

Submission on 104 - 116 Regent St, Redfern SSD12618001

By 1 Margaret St Owners Corporation

17 February 2022

Definitions

The following definitions apply throughout this submission

The “OC” refers to the 1 Margaret St Strata Owners Corporation.

“Katia” refers to 1 Margaret St, Redfern

The “Project” refers to SSD12618001 at 104 -116 Regent St Sydney.

The “Proponent” or “Wee Hur” refers to The Trust Company (Australia) Limited ATF WH Redfern Trust (Wee Hur)

“SEARs” refer to the Secretary’s Environmental Assessment Requirements issued on 8 February 2021.

“DPIE” refers to Department of Planning, Industry & Environment

“tpp” refers to The Transport Planning Partnership report on Transport Impact Assessment (TIS) of this SSD12618001 development

Background

This submission is lodged on behalf of the OC.

The OC would like to note that the time allowed for comment on this submission is considered extremely problematic because:

- DPIE’s method of notification is by mail - the project had already been on display for 3 days when notification was first received. (It is not at all clear why notice isn’t issued a minimum of 2 weeks prior to public exhibition commencing).
- THE OC is a voluntary resident’s organisation with very limited resources available.
- The primary EIS document is 165 pages and there are an additional 50 Appendices many of which need to be assessed.

As a consequence of these time constraints, the OC has only been able to focus on some specific areas of the EIS and accompanying appendices. We therefore consider this review to be incomplete as there are other areas (and Point 10 was not fully assessed) we have been unable to assess adequately in the time available.

Summary

This submission believes:

1. Community Communication has improved from previous Wee Hur EIS's
2. The cumulative impact of many student accommodation developments in a small area of Redfern is not assessed or considered in the EIS
3. The EIS misrepresents the degree of residential occupancy in the immediate surroundings (as did SSD 91994 by the same proponent) and therefore the analysis of many aspects of neighbourhood impact is deficient.
4. Inadequate Water Services due to increased development has been a problem for many years - with neither Sydney Water nor prior developers providing any remedy.
5. The EIS is deficient on its parking analysis - some on site parking facilities are essential to mitigate the consequences of the development
6. The Feasible Alternatives Section of the EIS is deficient in that it has not considered a key alternative of either no/minor site development - this needs to be addressed.
7. Construction road traffic utilising Margaret St will create major issues - especially the cumulative construction impacts from the three contiguous Wee Hur projects.
8. Inadequacies in the bicycle network will be magnified by the development - this needs attention.
9. A Roof Garden operating until 22:00hrs will be invasive on local residents privacy.
10. Consideration should be given to the above street level wind tunneling impacts in Margaret St and a commitment to post- construction wind modeling and remediation if required

Point 1: Community Communication

The OC notes that the proponents' community consultation for SSD-12618001 is a substantial improvement relative to the previous SSD 91994 or SSD10382 (by the same proponent).

The OC believes that the majority of the issues raised have been noted (but not addressed) by the proponent on this occasion.

Point 2: The EIS does not consider cumulative impacts of existing, approved and likely surrounding developments

The proponent's original application for 13-23 Gibbons St (SSD 9194) received 18 submissions from the public (with 7 from Katia owners plus 2 from Katia tenants). All public submissions objected to the project. A total of 17 of these submissions raised concerns about the quantum of student accommodation development in the immediate precinct bounded by Regent, Gibbons, Redfern & Margaret St (measuring ~200m x 70m).

The residents of Katia also objected to 104-116 Regent St (SSD-10382) on similar grounds. This objection was lodged through the OC.

The OC notes the proponent is currently constructing 13-23 Gibbons St, has approval for 90-102 Regent St and 104-116 Regent St is under application. The three developments result in an additional 1239

student beds in the contiguous properties. This is in addition to the existing Iglu student accommodation buildings on two adjacent sites. The cumulative existing, proposed and planned projects would result in approximately 2,000 student beds in this limited area. Concerns are raised over the impact on cohesion, resident community, integration, pressure on infrastructure, volume of numbers and long term viability/suitability of this student influx in such a concentrated manner. All these facilities are located in a city block measuring ~200m x 70m.

