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Your Ref: SSD 7080

Cameron Sargent
Team Leader, Key Sites Assessments
Department of Planning
23-33 Bridge Street
Sydney NSW 2000

Attention: Michele Nettlefold
Email: michele.nettlefold@planning.nsw.gov.au

Dear Michele,

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

Thank you for your correspondence dated 24 April 2017 which sought to provide Council with the opportunity to review the proponent's further Revised Response to Submissions for the above mentioned Stage Significant Development application.

It is noted that there have been some positive changes in this version of the proposal, in particular that the mix of uses has increased the amount of non-residential uses to be more consistent with the zone objectives for the area. However, a number of significant non-compliances remain, which are of a concern to the City, particularly the building expression with ground and street level setbacks, amenity concerns (solar, noise, cross ventilation), safety concerns between private and public interface, lift and servicing requirements. The City therefore maintains its **objection** to the proposal in its current form and given the history of amended proposals for the site respectively requests that the Department prepare a report recommending refusal.

Further to the above, the key urban design considerations of the upper level setbacks and separation between this site and 90 Regent Street are still unresolved. These encroachments into the setback areas borrows amenity and space from the public domain and from surrounding sites and highlights the continuing issue that the site is of an insufficient dimension to support the brief for the building and be consistent with the controls.

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

Should you wish to speak with a Council officer about the above, please contact Bridget McNamara, Senior Planner, on 9265 9333 or email, bmcnamara@cityofsydney.nsw.gov.au.

city of villages

Yours sincerely,

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

Christopher Corradi
Area Planning Manager

Attachment A: Review of Response to Council Submission

Infrastructure SEPP

As Regent Street is a classified road, Clause 101 of the Infrastructure SEPP (Development with frontage to classified road) applies. The objectives of this clause are:

- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is **appropriately located and designed**, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In addition, the objectives of clause 101 are reinforced by Objective 4J-1 Noise and pollution in the ADG, which state:

*In noisy or hostile environments the impacts of external noise and pollution are minimised through the **careful siting and layout** of buildings.*

Section 4J of the ADG also refers to the NSW Government's Development near Rail Corridors and Busy Roads – Interim Guideline. This document is consistent with SEPP Infrastructure and the ADG in recommending that noise sensitive rooms are located away from the noise and pollution, in this case Regent Street.

The proposal for 80 Regent Street has sensitive uses such as bedrooms and living rooms facing Regent Street. In addition, these habitable rooms are relying on Regent Street for natural ventilation. Objective 4B-1 of the ADG requires:

All habitable rooms are naturally ventilated

In order to naturally ventilate the habitable rooms facing Regent Street, windows need to be open, this exposes the habitable rooms to noise and pollution. Thus, it is not possible for the proposal to satisfy both the ADG objectives of natural ventilation to all habitable rooms and preventing or reducing the potential impacts of traffic noise and vehicle emission of development adjacent to Regent Street.

Therefore, an acoustic report is required that analyses the external noise impacts to the residential apartments. Depending on the results of the acoustic report, the apartments may need to be redesigned to protect against noise and pollution while simultaneously providing natural ventilation. However, the context of the site located between Regent and Gibbons Street (also a classified road) may have cumulative impacts for residential amenity, with both streets being a source of traffic noise and emissions.

Natural ventilation and cross ventilation

It is noted that no window types have been shown on the elevations. Objective 4B-1 Natural ventilation in ADG requires *the area of unobstructed window opening should be equal to at least 5% of the floor area served*. It is therefore not possible to determine if this is delivered without the window types and their effective openable area.

Due to Regent Street being a classified road, this affects the proposal's ability to deliver both the natural ventilation and natural cross ventilation.

Should the proposal be redesigned to deliver apartments that mitigate the noise and pollution while allowing natural ventilation to habitable; these apartments will be 'discounted' from the total apartments required to deliver cross ventilation.

- For instance, there are 20 apartments located in the first 9 storeys
- Of these 20 apartments, 10 apartments are affected by noise and pollution.
- If these 10 apartments resolve both the acoustic amenity and natural ventilation, the 60% of naturally cross ventilated apartments will be based on 10 apartments.
- Therefore, only 6 apartments will be required to be naturally cross ventilated.

This is a reasonable approach consistent with the ADG as stated in Objective 4J-1:

Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:

- *solar and daylight access*
- *private open space and balconies*
- *natural cross ventilation*

Therefore the ability for the proposal to deliver natural cross ventilation will depend on the acoustic report and the design response to noise and pollution. In addition, window types and how they provide an effective openable area of 5% of the floor area served is required to demonstrate natural ventilation to habitable rooms.

Solar

Drawings DA-3201 and DA3202 claim that 30 apartments achieve two hours of solar access between 9am and 3pm. This is approximately 53% and is less than the ADG requirement of 70% of apartments to achieve solar access to both living rooms and balconies for 2 hours at mid-winter.

