

22 November 2017

**NSW Planning Assessment Commission Determination Report
Mixed Use Development at 80-88 Regent Street, Redfern (SSD 7080)**

1. INTRODUCTION

On 12 October 2017, the Planning Assessment Commission received from the Department of Planning and Environment, a State significant development application from Sunny Thirdi Regent Street Pty Ltd for a new mixed-use residential development at 80-88 Regent Street, Redfern.

The Department referred the development application to the Commission for determination in accordance with the Minister for Planning's delegation because the Department received an objection from the City of Sydney Council. The Department also reports that 25 public objections were received overall.

Ms Lynelle Briggs AO, Chair of the Commission, nominated Abigail Goldberg (as chair), Russell Miller AM, and Tony Pearson to constitute the Commission to determine the application.

1.1 Summary of Development Application

The development application was submitted in 2016. In the intervening time before its referral to the Commission, the design of the proposed building underwent substantial revisions. The development application, as revised, and as now before the Commission for determination comprises:

- construction of an 18-storey part residential/part commercial building, including
 - ground level retail space;
 - commercial office space across two levels (Levels 1-2);
 - further commercial use, including potential child care centre, on Level 3 (subject to a separate development application);
 - 56 residential apartments (14 one-bedroom and 42 two-bedroom) across 14 levels (Levels 4-17);
- 60 car parking spaces provided across four basement levels, with vehicular access from William Lane, including:
 - two drop-off bays and one loading bay accessed off William Lane;
 - 50 bicycle parking spaces located in the basement, at ground level and near the commercial lobby;
- landscaped communal rooftop garden; and including
- demolition of existing structures, earthworks and site preparation works.

The proposed building has a gross floor area of 5,754 m² with a floor space ratio of 7:1 comprising:

- 4,012m² residential (464m² per floor);
- 1,250m² commercial;
- 250m² other commercial/potential child care centre;
- 211m² retail.

1.2 Site description

The site is located about 150 metres east of Redfern railway station and comprises five lots with a combined area of 822m². It has frontages to Regent Street (26.6m), Marian Street (about 31m) and

William Lane. Existing on the land there are five 19th century, two-storey terraces with shopfronts to Regent Street and shop-top housing.

1.3 State Environmental Planning Policy (State Significant Precincts) 2005

The site occurs within the Redfern Waterloo State significant precinct, under *State Environmental Planning Policy (State Significant Precincts) SEPP 2005*, and is zoned Business – Commercial Core.

Illuminating the objectives of that policy, the *Redfern Waterloo Authority – Built Environment Plan 1 (August 2006)*, said the new land use zones would replace redundant and restrictive zones that previously applied to the precinct. Among a wide range of objectives, the up-lifted floor space and height controls were to maximise density within the commercial core, while the form of new buildings were to respond to the immediate context and character of their localities.

On the subject site, and the three-other development lots on the city-block in which the site occurs (bounded by Regent, Marian, Gibbons and Redfern Streets), the policy permits a maximum floor space ratio of 7:1 and a maximum building height of 18-storeys. Two of the development lots within this city-block have been developed; the third is under construction, and all three buildings, known as *Urba*, *Deicota* and *Iglu* (under construction), have developed the maximum floor space ratio and building height.

2. DEPARTMENT'S ASSESSMENT REPORT

The Department's assessment report (9 October 2017) identified built form, amenity impacts to adjoining properties, residential amenity for future occupants, traffic, car parking and access as the key impacts associated with this proposal. The report concluded that the proposal is generally consistent with the intended future direction of the Redfern-Waterloo area and is an appropriate development to facilitate growth of the Redfern Town Centre.

The Department considers that the proposed residential apartments would achieve a satisfactory level of amenity and notes that all key issues associated with the proposal have been assessed, and appropriate conditions recommended, where necessary.

3. COMMISSION'S MEETINGS AND SITE VISIT

As part of its assessment of the proposal, the Commission met with the Department, the applicant and Council, and visited the site and local area. Notes from these meetings and the site inspection are provided in **Appendix 1**. The Commission also conducted a public meeting. Notes from the public meeting are provided in **Appendices 2 and 3**.

