regent Street along the William Lane boundary which maintains an 800mm setback from the Lane.
- The doors along William Lane and Regent Street open outwards, encroaching onto the footpath. All doors must be designed to set-in from the footpath when open.

#### *Upper level setbacks/Separation between buildings*

- A persistent issue for the proposal has been the upper level setbacks from Marian Street and the separation to the future 18 storey development on 90 Regent Street. A strategy for optimising the GFA and addressing this issue is to increase the setbacks/separation as the height in storeys increases. This approach is supportable, and is consistent with the ADG for up to 4 storeys. However, it should be noted that all upper level setbacks from Marian Street have been taken from the boundary and not from the 1.4m setback line (street wall) along Marian Street.
- At Level 4 – 6, a 3m upper level setback is provided with the exception of the balcony in the south east corner. However, the ADG separation required for buildings of this height is 18m. In order to achieve sufficient separation, the future upper level setback for 90 Regent Street must be a minimum of 3m. Although less than the 4m upper level setback established along Marian Street (7-9 Gibbons Street), a 3m setback is acceptable with the exception of the balcony which reduces the potential separation between sites to 12m. As the ADG requires a separation of 18m, the balconies should not encroach into the upper level setback.
- At Level 7 and above, the upper level setback varies between 1.2m at the corner of Regent Street and Marian Street to 3.1m along Marian Street. This results in an insufficient separation between the site and any future development on 90 Regent Street, which would be required to provide an upper level setback of 9m from the Marian Street boundary to ensure sufficient separation between habitable rooms and balconies.
- To equitably distribute the separation between buildings across Marian Street, for floors at 8 storeys and above, 12m either side of the centreline of Marian Street would result in a 6m upper level setback for both sites from their respective Marian Street boundaries.

## Sydney LEP 2012 & Sydney DCP 2012 – Design Excellence

### GFA

- The proposed 'outdoor courtyard' at ground level has *not* been included in the calculation of GFA. The courtyard does not satisfy the requirements for exclusion from "gross floor area" (as defined by the Standard Instrument) and is enclosed by a wall greater than 1.4m in height.
- The GFA floor plans appear to exclude bedroom wardrobes and a number of unexplained voids located behind shower recesses and living spaces to the north of the site. Confirmation should be sought regarding the purpose of these voids and if wardrobe spaces have been included within the GFA calculation.



- The breezeway corridors have also been omitted from the GFA calculation. The proponent has provided legal advice which seeks to justify the omission of breezeways from GFA due to the lack of weather protection of the area and development precedent. The City rejects this argument, as applications to enclose breezeways are increasingly lodged post-construction on the basis of occupant amenity and weather protection. Should this occur, the development will further exceed the maximum FSR of 7:1.

### *Public domain interface*

- Previous iterations of drawings provided a ground level retail space with a varying setback to Marian Street. While the preference was to have this corner built to the street alignment, there were windows that animated the street, creating the impression of 'eyes on the street'.
- The current plans build to the street alignment, but the use of 'hit and miss' brickwork creates a blank frontage to Marian Street. The cumulative impact of the hit and miss brickwork and the services along Marian Street result in 85% of the street frontage being blank facades. This is not supported as there is not any casual surveillance of the street.
- The outdoor courtyard at ground level assumes that the retail will be a café, and this space would support that use. There is a possibility that the retail may not be a café. The outdoor courtyard would serve the project better as retail space, built to the boundary with windows and frontage to both Regent and Marian Street.
- The detailed elevations of the retail levels show that there are some issues to be resolved with regard to the adjacent footpath levels and door locations. Internal steps or level changes may be needed to respond to the slopping street and provide accessible entrances.
- There is intermingling with the residents and the child care use as both uses share a lift. This results in a conflict of uses and as such, an exclusive lift should be made available to the childcare.
- The basement level childcare drop off is likely to cause safety issues as parents with young children experience vehicular conflicts in getting to the lift. Further, with 47 car spaces proposed on lower levels and a small basement footprint, poor visibility for drivers is likely to occur where the childcare drop off parking is proposed.

### *Servicing*

- There is a waste holding room shown on plan DA-0204. However, it is unclear how this will operate on collection day as the garbage will have to be brought up in the lift.
- The garbage chutes terminate on the ground floor rather than in the basement, this means the compactus will be on the ground floor and then the garbage is transferred across to the service and holding area to the lift and then down to the garbage holding room.
- While garbage chutes are shown on each residential floor, there is no area for recycling.
- The drawings are unclear as to how the garbage works for the childcare and retail premises. Access to the garbage holding room, will require bringing the garbage onto the street and then back into the building to access the lift.
- There are air conditioning condensers shown on each level. This is a supportable strategy however, access for maintenance and sufficient elbow room for the maintenance may alter the amount of space and its shape.

### *Building Expression*

- If the proposal addresses the above issues of separations and setback between buildings across Marian Street, the building expression will change.
- The projecting balconies on Levels 16 and 17 create a 'top heavy' appearance to the building and should be removed. Further, the visual dominance of projecting balconies has a certain negative impact on the setting and context of the adjacent Redfern Estate Conservation Area.

- For Levels 7-15 these balconies are angular in form. This is reminiscent of earlier schemes and the outcome is the appearance of a 16 storey street wall at the corner. This has increased from earlier iterations of the buildings and can be seen below:



Original exhibited scheme





Revised scheme 1





Revised scheme subject of this response

- The more gentle curves of earlier iterations also create the impression of the balconies being integrated with the building. The angular version of the balconies create the sense that these balconies are removable or detachable.
- To ensure that the balconies are integral to the overall building they should be curved and extend to create a sill for the windows. A sill is likely to be required in order to respond to the issue of natural ventilation and effective openable area.
- The increase in the street wall height of the corner seems to be an offset of reducing the length of the balconies. This approach is an issue in terms of creating a precedent and is not supported.
- The quality of materials appears to be value engineered with each iteration of the building. This is reflected in the transition from face brick in the first version to the

second version involving face brick and brick snaps to the current version that appears to use bricks for the base of the building and then concrete panels .

- There is a lack of co-ordination between the elevations and the 'Finishes Board Sheet 1'. The elevations have Levels 2-6 on Regent Street as CN:03 but this is not shown on the 'Finishes Board'.
- The overall colour of the building has gone from warmer tones of face brick – earthier and coppery tones to the cooler palette of greys and charcoals. While this is not a determinative issue, the warmer earthier tones provide a continuity with the existing fine grained shop top buildings.
- There appears to be an anomaly with the U-shape void over Level 17 in plan and elevation. Clarity is required as to if any weather protection is afforded to the apartment below.
- The shopfront awning on Regent Street appears to be quite high (approximately 6m above the footpath). This height is not in keeping with the awnings at 'Iglu' site and other buildings within the street block. The tall awning may not be able to provide proper weather protection to the pedestrians. Furthermore, as the awning bisects the eastern façade of the podium, it results in a disproportional first level wall height of the building. In other words, the shopfront is too tall but the first level hit-and-miss brickwork above the awning is too low. The awning is to be lowered to align with the first floor level and the design of the façade is to be amended accordingly.