Based on the latest census data, these almost completed, planned and proposed student beds would represent a 12% increase to the total Redfern population in an area comprising less than 2% of the suburb. The impact of this concentration from a very specific demographic with limited affinity to the area or even medium term tenancy likelihood ("Student Housing Experiences in Australia December 2019" reports that 59% of students in purpose built student accommodation left within 6 months generally citing affordability issues) would totally alter the fabric of the suburb. The EIS neither acknowledges this issue nor attempts to assess its significance. In the past, the proponent's only response on this issue is that "it is permissible".

Sydney Council has committed substantial resources over many years to defining planning policies that will create a cohesive, integrated, diverse, equitable and sustainable city. This includes "A City for All: Towards a Just and Resilient City (September 2019)" and "City of Sydney Local Housing Strategy (June 2020)" amongst many others. The EIS is silent on all/most of these principles.

The OC also notes that the proposal does not result in any additional affordable housing capacity (expensive single student rentals of ~\$450-500 per week are budgeted) or result in any meaningful new public space being created.

The OC understands that the proponent can apply for three consecutive approvals for student housing on adjacent sites (SSD 91994, SSD10382, & SSD-12618001). However, nowhere does the EIS mention, attempt to assess or propose any methods to ameliorate the impact of either the additional population burden or the intense concentration of usage monoculture and the impacts this would have on cohesion, amenity, the neighborhood and dislocation. This is remiss.

The EIS should assess these cumulative impacts. If the proposal were to proceed, it should be on the condition that the proponent was funding community infrastructure to offset some of the burdens that the project(s) are generating.

Point 3: Misrepresentation of Immediate Surroundings

Table 11 on p32 of the EIS states

"South of Margaret Street is the heritage-listed St Luke's Presbyterian Church and two-storey mixed use terraces with commercial uses along the ground floor."

This is the same error that was included in SSD 91994 EIS and raised by the OC in a prior submission. Immediately south (approximately 12m) of the proposed project is both St Lukes' Church and Katia - a four storey residential only complex with another four-storey residential only complex immediately to it's south. Approximately 40 residences are contained in these two buildings.

The ongoing mis-representation of the immediate neighborhood is concerning as numerous project design aspects refer to neighbourhood impacts - visual, privacy, wind, solar, traffic etc.

The OC requests that the correct residential context be considered in the immediate vicinity of the project. This is critically important for a true analysis of impacts of the project(s).

Point 4: Water Service

Table 11 on p33 of the EIS states

“Water: The existing 150DICL water main running along Regent Street has insufficient pressure to service the development. Therefore, a Water Services Co-ordinator (WSC) will be engaged to design and project manage the works including a section 73 application to Sydney Water, following lodgement of the SSDA documentation.”

Section 25 (Infrastructure and Utilities) of the project SEAR notice states *“The EIS must consider and address required utility augmentation to accommodate the proposed development”*.

The OC needs to stress that inadequate water pressure has been an ongoing issue at Katia for some years and little/no remedies have been implemented. The OC was forced to spend over \$100,000 in 2021 on an upgraded fire mitigation pump and hydrant for Katia due to the decline of water pressure in recent years. This problem has resulted from Sydney Water and/or developers not maintaining adequate services to supply the increasing development in the project precinct.

The proponent needs to warrant that adequate capacity is put in place to ensure these problems are not further exacerbated.

Point 5: Inadequate Parking

The Transport Impact Statement (TIS) produced by ttp refers in multiple places to a “Cardno Report” with data from this report used for most of the justification for the parking decisions proposed. No information is provided on this “Cardno report” other than it was used as part of another proposal in Redfern. There is no information on when the data was collected, the quantum of the data or when the report was published. The report is neither adequately referenced nor available in the EIS or Appendices package. This appears to be a serious omission given the report is the sole justification for much of the proposed decision making. The report should be made available on the Planning Portal website and further time allocated for analysis of this issue.

Parking in the vicinity of 1 Margaret St has become substantially more difficult in recent years. This is a result of both increased development in the area and the removal of substantial street parking spaces to provide clearways and car sharing spaces.

