



MO/RS  
14395  
17 March 2016

Caroline McNally  
Secretary  
NSW Department of Planning & Environment  
23-33 Bridge Street  
SYDNEY NSW 2000

Attention: Michele Nettlefold

Dear Michele,

## **SUBMISSION ON 80-88 REGENT STREET, REDFERN (SSD 7080)**

We write to you in relation to the public exhibition of the Environmental Impact Statement (EIS) for the abovementioned site on behalf of Iglu Pty Ltd, the owners of the adjoining site to the north at 60-78 Regent Street, Redfern. The NSW Planning Assessment Commission approved an 18-storey student accommodation facility with ground floor commercial/retail spaces on the Iglu site in August 2015 (SSD 6724), for which Iglu are the proponent and future operator. Construction is due to commence on site in the second half of 2016.

The following letter includes our comments on only the key planning assessment matters that pertain to the likely impacts of the proposed development on the approved Iglu facility.

### **1.0 EXECUTIVE SUMMARY**

- Due to the proposed exceedance of the maximum building height control established under the Redfern Waterloo Authority 'Urban Design Principles – Redfern Centre', which would limit development to 12 storeys on the site, and minimal setbacks to the common property boundary, the proposed development has the potential to have significant privacy and visual impacts on private student living areas at the upper levels of the approved Iglu development. The proposed development should be amended to appropriately mitigate these impacts.
- The Major Development SEPP requires that development within the Redfern Town Centre achieves design excellence. Ensuring that the final development of the 80-88 Regent Street site satisfies this requirement will require the design intention displayed in the DA documentation to be carried through to project delivery. For this reason, the Department is encouraged to impose appropriate 'design integrity' conditions on any consent in order to ensure that the final development complies with the design excellence requirement.
- Wind tunnel testing is required to assess the impacts of the proposed building on the amenity of Iglu's approved active communal open space area on Level 1. This has not been addressed in the EIS, and is potentially exacerbated by the 0m setback of the proposed development to the common property boundary. Adverse wind impacts have the potential to impact on the usability of the outdoor communal space provided by Iglu.
- The EIS and Construction Management Plan provide little detail in regard to the likely impacts of construction of the basement and northern façade which appear to be flush to the common property boundary with the Iglu site. Iglu requests that further detail is provided to supplement the EIS regarding the construction methodology and potential impacts on the Iglu site.

## 2.0 BUILT FORM

Section 22 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005 (the Major Development SEPP) requires that the proposed development exhibit design excellence, including with regard to “architectural design, materials and detailing” (sub-section 2(a)). The final aesthetic quality of the proposed building is highly dependent on the quality and treatment of the large expanses of face brick that form the predominant material treatment to the north, south and eastern facades. Very little information is provided within the EIS, architectural drawings or design statement regarding the character of the brickwork, such as unit dimensions or final colouring. Given the prominence of this face brick façade, it is important that the consent authority ensures that the final façade treatments support a high quality architectural outcome on the site. Whilst we appreciate that the finer details of this façade will be resolved as part of detailed design, in order to satisfy the requirements of section 22 of the Major Development SEPP the consent authority must ensure that design excellence will be achieved by imposing appropriate conditions to prevent the quality of the design being eroded post-consent.

Whilst the proposed development is not the subject of the City of Sydney’s guidelines, we would suggest that there is merit in adopting the Council’s design integrity conditions from Section 5.1 of the ‘Competitive Design Policy’ (December 2013) in any development consent. These would require the design architect at the DA stage to be responsible for the preparation of design drawings for construction certificate and contract drawings, ensuring continuity of design quality throughout the project. This will assist in ensuring that the design excellence provisions of the SEPP are achieved on this site.