3.1 Briefing from the Department

On 9 November 2017, the Department briefed the Commission on the design evolution of the project, key assessment issues set out in the assessment report and the draft conditions.

3.2 Briefing from the Applicant and Site Visit

On 9 November 2017, the Commission met with the applicant and visited the site. The applicant provided an overview of design development, design resolution to address setbacks, building separation and amenity. The applicant discussed issues raised by the City throughout the process and in submissions, and provided commentary on the draft conditions of consent.

3.3 Meeting with City of Sydney Council

On 9 November 2017, the Commission met with the City, which raised issues including site area, scale of development, setback non-compliances, design and amenity impacts.

3.4 Public Meeting

The Commission held a public meeting on 9 November 2017 at the Planning Assessment Commission office at Level 3, 201 Elizabeth Street, Sydney to hear the public's views on the proposal. A list of the

speakers that presented to the Commission is provided in **Appendix 2**. A summary of the issues raised by the speakers and provided in written submissions is provided in **Appendix 3**.

In summary, the main issues of concern include impacts on surrounding development, bulk and scale, amenity and privacy impacts and potential for structural and geotechnical issues associated with the excavation and construction of the basement car parking.

4. ADDITIONAL INFORMATION

Following the meetings with the applicant, the Department, Council and the public meeting, the Commission requested that the applicant submit a further balcony design option for residential floor levels 5-17 (these are now attached to the consent notice). The Commission also made enquiries to the Department about a number of matters related to the recommended conditions, raised by the applicant and at the public meeting. The Department's response is at **Appendix 4**.

5. COMMISSION'S CONSIDERATION

In this determination, the Commission has considered carefully:

- submissions in response to the various stages of the application, and presented at the public meeting;
- the Department's assessment report;
- advice and recommendations from government agencies;
- information provided to the Commission including the additional information described in section 4 above;
- relevant matters for consideration specified in section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including:
 - relevant environmental planning instruments;
 - the *Environmental Planning and Assessment Regulation 2000*;
 - the likely impacts of the development on both the natural and built environments;
 - social and economic impacts in the locality;
 - the suitability of the site for the development;
 - written and verbal submissions from the public; and
 - the public interest, including the objects of the EP&A Act.

The key matters considered by the Commission include building form and residential amenity, which are considered in detail below. Adjustments to the recommended conditions, informed by the Department's response (see **Appendix 4**), are also set out in detail below. The Commission is otherwise satisfied with the Department's assessment of the development application and the recommended conditions to manage potential impacts including traffic, car parking and access, contributions, contamination, construction impacts and archaeology.

5.1 Building form

The proposed building realises the maximum floor space ratio and maximum number of storeys set out in *State Environmental Planning Policy (State Significant Precincts) 2005*. The podium does not comply with the podium height and setback standards of that policy, and the tower occupies proportionally more of its site area compared with the three other buildings on the block (i.e. Iglu, Deicota, and Urba).

Submissions from the public (both written and spoken) raised concerns regarding the loss of privacy, views, and access to sunlight, as well as the impact of prevailing breezes that would result from the height and proximity of the proposed building.

Council argued that the site is too small to accommodate an 18-storey tower. The need for large boundary setbacks and building separation distances, particularly above 12-storeys as set out in the *Apartment Design Guide* (ADG), it argues, prohibit a building of such height. Council asserted that

the resulting impacts to solar access, privacy, views and pedestrian amenity (from downdraft, for example) should be considered unacceptable.

Council also raised issues with the podium overhang on Marian Street on the grounds that it interrupted street legibility, and expressed a preference for the podium to be setback from Iglu so the proposed building can be seen “in the round”. The semi-circular balconies in the south-east of the site, Council said, encroached on the Regent Street setbacks, as well as the building line asserted in design principles for the area, and adhered to by Iglu.

The applicant argued in its objection to the podium height/setback standards (under *State Environmental Planning Policy No. 1 - Development Standards*) that the proposed building achieves a two-storey shop front scale to Regent Street, with a podium setback consistent with Iglu, while the Marian Street podium setback wraps around from Regent Street, and then steps down to match the Urba building.