The OC believes that the development of this project in conjunction with the other student housing developments in the area will further compound these difficulties. While the goal of car free (or low) inner city environments has many attractions, in practical terms this is many years away from being feasible. A large number of residents and visitors to the area will continue to prefer car transport and will compete for “their share” of this limited infrastructure. These include:

- Residents with street parking permits
- Social visits of friends to residents
- Shopping at businesses in the vicinity
- Maintenance, repairs and delivery activities
- Short term parking for employment
- Courier deliveries which are increasing rapidly with demographic changes
- Construction workforce/contractors for the three Wee Hur projects (see Point 7 below)

The current proposal is to provide 412 beds without any provision for onsite parking. The project will bring the cumulative beds in the 200m x 70m precinct to approximately 2,000. None of these projects provide any on-site parking.

The OC accepts the likelihood that the majority of student residents will not own a car, but it seems clear that many would wish to use a car for occasional leisure activities or have friends/family who would wish to use a car for transport to Redfern. This appears especially relevant given the target demographic of the students in these relatively expensive buildings (circa \$500 /week / student) is wealthy middle class Asian backgrounds. The TIS supports this overall conclusion of leisure transport usage (Section 4.5, p 24).

The TIS itself acknowledges on p.26

“For 55% of residents, their friends and relatives did not visit by car and of those visitors who arrived by car, 66% visited once per week or less.”

If this data is typical of the whole precinct of 2,000 students, there would be **900 students** receiving visitors arriving by cars. Of these, 300 receive more than one car visit a week and 600 receive less. Although the “Cardno Report” base data was not provided, this would suggest that something in the vicinity of 900 visitor car arrivals would occur each week - or 130 car arrivals per day concentrated within specific time ranges and not spread uniformly. This level of visitation would put further overstress on an already overloaded system.

Furthermore the TIS appears to make no consideration for the parking of tradespeople performing maintenance/repair activities once the project is completed. These activities require the use of a wide variety of tools and materials often over many hours and the providers will require parking spaces. By way of example, the two visitor car spaces in Katia are often occupied for much of the day by tradespeople performing their work in the building.

Given all the above, the TIS conclusion that (p26) *“As such, it is expected that the proposed student accommodation development would not generate any traffic”* seems without merit.

The OC believes that the project should incorporate some degree of parking (-20 spaces) in order to accommodate visitors and tradespeople performing maintenance. Furthermore a number of car sharing spaces should be allocated in this parking area hence alleviating the need to remove further public car spaces from the neighborhood.

Point 6: Inadequate Feasible Alternatives Consideration

Section 2.4 of the EIS states

“Clause 7 in Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development.”

This EIS is not correct in this instance in that the correct wording of the Clause is *“(c) an analysis of any feasible alternatives to the carrying out of the development, activity or infrastructure, having regard to its objectives, including the consequences of not carrying out the development, activity or infrastructure”*.

The phrase - *having regard to its objectives* is important and has been omitted in Section 2.4 of the EIS.

On p11 the EIS states

“The key objectives for the proposed development and the way in which these have been achieved are summarised in Table 2”

However it is not clear to the OC how these objectives were determined or the logic in their determination. The detail behind the summary does not appear to be available and it is therefore impossible to understand how the requirements of Clause 7 are being met.

The options identified by Wee Hur were limited to leaving the site as it currently is (bare earth post demolition) and two general variations on a student housing project

The option of doing nothing was immediately dismissed Table 13 , p37 of the EIS

“An option to leave the site in its current condition and ‘do nothing’ was considered and dismissed. This option is inconsistent with the project objectives to deliver high quality housing for tertiary students”

This decision is difficult to understand. Firstly, there is very limited information on the objectives and how they were determined. But furthermore a summary dismissal is in conflict with project objectives such as:

“To develop PBSA with large communal spaces for students to interact and supporting amenities to create a conducive living environment.” p37

Also Section 2 of the EIS contains numerous strategic priorities such as

“Well-connected communities with quality local environment” Premier Priorities p16

“Better for Community: Inclusive, connected and diverse” NSW Better Placed priorities p17

“Better Working: Functional, effective and fit for purpose” NSW Better Placed priorities p17

The EIS does not meet the requirements of Clause 7 (1) (c) and should be re-submitted with an adequate assessment of Feasible Alternatives - particularly as to how no or limited development that provided both better student/community space/interaction would not be a superior development.