## 3.0 AMENITY ISSUES

### 3.1 Visual Impact

Under Section 4.2 of the Redfern Waterloo Authority ‘Urban Design Principles – Redfern Centre’, which were adopted by the Minister for Planning in 2010, tower-form buildings above podium level are required to provide a minimum separation distance of 13 metres below 8 storeys and 18 metres above 8 storeys. Each development site is required to provide a minimum of 50% of this separation distance within their site boundary. The approved Iglu building provides for setbacks to the 80-88 Regent Street site of 5.24 metres to 7.14 metres, whereas the proposed building for 80-88 Regent Street only seeks to provide a predominant setback of between zero and 3 metres up to Level 14. This would result in a significantly smaller building separation distance than required under the applicable controls, and would have substantial impacts on the outlook of habitable student living rooms within the southern portion of the Iglu building. The living areas for the south-facing cluster bedrooms provide an important source of student amenity, and the reduced setback proposed would impact upon the level of amenity within this space by reducing the sense of openness and ambient light to these living spaces.

Whilst the EIS provides analysis of views from living areas in the Redfern RSL flat building, there is no consideration given to the visual impact on the future residents of the Iglu building. Given that the proposed building is already seeking to significantly exceed the maximum building height permitted under the Urban Design Principles, the proposed development should – at a minimum – ensure that other key built form parameters such as building separation are respected in order to minimise amenity impacts. We therefore request that the Department seeks further consideration and assessment of the building separation and associated impacts on future Iglu residents associated with the zero building setback sought by the proponent for 80-88 Regent Street.

### 3.2 Visual privacy

The proposed northern elevation (DA-0502[4]) indicates that north-easterly dwellings on Levels 14-17 (mezzanine) of the proposed building will have open balconies and large bedroom windows facing directly north onto the Iglu site. The proposed balconies and bedroom windows have minimal setback from the common property boundary, and would result in large expanses of

window facing directly toward the upper three levels of the approved Iglu building (as well as views from the proposed building into lower Iglu levels).

As illustrated in the approved Iglu plans (**Attachment A**), all accommodation levels of the approved Iglu development include south-facing communal living area for students within the 6-bedroom cluster units. The communal living rooms include a large window within the southern facade, setback approximately 5.25m from the common southern boundary. These living rooms provide students with a more private leisure space compared to other communal spaces within the approved building, and are the main areas for student relaxation, living and meal preparation.

The northern windows for the north-eastern apartments in the proposed residential flat building would result in direct visual privacy impacts to student residential amenity across 4-6 levels of the Iglu building, with only 6.6m of separation between the approved Iglu windows and the L14 balcony and 8.1m separation from the L15-16 bedroom windows (Level 17 sits higher than the approved Iglu building). This separation distance is one-quarter to one-third of the minimum distance required under the Apartment Design Guide for building separation between habitable rooms and balconies above nine storeys (24m).

During the assessment of the Iglu development, both the Department and the Planning Assessment Commission gave significant attention to the need to ensure adequate privacy for both Iglu residents and residents of adjoining buildings. Steps were taken in the design of the Iglu building to ensure that adequate building separation and visual privacy would be achieved following the future development of the 80-88 Regent Street site by providing for a minimum 5.25m setback to the common property boundary, on the assumption that this setback would be respected and mirrored by future development to the south. The potential privacy impacts on Iglu students arising from the proposed development of the 80-88 Regent Street site arise due to:

- Non-compliance with the maximum building under the Redfern Waterloo Authority 'Urban Design Principles – Redfern Centre', which would limit development to 12 storeys on the 80-88 Regent Street site based on the site area;
- Failure to provide a commensurate setback to the common property boundary as that provided by the Iglu development; and
- Failure to incorporate any design measures to mitigate visual privacy impacts.

As such, there is a clear onus on the proponent of the 80-88 Regent Street development to ensure that appropriate visual privacy treatments are provided in order to ensure a suitable level of residential amenity is achieved for the future students within the approved Iglu building. We would recommend that this comprises either:

- Consideration to providing an additional physical setback to the common property boundary, in accordance with the Redfern Waterloo Authority 'Urban Design Principles – Redfern Centre';
- Deletion of all north-facing windows and balcony areas for upper level apartments within the north-eastern corner of the proposed building; and/or
- Provision of fixed louvers or window frosting to any north-facing habitable spaces within the proposed building to prevent direct views into the Iglu living spaces.