The Department agreed with this argument, commenting that the proposal is “*compatible with achieving an appropriate design outcome*” and corresponds to the intent of the podium height/setback control. Of the overall development, the Department said that it would maintain the emerging character of new development on Regent Street, and that its 18-storey height, floor space ratio and setbacks are consistent with those envisaged for the Redfern Town Centre. In addition, the Department said the projecting balcony elements, while not characteristic of the area, would be a positive aspect of the building design, reinforcing its street-corner presence.

The Commission has considered carefully the applicant’s objection to the podium height/setback standards. The Commission has also considered carefully the arguments for and against the floor space, height and setback elements of the proposed building.

The Commission is satisfied that the podium height and setback arrangements are an appropriate fit for the context in which they occur, noting that they continue the existing configuration of adjoining buildings Iglu and Urba. The Commission also considers the applicant’s objection to the standards to be well founded. Rigid application of the standards, and the guidelines of the ADG, are considered by the Commission to be unreasonable on this constrained site in this location.

The Commission acknowledges the concerns raised by Council and the residents of nearby buildings regarding the height of the proposed building and its proximity to other buildings. However, the Commission is satisfied that the configuration of the floor plans, as well as the setbacks that are provided, are sufficient to preserve an adequate amenity for surrounding residents and public spaces (as discussed below in section 5.2). The Commission notes the mitigation measures recommended by the wind study, which have been included in the recommended conditions, and is satisfied that wind and downdraft impacts are acceptable. The Commission also notes that the proposed building achieves the maximum floor area and height for the site intended by the height and floor space up-lift in *State Environmental Planning Policy (State Significant Precincts) 2005*, whereas a building with fewer storeys and greater setbacks would not.

The Commission does not accept that the projecting semi-circular balconies are an acceptable encroachment on the setback established for Regent Street by the Iglu development. While acknowledging that strong features on a building corner may be asserted as an urban design principle, the Commission is not persuaded that such features should encroach on the established setback for this particular street corner, nor that such visually prominent features should be the norm for every building. Moreover, the Commission notes that there are no design references in this location for such a building typology. The Commission accordingly requested balcony design revisions from the applicant. The approved revised design substantially reduces the extent of the encroachment and provides a less visually intrusive balcony element, while still providing amenity for the occupants.

5.2 Residential amenity

Amenity issues are broadly of two kinds; the provision of adequate amenity for occupants in existing neighbouring buildings, and impacts to the amenity of occupants of the proposed building. In both these respects, the proposed building is challenged by the circumstances of the site. It is the last to be developed on the city block, is somewhat smaller than the other three sites, and is located in the south-east quadrant facing Regent Street and Marian Street.

Submissions from the residents of the adjacent building, Urba, raised issues about amenity impacts to their apartments. The bulkiness of the proposed building, they said, will cause a significant loss of natural light, an incursion into their visual and acoustic privacy, and the loss of views.

Dealing first with building separation and privacy, the proposed building would be fitted with highlight windows and window hoods where privacy for both occupants in adjoining buildings and of the proposed building. The Department found no additional overshadowing for Urba, Iglu or Deicota between 9am and 3pm (during the winter solstice), while solar impacts to other sites and the public domain would be limited, and consistent with what could be expected of the site with the height and floor space controls in State Environmental Planning Policy (State Significant Precincts) 2005.

The Department closely analysed the view loss that might result from the proposed development. It found a range of view loss impacts from moderate to severe in all three neighbouring high-rises, although it argued that these views are essentially opportunistic as they result from the same height and floor space uplift that applies to the subject site, and occur through an undeveloped building envelope. The Commission concludes that preservation of all existing views would unreasonably limit the development of the subject site and frustrate the objectives of the height and floor space controls in State Environmental Planning Policy (State Significant Precincts) 2005.

The configuration, setback and alignment of proposed apartments minimises, as far as practicable, visual privacy conflicts to the north, while window hoods would be installed on west facing windows to prevent direct overlooking. Finally, the loss of views over the site is inevitable owing to the height and floor space uplift that facilitated this proposal as well as the other three buildings from which views are currently obtained. While earlier proposed designs would not have done so, the design submitted to the Commission achieves an appropriate balance has been achieved.