Point 7: Cumulative Construction Impacts - Road Construction

Margaret St is an extremely narrow (less than two lanes) thoroughfare that provides the only logical access for Katia residents. In addition many of the residents of William Lane also use Margaret St for car and pedestrian access. It has always been problematic with dual way traffic and access to the carpark. This is partially noted

“Due to the limited road width, parking is wholly unpermitted, and cars are likely required to manoeuvre at low speeds to allow contraflow.” p5 ttp Report

The OC is very concerned about the impact on Margaret St of Wee Hur's three projects

“Notably, the subject site is surrounded by a number of existing, under construction or proposed student accommodation sites, including 90-102 Regent Street adjacent to the site and 13-23 Gibbons Street.” P3 ttp Report

In Addition the EIS states on p54

“Construction is forecast to start July 2022 and be completed by December 2023 for operational start in January 2024.”

On this basis there would be three concurrent Wee Hur developments from July 2022 through to at least early 2024. While timelines provided by the proponent have historically appeared to be rubbery, the impact of three concurrent projects on resident access would be extreme.

It is not clear what is proposed - the Site Establishment and Materials Handling Strategy drawing in the Construction Management Plan shows vehicle site access onto Margaret St and it therefore appears many large vehicles will be continually using Margaret St. Even normal passenger vehicles can have difficulties negotiating Margaret S.

The OC believes much better detail on construction traffic management and its impact on residents is required. Regular large vehicle movements would be extremely difficult for resident access and amenity. Furthermore, the OC believes regular updates of the Construction Management Plan and Traffic Management Plan to reflect changing timelines are required and should be prepared to manage the changing construction impacts on residents.

Point 8: Inadequate Bicycle Infrastructure

At the Webinar 2 held Thursday 15 July 2021, the OC raised the issue that many segments of the bicycle routes in the area - especially those heading towards the Universities - are currently inadequate and would become more so with further increases in usage. Furthermore the OC suggested that it was perhaps appropriate for Wee Hur to assist in remediating this situation. Neither point was registered in the Community Stakeholder Engagement Report.

It is also noted by the OC that the inadequate bicycle infrastructure is also currently being stressed by the rapid uptake in food delivery services.

As previously discussed (Point 5), little detail of the “Cardno Report” is provided other than a few summary conclusions. The ttp Report apparently uses this document to conclude that no student bicycle trips will be made for study purposes. But personal observations of residents is that dedicated bicycle paths and shared paths have become substantially more crowded in recent years (pre-Covid) and a large number of these users appear to be students of overseas origin.

Furthermore the ttp Report p23 states, *“it is proposed to provide 102 secure bicycle parking spaces to promote more sustainable modes of transport”* This is in addition to the places provided in the other Wee Hur developments. It appears obvious that the developments will result in additional strain on the existing bicycle network.

The Proponent should re-assess and disclose the current/future bicycle requirements in the neighbourhood and participate in the provision of improving the bicycle infrastructure to at least accommodate the increased usage from their development(s).

Point 9: Roof Garden Privacy Invasion

The development overlooks a number of residences immediately to the south on Margaret St and William Lane. Many of these residences have balconies and terraces overlooked by the development.

There are substantial concerns about privacy intrusions to these properties as the roof garden will be open until 22:00hrs every day.

Point 10: Wind Tunnel Impacts

Appendix LL Environmental Wind Tunnel test raises issues of potential concern and exceedances about selected footpath areas of Margaret St and the new proposed laneway to the west that connects onto Margaret St.

A number of proposed measures are proposed to mitigate these concerns.

The OC have a number of major issues with the proponents wind tunneling methodology;

- The wind sensors were only placed at street level in Margaret St - a number of residential apartments in Margaret St and William Lane have outdoor balconies / terraces on the 2/3/4 levels. No measurements or assessments were conducted to assess impacts above street level in these residential areas.
- There is no commitment provided by Wee Hur for monitoring post construction to assess whether wind tunneling impacts are acceptable and potentially implement further mitigation measures if required.