

## Memo

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|----------------------|--------------------------------------|
| <b>Company Name:</b> | Iglu Pty Ltd                         |
| <b>To:</b>           | NSW Planning Assessment Commission   |
| <b>From:</b>         | Michael Oliver (Principal, Planning) |
| <b>CC:</b>           | Matt Hynes (Iglu)                    |
| <b>Date:</b>         | 9 November 2017                      |
| <b>Re:</b>           | Recommended amendments to conditions |
| <b>Project Name:</b> | 80-88 Regent Street, Redfern         |
| <b>Project No:</b>   | 14395                                |

### Comments:

On behalf of Iglu Pty Ltd we have reviewed the Draft Development Consent prepared to the NSW Department of Planning and Environment and provided to the NSW Planning Assessment Commission for consideration in their determination of State Significant Development Application SSD 7080. Iglu is the owner and future operator of the 18-storey student accommodation facility at 70-78 Regent Street, Redfern. The facility is currently in the late stages of construction and is due to commence operations at the beginning of 2018.

Ethos Urban (formerly JBA) made a submission to the NSW Department of Planning & Environment on behalf of Iglu during the public exhibition of SSD 7080 in March 2016. This submission raised issues regarding building separation, design excellence, wind impacts and management of construction/ structural issues associated with works directly abutting the common property boundary.

We have reviewed the Department's assessment report and draft conditions of development consent and wish to make the following comments/requests regarding these conditions. The affected conditions discussed are:

- New condition in Part B relating to geotechnical/structural matters;
- Draft Condition B14;
- Draft Condition C1;
- Draft Condition C5;
- Draft Condition D8; and
- Draft Condition E9.

We attach a copy of separate comments received from TTW Engineering regarding potential structural matters, as well as a copy of our submission on Iglu's behalf provided during the early-2016 exhibition period.

### Structure and Geotechnical

TTW have reviewed the DA documentation and Draft Conditions on behalf of Iglu and have provided a letter outlining potential matters which should be resolved during detailed design by requirement of DA condition. The proposed development involves the excavation and construction of four levels of basement structure immediately along the common property boundary to the recently-constructed Iglu facility.

The EIS for the proposed development does not appear to have been accompanied by a structural engineer's report, despite the Secretary's Environmental Assessment Requirements specifying that a 'Geotechnical and Structural Report' (our emphasis) be provided. The Geotechnical Study provided with the EIS is a desktop study only and makes only general recommendations regarding structural design. The Department's Assessment Report does not appear to deal with potential structural/geotechnical issues.

It is requested that the PAC insert an additional condition in Part B (Prior to Issue of Construction Certificate) of the Draft Development Consent that:

- Requires the proponent to undertake a detailed geotechnical site investigation and provide a copy of this report to the owners of immediately adjoining properties.
- The detailed geotechnical investigation should detail any potential impacts on the structure of adjoining properties/buildings and measures required to avoid these impacts.
- Provides details of excavation shoring and certification by an appropriately qualified person that the design of shoring will maintain the capacity of footing piles of adjoining buildings and prevent soil loss from beneath the ground slabs of the adjoining Iglu building. A copy of these details and certification should be provided to the owners of the adjoining Iglu property.
- Details of any ground anchors to adjoining properties are to be provided and agreement is to be obtained from those owners prior to the commencement of works.

In addition to the above, it is requested that Draft Condition D8 be amended by deletion of part (c) of this condition. This would ensure that vibration complies with the limits established in the guidelines identified in parts (a) and (B) of this condition and that greater vibration (having the potential to damage or compromise the structure of the Iglu building) is not permitted via amendments to the CEMP.

## **Dilapidation Surveys**

Draft Conditions B14 and E9 require the proponent to prepare pre- and post-construction dilapidation reports of adjoining buildings, including the Iglu building. These conditions require the submission of these reports to the PCA and to Council. It is requested that this condition is amended to ensure that Iglu are also provided with the aspects of this report that are relevant to their building.