Turning to amenity within the proposed building, Council argued that the low levels of solar access achieved by the proposed apartments (because of overshadowing from existing buildings) indicates that the site is not well suited to residential development. More of the lower floors, Council said, should be developed as commercial floor space because the lower floors have poorer solar access. Council added that traffic noise from Regent Street was prohibitive to the natural ventilation of apartments that face Regent Street, and that building separation distances, particularly at higher levels, were inadequate to provide visual privacy.

The Department reported that 52% of the proposed apartments receive at least two hours sunlight between 9am and 3pm, during the winter solstice. This increases to 68% if the hours are extended between 8am and 4pm. Regarding traffic noise, the Department advised that the appropriate selection of building materials and the installation of mechanical ventilation would enable compliance with the relevant noise guidelines to be achieved.

The Commission agrees with the Department's assessment. The design response to the site appears to have maximised opportunities for occupant amenity, both for the proposed building and of those that surround it. While solar access to the proposed apartments is below that recommended in the Apartment Design Guidelines, it is only marginally so and all proposed apartments otherwise benefit from dual aspects, ample dimensions, cross ventilation and a communal roof top space.

5.3 Conditions of consent

In receiving public submissions and meeting with the applicant, the Commission found reason to make enquiries to the Department about a number of the draft conditions. The Department has accordingly facilitated a number of changes to the conditions, including:

- deletion of the requirement for car share spaces to be both visible from the street and publicly accessible on the grounds these would be both impractical and a potential security risk for the building given the car share spaces are located in the basement;
- deletion of the requirement for a vehicle turntable in the service dock as turning diagrams indicated that service vehicles can manoeuvre into and out of the dock without a turntable;
- deletion of the condition requiring approval be obtained from the Civil Aviation Safety Authority, as this approval has now been obtained. Other conditions have been added or amended to reflect the requirements of the Authority's approval;
- substitution of 4 stars for 5 in the requirement for the building to have a green star rating. The building was assessed only for 4 stars, and not 5;
- additional conditions requiring a Geotechnical Design, Certification and Monitoring Plan, to address the construction scheduling and geo-technical issues raised by the developer of Iglu.

6. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has considered carefully the applicant's proposal, submissions in response to it, the Department's assessment report and the relevant matters for consideration under section 79C of the EP&A Act. The Commission has noted the advice and recommendations from the City of Sydney Council, and government agencies. Additionally, the Commission has heard from members of the community about their concerns for the proposal during the public meeting on 9 November 2017.

The Commission has closely considered the concerns expressed by speakers at the public meeting, particularly regarding potential amenity impacts for the occupants of Urba, Iglu and Deicota. The Commission has found that the configuration of the floor plans, setbacks and overall design response appears to have maximised the opportunity for amenity of occupants of neighbouring buildings as well as future occupants of the proposed building itself. The Commission considers that potential privacy impacts have been minimised as far as practicable through the configuration and alignment of the proposed apartments and is satisfied that the podium height and setbacks are appropriate in the context where they are consistent with the existing configuration of adjoining buildings Iglu and Urba.

The Commission notes that although solar access to the proposed apartments is below what is recommended in the ADG, it considers the non-compliance marginal and that the proposed apartments benefit from the dual aspect configuration and resultant cross ventilation. The Commission concludes that the proposal provides an appropriate design response to maximise solar access whilst providing increased residential density in this highly urban location close to the city centre.

The Commission does not accept the balconies as proposed by the applicant and considers maintaining the established street wall to be important, particularly as the proposed encroachment does not occur elsewhere in the locality. The Commission considers the revised balcony design a more appropriate response in its context, as it reduces the extent of encroachment, while maintaining amenity of future occupants.

For the reasons set out above, the Commission has determined to grant approval to the development application subject to the conditions set out in the instrument of approval.