### 3.3 Wind impacts

Based on our review of the Pedestrian Wind Environment Study prepared by Windtech and dated 14 January 2016 (Attachment 20 to EIS), it appears that no assessment has been undertaken on the potential wind impacts of the proposed development on the approved southern Level 1 communal outdoor area within the Iglu development. We urge the Department to ensure that the proponent provides further detail as to the effect of the proposed building on the wind environment of this communal area – particularly given the non-compliances in building setbacks and overall building height – by undertaking additional wind tunnel modelling of this area. There is concern that the proposed building has the potential to create a poor wind environment within Iglu's communal area that would impact upon student's ability to comfortably utilise this space.

## **4.0 CONSTRUCTION IMPACTS**

### **4.1 Basement construction**

The EIS notes that lateral rock anchoring may be required to support the basement walls of the proposed development, requiring temporary and permanent structural intrusions outside of the subject site boundary. Iglu notes that this may not be possible along the common property boundary of the two sites, given the location of OSD tanks and plant equipment within the approved Iglu development. The geotechnical information provided with the EIS does not address the potential impacts of excavating four levels of basement adjacent to the required excavation on the geotechnical stability of the Iglu site, noting that there will be substantial additional loading as a result of the approved development. Further information should be provided by the applicant to demonstrate that the construction of the basement to the common property boundary will not adversely affect, or rely on access to, the development of the Iglu site.

### **4.2 Construction on property boundary**

The proposed development involves substantial construction directly on the common property boundary – with a the north-eastern wall appearing to be flush to the boundary and extending approximately 50m above existing ground level. Whilst the EIS does not include any detail of the likely timeframe for construction of the project (if approved), there is the potential for this to occur either during the construction of the Iglu project or after occupation. The Construction Management Plan submitted with the EIS provides little detail of the construction methodology for the façade, including whether access onto Iglu's property would be required and the measures that would be taken to avoid safety and operational conflicts with the construction and/or occupation of the Iglu site. It is noted that it is unlikely (due to Iglu's construction and operational safety requirements) that scaffolding would be able to be erected on the Iglu site to allow the laying of the brick wall façade proposed for this façade on the 80-88 Regent Street building. The EIS should include details of how this façade is proposed to be constructed, including further detail around the nature of the face brick architectural treatment.

## **5.0 CONCLUSION**

In light of the above, we strongly encourage the Department and the Planning Assessment Commissions to ensure that the assessment includes further consideration of the final architectural design outcome, visual privacy impacts and residential amenity, potential wind impacts on Iglu's communal outdoor space and potential construction impacts arising from the reduced northern setbacks sought by the proponent.

Should you have any queries about this matter, please do not hesitate to contact me on 99566962 or at [moliver@jbaurban.com.au](mailto:moliver@jbaurban.com.au).

Yours faithfully,



Michael Oliver  
*Senior Planner*

### **Attachments:**

- Attachment A – Approved Architectural Drawings for Iglu development





PRELIMINARY  
NOT FOR CONSTRUCTION

B	24.02.15 Revised DA Issue	EO	BD
A	26.11.14 Issue for DA	JH	BD
Revision	Date	Description	Initial
Checked			

Revision	Date	Description	Initial
Checked			

60-78 Regent St  
Redfern  
Podium plan  
Level 01



Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.  
All drawings to be read in conjunction with all architectural documents and all other consultants documents.  
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Drawing No.	A02.001[B]	
	[Revision]	

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**PRELIMINARY**  
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B	24.02.15	Revised DA Issue	EO BD
A	26.11.14	Issue for DA	JH BD
Revision Date	Description	Initial	Checked