The above mentioned diagrams show that Apartment 4 on Level 11 achieves two hours of solar between 9am and 3pm. When compared with drawings DA-3011 to DA-3016, the earliest time the sun sees Apartment 4 on Level 11 at 9.45. In order to achieve two hours of solar, the sun should see this apartment again at 11.45, but it is blocked by 157 Redfern Street (DeiCorp building). In fact, this building blocks the sun to apartment 4, Level 11 somewhere between 11.15 and 11.30 am.

Therefore there are actually less than 53% of apartments receiving two hours of sun to their living rooms and balconies at mid-winter, which is unacceptable.

Public domain interface

44% of the Marian Street frontage is active, that is providing entries to lobbies or 'eyes on the street' and therefore 56% of the Marian Street frontage is blank, and comprised of service areas – substation, fire pump room etc. The blank frontages reduce the pedestrian amenity to Marian Street as it affects the overall safety and security. Marian Street has been identified in *4.9 Redfern Railway Station, Gibbons & Regent Streets land use diagram* of the BEP as a pedestrian route.

There are two narrow 'openings'; entry to the residential lobby and entry to the childcare lobby, these entries are gated and the rest of the frontage is comprised of blank walls and service areas. The residential lobby entrance does provide opportunities for concealment and this affects the safety and security of Marian Street.

The finished floor levels proposed for the ground floor are to be supported by an accessibility report:

- Due to the slope on the site, there is 850mm difference in the retail finished floor levels, and 250mm difference within the southern retail space.
- There is a 1.39m difference in the finished floor levels between the southern retail space and the Childcare/commercial lobby. 9 steps have been shown with risers of approximately 150mm.
- The northern retail however, has a 2.24m difference in levels. 11 steps have been shown with risers of approximately 200mm. More steps are required as the maximum riser for stairs is 190mm.

The need to connect to the commercial and childcare lobby is unclear. Is it to connect to the basement and the garbage store located on the lowest basement level? If so, this will result in the main residential lifts being used as a de facto service lift. The residential lifts are the only lifts that connect the entire building. This raises the following issues:

- Intermingling of residents and non-residents. This affects the safety and security for the residents.
- Cleaning and maintenance. If the retail spaces become a café or a restaurant, the lifts will be used to carry food waste, coffee grounds etc, especially if the garbage is dragged down the stairs from the retail tenancy to the lift.

Building expression

The building expression is attempting to address multiple issues at once:

- The existing context
- The controls
- The Client's brief

The building expression of the eastern half of the building is tripartite, that is a base (two storey street wall), middle (the remainder of the podium) and top (the tower).

- Proportionately however, the base and the middle are the same proportion and in fact, both of these together form the podium.
- The middle of the building is distinguished by a change of material, possibly to reflect the non-residential uses
- The top of the building is the tower.



*Redfern
Waterloo
Authority height
and floor space
ratio diagram*



*how the controls
have been
implemented
along Regent
Street and
Marian Street*

The future desired character of urban form of this precinct suggests that the towers are aligned along Regent Street, creating a spatial hierarchy of a two storey street wall within a five storey podium and a tower above.

- The balconies that protrude beyond the intended alignment of the towers, disrupt the spatial hierarchy.
- Visually, the cumulative impacts of the protruding balcony and the reduced upper level setbacks creates the perception of the tower extending forward into the same plane as the street wall on Regent Street.
- Due to the podium on Marian Street being built to the street boundary, the tower will sit forward of 7-9 Gibbons Street.

The argument for increasing the bulk at the corner of the development has been to reinforce the corner. This is not a hugely important corner and Marian Street is a narrow street. The increased bulk of both the podium and the tower appears to be unsupported by the street wall.

The C-shaped vertical elements used to interpret the subdivision pattern is missing at the corner. This gives the building the appearance of being unsupported at the corner. This is evident in the figures below.



The protruding balconies disrupt the spatial hierarchy of the tower being setback from the street wall



The protruding balconies make the tower appear top heavy and unsupported by the base.

Acknowledging that the approved (and under construction) iglu building at 60-78 Regent Street has a two storey street wall with a 16 storey tower above.

- The 'middle' of the building should have the same building expression as the tower.
- This will result in a similar proportion and expression as iglu – a base that relates to the existing fine grained context and a tower.
- The protruding balconies are to be removed.
- The street wall is to reinforce the corner with a solid element connect to the ground.



Remove the protruding balconies, provide a 'leg' or support at the corner in the base of the building

In regards to the building form and heritage, while the 5-bay arched openings on Regent Street interpret the original land subdivision pattern and shops, the treatment of the south-eastern corner of the podium is inappropriate. The southernmost arch is suspended at the corner and the ground level brick pier is missing. The lack of the corner column makes an incomplete arcade and a poor relationship between the ground level shopfront and the awning. It is advised that the arches are redesigned so that each arch is to have a complete form (including an arch and two columns). The location of the corner column should align with the planter at southern side of the ground level retail space and other columns should be evenly distributed along the Regent St façade. The recessed shop glazing and separate awnings for the arches are considered appropriate.