Abigail Goldberg (Chair)
Member of the Commission



Russel Miller AM
Member of the Commission



Tony Pearson
Member of the Commission

**APPENDIX 1
RECORDS OF COMMISSION MEETINGS**

Notes of Site Visit and Briefing from the Applicant

This meeting is part of the Determination process.		
Meeting note taken by Alana Jelfs	Date: 9 November 2017	Time: 9:00am (onsite) 10:15am (PAC office)
Project: Mixed Use Development 80-88 Regent Street, Redfern		
Meeting place: 80-88 Regent Street, Chippendale and PAC Office		
<p>Attendees: Commission Members: Abigail Goldberg (Chair), Russell Miller (AM), Tony Pearson. Commission Secretariat: David Mooney (Team Leader), Alana Jelfs (Senior Planning Officer). Applicant: James Milligan (Managing Director, Milligan Group), Jarrod White (Development Manager, Milligan Group), Ron Dadd (Director, Thirdi), Robert Huxley (Director, Thirdi), Stuart Plumb (Senior Project Manager, Thirdi), Sean Xiao (Project Manager, Thirdi), Joanne McGuinness (Associate Planner, SJB), Stef Hughes (Associate Architect, SJB).</p>		
The purpose of the meeting: For the applicant to brief the Commission on the project		
<p>Applicant briefing notes <i>Design resolution</i></p> <ul style="list-style-type: none"> • The applicant asserted: <ul style="list-style-type: none"> - the Department was satisfied that through design development, an appropriate level of amenity had been achieved for all apartments; - option to reconfigure balconies could be considered further; - the scheme meets many of the guidelines in the ADG; - conversion of another floor to commercial would not be commercially viable; - cross ventilation can be achieved either by opening windows or by using mechanical ventilation; - retention of the original façade was discussed with the City. The City encouraged the applicant to consider other options for shopfronts and façades; - bicycle parking, showers and locker facilities at basement level are in accordance with the ADG. • Public domain interface: <ul style="list-style-type: none"> - the applicant sought to activate the Regent/Marian Street corner frontage which is subject to wind conditions; - the applicant noted the corner space is difficult to activate and is constrained by servicing requirements to the rear. The applicant confirmed the development nevertheless achieves 50% activated frontage; <p><i>Draft Conditions</i></p> <ul style="list-style-type: none"> • The applicant requested amendments to several conditions B18(d) and (g). The applicant agreed to provide further detail on requested amendments to the draft conditions. 		
Outcomes/Agreed Actions: Applicant to provide further detail on requested amendments to conditions		
Meeting closed at 11:00am		

Notes of Briefing from the Department

This meeting is part of the Determination process.		
Meeting note taken by Alana Jelfs	Date: 9 November 2017	Time: 11:15am
Project: Mixed Use Development 80-88 Regent Street, Redfern		
Meeting place: PAC Office		
Attendees: Commission Members: Abigail Goldberg (Chair), Russell Miller (AM), Tony Pearson. Commission Secretariat: David Mooney (Team Leader), Alana Jelfs (Senior Planning Officer). The Department: Ben Lusher (Director, Key Sites Assessments), Cameron Sargent (Team Leader, Key Sites Assessments), Andy Nixey (Principal Planner, Key Sites Assessments).		
The purpose of the meeting: For the Department to brief the Commission on the project		
The following matters were discussed: <ul style="list-style-type: none">• Strategic context:<ul style="list-style-type: none">- The site is located in Redfern Town Centre, identified within the State Significant Precinct planning framework.- The site is the last on the block to be developed under the precinct controls established for the site. Conditions of the site are constrained.• Design evolution:<ul style="list-style-type: none">- There have been three distinct design iterations in response to the Department and Council comments, as well as in response to submissions from the public and agencies.- Initial iterations were not supported due to inadequate amenity of the residential component, particularly in relation to internal solar access.- The applicant subsequently reduced the number of apartments per floor plate (from five to four).- A reduced setback to Regent/Marian Streets is supported by the Department on the basis of greater setbacks achieved to the north and west.- The Iglu building has a reduced setback to Regent Street.- The City requested a more curved design solution for the balconies, which were proposed to be highly geometric in the second design iteration.- Podiums are relatively consistent, with a strong intermediate element to respond to the shift in land use from commercial to residential floorspace.- Apartments are dual aspect, benefiting from cross-ventilation.- The Department considers the applicant has achieved an appropriate level of amenity given the urban context and through the design development process, and that the built form responds well to the context.- The Department considers the corner site provides an opportunity for a design response and that the curved balcony is a positive design in its context.• Draft Conditions:<ul style="list-style-type: none">- B18 (d) (car sharing component): Operators require the facility to be visible and accessible 24 hours a day and suggest the issue could be managed through strata arrangements.- B18 (g) (provision of turntable): The City raised the issue of garbage trucks accessing the site and requirement for a vehicle turntable. The applicant has requested that this be deleted.- B40 (Crime Prevention Through Environmental Design (CPTED)): The City raised concern regarding compliance with CPTED. The location of doorway on Marian Street could be repositioned to address concerns and suggest this is a management issue that could be resolved through design of this space.		
Outcomes/Agreed Actions: Applicant to provide further detail on requested amendments to conditions		
Meeting closed at 12:00pm		