## **Notification**

Draft Condition C1 requires the proponent to provide at least 48 hours written notice to the PCA and Council prior to the commencement of any works on the site. Iglu request that the same notice is given to adjoining land owners.

Draft Condition C5 requires the preparation of a Construction Environmental Management Plan and Draft Condition C6 requires the preparation of a Construction Pedestrian and Traffic Management Plan, and that both of these documents be provided to Council and the PCA prior to the commencement of works. Iglu requests that a copy of these plans are also provided to the owners of the adjoining properties so that they can ensure appropriate communications to their students throughout the duration of works and coordinate deliveries to the Iglu loading dock on William Lane.

8 November 2017

141515

Iglu Pty Limited  
Level 4, 68 York Street  
Sydney NSW 2000

Attention: Matt Hynes

## **80-88 Regent Street, Redfern**

### **Preliminary Comments - Excavation**

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Dear Matt,

We have reviewed the DA issue of the Architect's drawings for the proposed development at 80-88 Regent Street and make the following recommendations on the structural aspects. These recommendations are made primarily due to the proposal to excavate four basement levels immediately adjacent to the common property boundary with the site of the recently constructed Iglu Redfern 18-storey student accommodation facility. Appropriate conditions should be imposed to ensure that the structure of the Iglu building is not impacted by the proposed excavation and basement construction.

1. A desktop geotechnical study report has been prepared for the project. A detailed geotechnical investigation for the site and assessment of the impact of the excavation on the Iglu property and other neighbouring properties should be carried out.
2. The excavation shoring needs to be designed to maintain the capacity of the Iglu footings piles and prevent any soil loss from beneath the Iglu slabs on grounds and footings. We recommend that shoring design drawings and calculations are prepared and provided to Iglu for comment prior to the issue of a Construction Certificate to ensure that the structural capacity of the Iglu building is not adversely impacted.
3. Iglu Redfern pile loads are to be accounted for in the design of the 80-88 Regent Street shoring design and can be provided to the Proponent upon request. The geotechnical and structural capacity of the existing Iglu footing piles must be maintained. We recommend that prior to the issuing of a Construction Certificate that the Geotechnical and Structural Engineers for 80-88 Regent Street are to certify that the structural design will not impact the Iglu footing piles.
4. It is not clear from the DA documentation whether temporary anchors are proposed for the shoring along the boundary with the Iglu Redfern site. If temporary anchors are proposed, the anchors would need to be set-out to avoid all existing in ground structures and services within the Iglu site and would require separate agreement from Iglu. Anchors would need to be destressed upon completion of the structure.
5. It is not clear what lateral deflection limits the proposed shoring is being designed for. Shoring deflections must be limited to avoid damage to the Iglu structure and should be agreed with Iglu prior to shoring installation.

6. Rock stress relief movement must be considered and designed for in the excavation design. The effect of rock stress relief movement on the Iglu structure must be checked prior to the commencement of works. We recommend that the excavation design by the Geotechnical and Structural Engineers takes into account rock stress relief movements and a detailed report is issued to Iglu for review.
7. The final structural design should confirm how the shoring piles are set-out relative to the boundary and the Iglu boundary wall, including details of the minimum offset required for the piling rig and appropriate allowances in the setout of the shoring zone.
8. It is not clear from the drawings what clearance is provided from the face of the proposed building to the property boundary and the extent to which building lateral deflections under wind and earthquake loads have been allowed for.
9. Appropriate construction vibration limits should be set and agreed with Iglu and monitored during construction.
10. DA Condition B14 requires a dilapidation report of all adjoining buildings. The condition currently requires that this report be submitted to Council. We recommend that this condition be amended to require that a copy of the report also be provided to Iglu and other adjoining landowners.

Should you require anything further please contact the undersigned.

Yours faithfully  
**TAYLOR THOMSON WHITTING (NSW) PTY LTD**



**DANIEL TAYLOR**  
Technical Director

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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 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.

Yours faithfully,



Michael Oliver  
*Senior Planner*

### Attachments:

- Attachment A – Approved Architectural Drawings for Iglu development