In regards to the upper level podium, there is concern regarding the secondary podium, which should be clearly defined on the eastern façade, i.e. there should be a visual or physical separation between the podium top and the tower. The southern and northern sides of the podium is well defined by the setbacks of the tower. However this is not the case in the middle part of the eastern elevation, where tower façade flashes with the podium façade. It is advised that the east-facing rooms of unit L4.02 and unit L4.01 be set back from the podium wall to provide planters on top of the podium. Consistent plantings on top of the podium will enhance the podium form and create a reasonable visual separate between the tower and podium.

Building materials

It is noted that the building materials are not specified.

Lifts and services

The following points are made regarding lifts and services:

- The commercial and childcare lifts do not show either a lift over-run or lift pit.
- The service lift connects the ground floor to all the basement levels. However, as discussed above, the residential, commercial and childcare lift is the de-facto services lift for the commercial and ground level retail.
- In order for the non-residential occupants to access the service lift, they need to exit the building and re-enter the building via the service and loading dock area to access the service lift.
- No plant is shown for the commercial, child care and retail. There are two areas of air conditioning ducts shown on Level 4 – the air conditioning ducts do not appear to fit in one area and the larger area could be for the non-residential areas; however, this could become a strata issue when maintenance of the non-residential services is accessed from the residential areas.
- No amenities are shown for the retail. There are toilets and showers located on the lower ground plan. Again, if these are to service the retail, there is intermingling between retail customers and employees and residents as the residential, commercial and childcare lift is the only means of access.

Parking and basements

The dimensions of the basement carpark appear quite tight. For example, the minimum dimension between the car space and the corner of the garbage chute is 5.4m, the car spaces themselves are 5m in length.

There are possible conflicts between the locations of the Childcare drop off car spaces and the visibility of cars coming up the ramp.

Considering that the primary lift is used by the residents, commercial, childcare and retail, it is likely that those wanting to access the resident bike parking located on lower ground, will use the driveway rather than the lift. This may provide a conflict between cars and bike users.

Servicing

A loading dock management plan is to be provided.

The loading dock now appears to be designed per Council DCP12 Section 3.11.13, namely that vehicle access for collection and loading will provide for:

- (a) a 9.25m Council garbage truck and a small rigid delivery vehicle;
- (b) minimum vertical clearance of 4.0 metres for residential development or else 3.8m clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle;
- (c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes;
- (d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end;
- (e) a minimum driveway width of 3.6m; and
- (f) a minimum turning circle radius of 10.5m.

It is noted that the applicant has only provided the egress swept path analysis and not the ingress. It is preferable that the swept path would be demonstrated for the ingress of the Council Waste vehicle.

Car Parking Requirements

- A minimum of 1 car share space must be provided as per DCP12 Section 3.11.2. These spaces must be provided on-site. The car share spaces are to be provided to meet the following conditions:
 - The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
 - The spaces must be made available to car share operators without a fee or charge.
 - The spaces must be sign posted for use only by car share vehicles and well lit.
 - The spaces must be accessible to members of the car share scheme at all times. This should be incorporated into the building design. It is noted that the provision of car share on street would not be supported in this situation.
 - The car share spaces are to be available at the same time that the car park commences operation.
- As per DCP 7.8.5 (1) accessible parking space is to be provided per adaptable unit. In this case it appears 12 is required.
- Accessible Parking spaces need to meet the Australian Standards AS/NZS 2890.6 including having the shared area located adjacent to the space (see figure below).

Bicycle Facilities

- For bicycle parking and end of trip facilities, the layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities and Council's DCP12. The proponent should also refer to the 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation' document for this issue.
- Resident bicycle parking spaces are strongly preferred as class 2 (known as Class 'B' in the latest Australian Standards) and are to be consolidated in one area, for easy access and identification.
- Retail staff parking spaces are strongly preferred as class 2 parking (known as Class 'B' in the latest Australian Standards) and must be located in a consolidated area within the ground or first level below ground, for easy access and identification.
- Retail and residential visitor bicycle parking spaces are strongly preferred as class 3 (known as Class 'C' in the latest Australian Standards) facilities and

is to be provided at an accessible at-grade location. Resident and retail visitor parking would best be provided in a separate location.

- Wayfinding Signage is to be provided to direct cyclists to bicycle parking (as per DCP12 section 3.11.3 (6c). It is Council's preference that directional signage plan be provided which gives direction from street to bicycle parking facilities which easily shows a cyclist how to find the facilities in the basement. Refer to Australian Standard AS 2890.3:2015 for details.