Notes of Meeting with the City of Sydney Council

This meeting is part of the Determination process.

Meeting note taken by Alana Jelfs

Date: 9 November 2017

Time: 1:30pm

Project: Mixed Use Development 80-88 Regent Street, Redfern

Meeting place: PAC Office

Attendees:

Commission Members: Abigail Goldberg (Chair), Russell Miller (AM), Tony Pearson.

Commission Secretariat: David Mooney (Team Leader), Alana Jelfs (Senior Planning Officer).

City of Sydney: Michael Soo (Area Planning Manager, Major Projects), Michaela Briggs (Specialist Planner), Cindy Ch'ng (Urban Designer).

The purpose of the meeting: For the City of Sydney (the City) to brief the Commission on the project

The City raised the following matters:

- The site does not meet the minimum site area requirements for the proposed development.
- The proposal is an overdevelopment of the site. The City considers the site could accommodate 8-storeys.
- Encroachment into the setback creates overhang, which negates what the ADG is trying to achieve.
- The setback on Regent Street should be 8m; however, the setback established for Iglu is a consideration.
- The Draft Urban Design Guidelines (Draft UDG) suggest tower buildings should be read 'in the round' to ensure all sides of the tower development can be seen. The City considers this supports view sharing by residents while minimising overshadowing.
- Surrounding sites were subject to a minimum site area. While the controls allow a degree of flexibility, it is contingent on design excellence.
- Natural/cross ventilation has not been adequately addressed.
- Inadequate solar access has been provided for proposed apartments.
- The Wind Study suggests mitigation measures however these have not been shown on elevations. It is not clear how these measures would ameliorate impacts.
- Awnings on Marian and William Streets are not shown and there is concern over a lack of horizontal break/activation.
- More activation should ideally be provided on the laneway. Iglu turned some functions around to address the lane.
- The City supports the brickwork proposed but has concerns with constructability.
- Public domain interface and concern that service areas and recessed entry lobbies, could be used for concealment. The City acknowledged this could be addressed through further design iterations and by applying Crime Prevention through Environmental Design (CPTED) principles.
- In terms of building expression, the City considers that not all corner sites require or warrant emphasis or special design treatment.
- The Department's assessment report notes that the child care centre would be subject to a separate application. The City contends the area identified may not comply the solar access requirements for play space.

Outcomes/Agreed Actions: N/A

Meeting closed at 2:15pm

APPENDIX 2 LIST OF SPEAKERS

Date and Time: Thursday 9 November 2017, 2:30pm

Place: Planning Assessment Commission Office,
Level 3, 201 Elizabeth Street, Sydney NSW 2000

List of Speakers

1. Stephen Sim
2. Trish Muljono
3. Juliana Jo
4. Michael Oliver (on behalf of Iglu Pty Ltd)

APPENDIX 3 ISSUES RAISED ACROSS SUBMISSIONS

Design

- The proposal does nothing to enhance the local community.
- Size of the development should be reduced.
- Building separation is inadequate.

Bulk and scale

- The proposal is an overdevelopment of the site. Suggest reducing the height, number of levels and providing greater setbacks.
- The development should be further setback to allow greater natural ventilation.
- The site is unsuitable for this type of development.