Revision Date	Description	Initial	Checked

60-78 Regent St  
Redfern  
Typical Plan (Accessible)  
Levels 02-05



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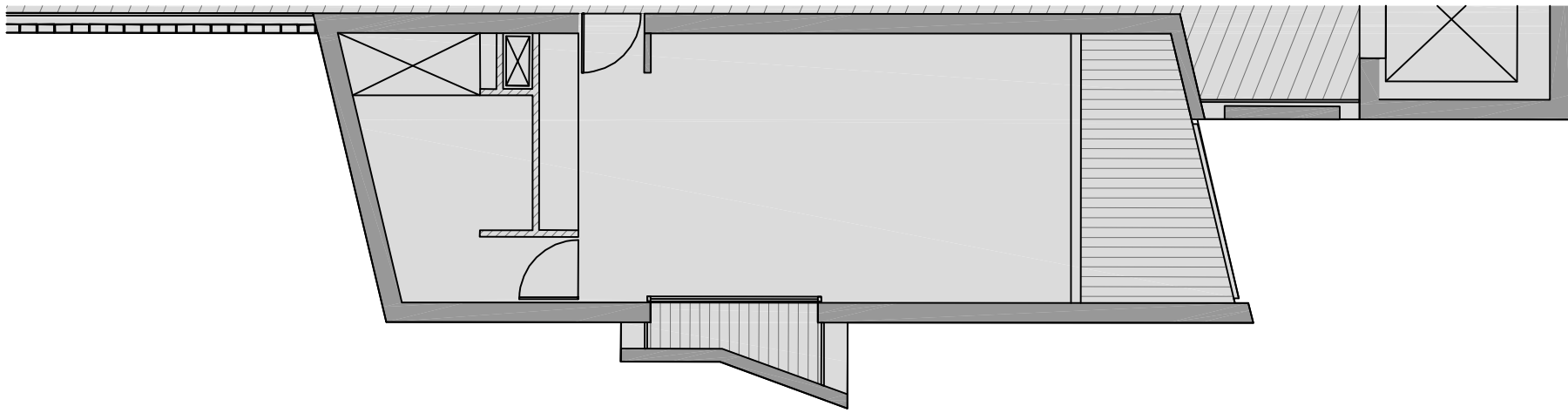
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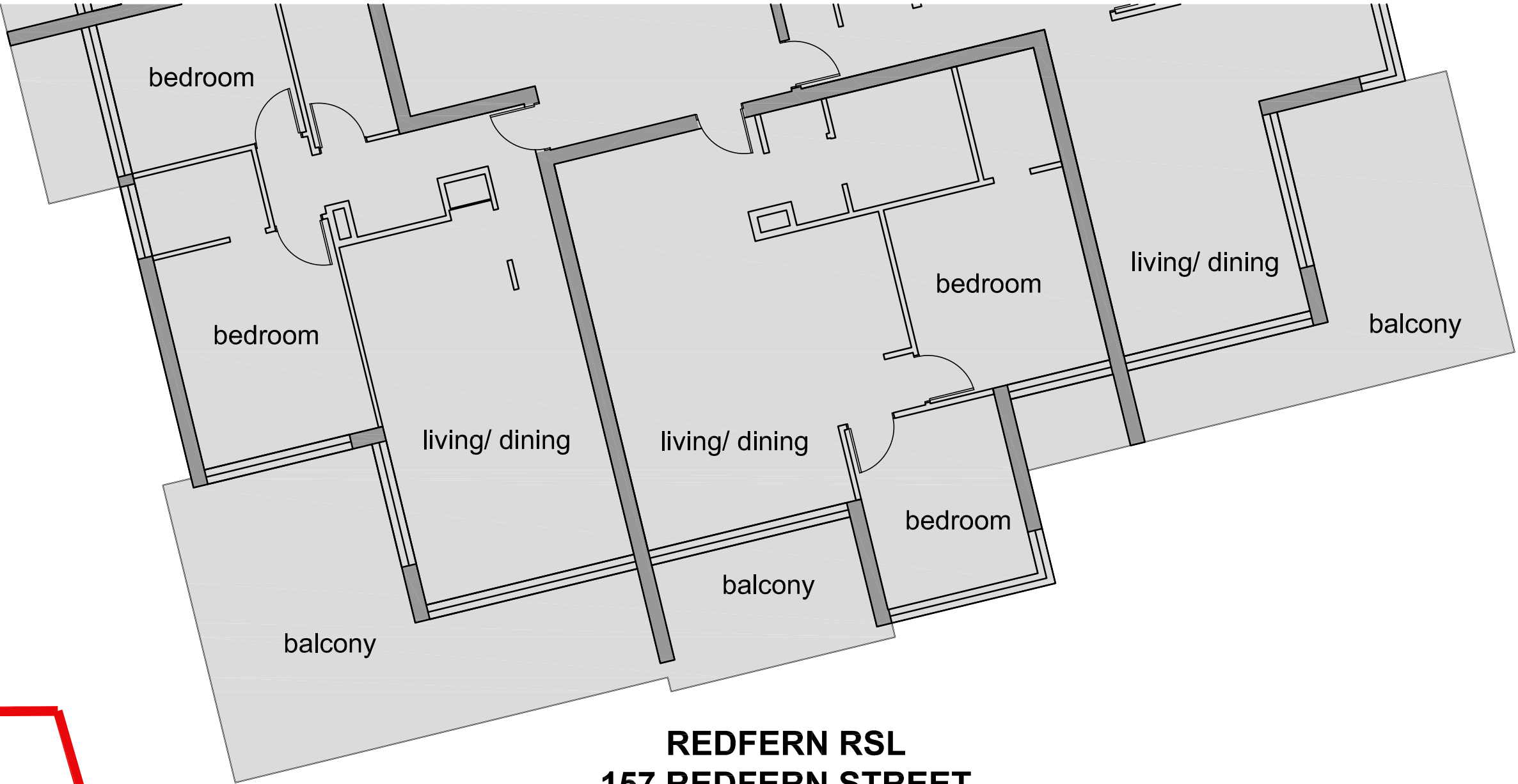
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7-9 GIBBONS STREET