Impact on surrounding development

- Concerns raised regarding the potential for creating a 'ghetto'
- Overshadowing and impacts on solar access of adjoining development.
- Concerns regarding overcrowding.
- The proposal will increase the need for artificial lighting.
- Privacy will be impacted.

Noise

- Concerns over noise impacts of new development.
- Acoustic privacy.
- A noise impact assessment should be done.
- Increasing the number of residents in the area will increase noise impacts.

Strata management issues

- Concerns raised regarding body corporate management of new building and consistency of approach to management across adjacent residential buildings, particularly in relation to noise.

Structural and geotechnical

- Iglu management are concerned that structural and geotechnical issues have not been adequately assessed.
- Construction proposes a 4-level basement for car parking.
- The Secretary's Environmental Assessment Requirements (SEAR's) required an assessment of geotechnical and structural conditions, however only a desktop study was provided.
- Iglu request a condition be imposed requiring a more detailed assessment be prepared.
- Iglu also request that a number of construction management plans be provided to Iglu and other affected properties adjoining the site.

Process

- Addressed the panel in relation to the Iglu development, which received over 200 objections. Community concerns not considered.
- Decisions too often favour the developer and are not community minded.
- The City of Sydney has objected. The Councils submission addresses community concerns.

APPENDIX 4 - DEPARTMENT'S RESPONSE

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 80-88 Regent Street, Redfern - comments on conditions and revised balcony design
Date: Wednesday, 15 November 2017 10:45:56 AM
Attachments: [image001.png](#)

Dear Alana

As per our discussion, the Department provides the following comments (in red) in respect of the matters below. A revised recommended Development Consent is attached reflecting the below matters, and where conditions have been deleted I've updated the numbering accordingly.

- A condition framing the changes to the balconies as indicated by the attached plan
The attached plan has removed the balconies consistent with the Commission's advice. Given the plan illustrates the revised balconies, it would be preferable and simpler (rather than a condition) to require the Applicant to re-submit the plans with the revised balconies so they can be included in the drawing schedule in A2 of the Development Consent. I've looked at the current plans and there are 10 plans that need the balconies removed and need to be replaced – given they've already done this it should not take long to do. The plans requiring revisions include:
 - Drawing Name: Floor Plan – Level 04; Drawing No DA-0209 (Revision 14) dated 9.10.17
 - Drawing Name: Floor Plan – Level 05-17; Drawing No DA-0210 (Revision 14) dated 9.10.17
 - Drawing Name: Roof Plan – Drawing No DA-0211 (Revision 14) dated 9.10.17
 - Drawing Name: Roof Top Plant Plan – Drawing No DA-0212 (Revision 14) dated 9.10.17
 - Drawing Name: Elevations East & West; Drawing No DA-0501 (Revision 14) dated 9.10.17
 - Drawing Name: Elevations North & South; Drawing No DA-0502 (Revision 14) dated 9.10.17
 - Drawing Name: Sections A & B; Drawing No DA-0601 (Revision 14) dated 9.10.17
 - Drawing Name: Sections C; Drawing No DA-0602 (Revision 14) dated 9.10.17
 - Drawing Name: Apartment Types - Adaptable; Drawing No DA-1401 (Revision 14) dated 9.10.17

I've highlighted in red the relevant plans in the drawing schedule that would need to be replaced (see attached).

- Revised conditions to take account of the CASA referral,
The Department has reviewed CASA's conditions and has made the following changes to its recommended conditions. As CASA has now granted its approval, the Department has deleted Condition A9 from its recommended conditions. A new Condition C1A has been recommended requiring notification to Airservices Australia prior to the commencement of works. Condition E9 has also been deleted as it was not a condition required by CASA. Note that Condition E3 already includes CASA's requirement for a surveyor to notify airfield design manager - Airservices Australia at the completion of the project.
- B18 (d) & (g) - Advice on the applicant's request to delete the references to accessible/visible in part (d) and implications should the reference to turntable in part (g) be deleted

The Department supports the partial deletion of Condition B18 (d) as the proposed location

of the car share spaces in the basement cannot meet the terms of the condition. However, it is still considered important the spaces remain clearly designated as car share spaces.

The Department accepts a vehicle turntable is unnecessary and supports the deletion of this requirement as outlined in Condition B18 (g).

In regard to the difference in clearance heights outlined in Condition B18 (g) and (h), the Department does not agree there is an inconsistency. Condition 18 (g) requires a 4 m minimum vertical clearance for the entrance to the loading dock (that is the actual opening); and Condition 18 (h) requires a minimum height clearance of 3.8 m for the roller shutter. The reason for the differences is that (g) is speaking to the constructed clearance height opening and (h) is speaking to any roller shutters that may be mounted to the loading dock entrance. The purpose for having two height clearances is to prevent situations where a developer may construct an opening 4 m in height but then mounts ducts, services, roller doors etc to the entrance which reduce the overall clearance height to the point where Council's vehicles are unable to enter. By stating a minimum roller door clearance height of 3.8 m, Council's vehicles will be able to enter the loading dock and service the building. The Department therefore considers no change is necessary to the conditions.

The car parking allocation outlined in Condition B23, is consistent with the Department's support for 60 spaces (2 more than permitted under the LEP) as long as two car spaces were provided as car share spaces. While the Applicant has requested these now be deleted, the Department's assessment report highlighted it supports Council's policy of encouraging car share schemes in its LGA noting the transport and parking needs of its residents. The Department also notes the proposed basement has been designed to accommodate 60 spaces (as shown on the plans) and it is unclear how these spaces would be used and by whom if only 58 spaces were granted approval.

- Advice on the applicants request to edit the green star rating requirement, The Department agrees that the Applicant's documentation committed to 4 star ratings instead of 5 star ratings and therefore supports the change to Condition B22.
- Advice regarding the Ethos Urban submission, whether this is already governed by the construction certificate process or whether the conditions are appropriate and if so what should they be?

The Department has recommended a new Geotech Condition B15 to deal with geotechnical issues.

Condition B14 has been amended to require the pre dilapidation report to be sent to affected owners. Condition E9 does not need to be amended as it already requires a post dilapidation report to be sent to affected owners.

Condition C1 relates to the notification of the commencement of works. This includes notification to the Department, PCA and Council, all of which have an important role in the post-approval development process, and the wording of the condition is applied consistently. A change to the wording to include notification to all surrounding land owners is considered unnecessary as they do not have a statutory role in this process and would be out-of-step with established certification processes and practice.

Similarly, Conditions C5 and C6 relate to the preparation of a Construction Environmental Management Plan and Construction Traffic Management Plan, and these plans are typically only submitted to the PCA, Council and Department who all have a regulatory and ongoing role in the construction process. The change to the wording of the conditions to include landowners is not considered necessary for the reasons noted above.

Should you have any further questions please don't hesitate to call.

Regards

Cameron Sargent
Team Leader
Key Sites Assessments



From: Alana Jelfs
Sent: Monday, 13 November 2017 4:28 PM
To: Ben Lusher [redacted] Cameron Sargent
[redacted]; Andy Nixey [redacted]
Cc: David Mooney [redacted]
Subject: 80-88 Regent Street, Redfern - comments on conditions and revised balcony design

Hi All,

Thanks for coming in to brief the Commission last week.

Please find attached a revised balcony design, comments from the applicant on the draft conditions and a submission from Ethos Urban (on behalf of Iglu Pty Ltd). We would be very grateful if you could please provide the following:

- A condition framing the changes to the balconies as indicated by the attached plan,
- Revised conditions to take account of the CASA referral,
- B18 (d) & (g) - Advice on the applicant's request to delete the references to accessible/visible in part (d) and implications should the reference to turntable in part (g) be deleted,
- Advice on the applicants request to edit the green star rating requirement,
- Advice regarding the Ethos Urban submission, whether this is already governed by the construction certificate process or whether the conditions are appropriate and if so what should they be?

Please could you also send a revised word version of the consent.

Please give myself or David Mooney a call if you wish to discuss.

Kind regards,

Alana

Alana Jelfs | Senior Planning Officer

NSW Planning Assessment Commission