REDFERN RSL  
157 REDFERN STREET  
RL. 96.10



PRELIMINARY  
NOT FOR CONSTRUCTION

B	24.02.15 Revised DA Issue	EO	BD
A	26.11.14 Issue for DA	JH	BD
Revision Date	Description	Initial	Checked

Revision Date	Description	Initial	Checked

60-78 Regent St  
Redfern  
Typical Plan  
Levels 06-17



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Drawing No.	[Revision]		

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PRELIMINARY  
NOT FOR CONSTRUCTION

MATERIALS LEGEND

1. Aluminium cladding panel

2. Terracotta cladding panel

3. Window system (Vision glass, glass louvres & spandrel)

4. Aluminium screen

5. Expressed aluminium sunshade

6. Existing face brickwork

7. Glass louvres
- 8.Vision glass

9. New brickwork

B	26.02.15	Revised DA Issue	JH	BD	
A	26.11.14	Issue for DA	JH	BD	
Revision	Date	Description	Initial	Checked	

Revision	Date	Description	Initial	Checked	

60-78 Regent St  
Redfern  
South Elevation



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PRELIMINARY  
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MATERIALS LEGEND

- 1. Aluminium cladding panel
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- 4. Aluminium screen
- 5. Expressed aluminium sunshade
- 6. Existing face brickwork
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- 8. Vision glass
- 9. New brickwork

B	26.02.15	Revised DA Issue	JH	BD
A	26.11.14	Issue for DA	JH	BD
Revision	Date	Description	Initial	Checked

Revision	Date	Description	Initial	Checked
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60-78 Regent St  
Redfern  
East Elevation



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