An aerial photograph of a residential and industrial area. The image shows a mix of large industrial-style buildings with flat roofs and smaller residential houses with pitched roofs. A road runs through the center, and there are some green spaces and trees scattered throughout. The text is overlaid on the image in a semi-transparent white font.

Gateway determination Review

30-46 Auburn Road, Regents Park

IPC Presentation – 2 December 2020

Project Team

Peter Smith, Smith & Tzannes Architects

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Matthew Daniel, Pacific Planning

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Purpose of Gateway Review

- The Request seeks a review of the Gateway determination issued by the Department of Planning, Industry and Environment on 26 February 2020. Specifically, the Request seeks a review of the FSR control, which we request should reflect that of the findings of the department's own independent urban design review of 2.4:1, rather than their own internal review.
- To apply the heights recommended by Smith & Tzannes and to accurately reflect the agreed height in storeys:
 - 6 storey – 25 metres
 - 8 storey - 31 metres
 - 12 storey – 41 metres
- To achieve the right outcome for the site with controls that will facilitate the redevelopment of the site.
- To facilitate the finalisation of the controls and start a detailed Part 4 DA process.
- To seek the FSR control recommended and supported by the Department's own independent review process.

Observations on DPIE Report

- It is noted that the DPIE Report makes a recommendation to the IPC on the Gateway review request.
- Respectfully, seeking independent advice with a recommendation is inconsistent with the Gateway review process. It is understood that the Department are meant to give their reasons why the Gateway determination was made in the manner it was to assist the IPC understand the context of the request. Making a detailed recommendation does not appear independent.
- The Department's Guideline to Preparing LEP's states: *"The Department will prepare a report outlining the planning proposal, the reason(s) why the review request has been made, the reasons why the original Gateway determination was made, and the views of the council (if the review was proponent-initiated)"*.

Background and History

- The planning for the site commenced many years ago. The site is already zoned R4 High Density Residential with controls that reflect an R2 Low Density Residential zone.
- On 23 September 2016, the department issued a gateway determination that supported the progression of the Planning Proposal, subject to further refinement of the FSR as follows:
 - *1. Prior to undertaking community consultation the planning proposal is to be amended to:*
 - *(a) Reflect the outcome of FSR review (either 1.75:1 or 2.25:1, or an alternative FSR).*
- In February 2018, The Department in its wisdom commissioned McGregor Coxall as an independent consultant to undertake a comprehensive urban design review to propose an appropriate FSR for the site.
- The outcome of the that review process was that a revised scheme was proposed by the expert with a density of 2.4:1, as per the letter dated 9 October 2019, which contained a revised urban design methodology that contained a central contiguous open space.

Independent Review Recommendation

- The purpose of the department led independent review process as discussed above, was to undertake an urban design review to inform an appropriate FSR.
- The department's own independent consultant recommends a FSR of 2.4:1 as appropriate as a land use control via a Part 3 process while providing an opportunity for high standards of design amenity and urban outcomes for current and future residents.
- The department's later internal urban design review (which was commenced without advice that such a process would be implemented) makes the error of assuming that the quantum of open space proposed in the McGregor Coxall scheme and then refined by MRA & Smith & Tzannes must remain. If the open space was revised to ADG compliance there would be more of the site area available for building footprints, which would result in a different FSR again. However, given the public benefits associated with the open space, we have in good faith adopted the department's independent consultant recommendation.
- It is our position that the corporate memory of the department has been lost through personnel change that occurred under the extended time period this process has taken. Council pressure then applied without the memory of the original objective unfortunately diverted the process.

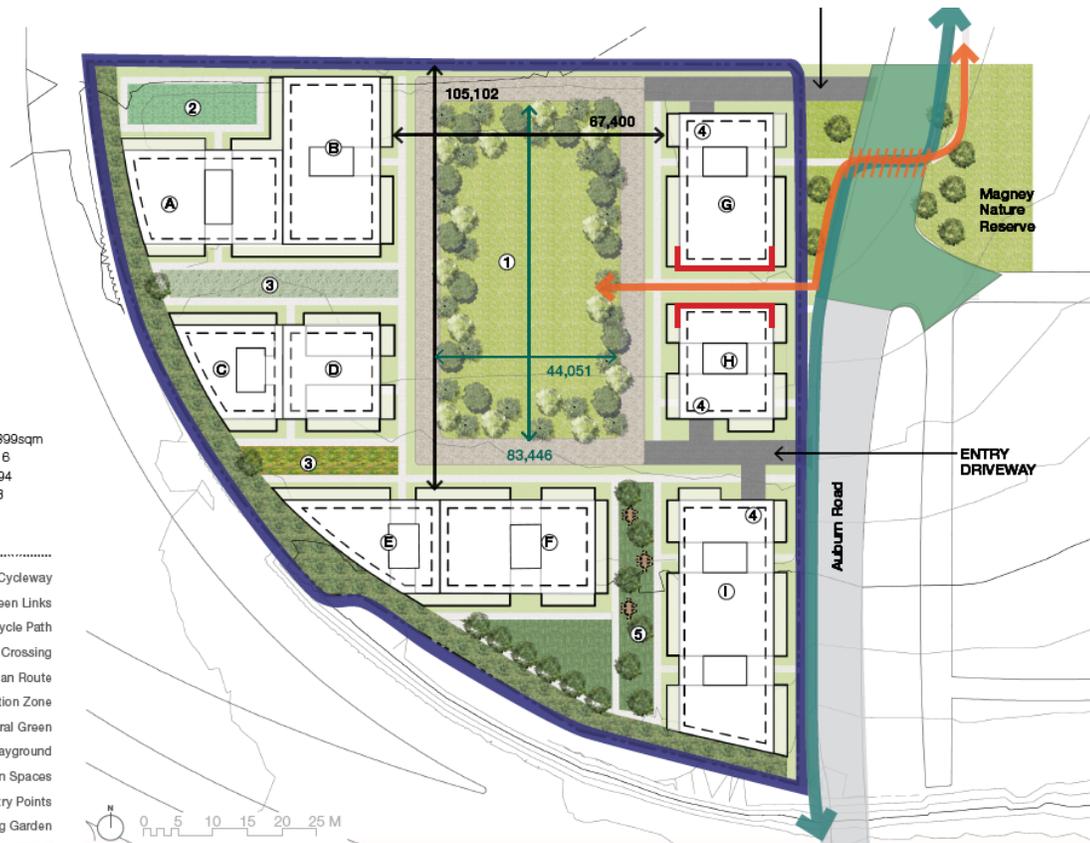
McGregor Coxall Scheme (Department's Independent Consultant)

Site Structure Plan

A AREA : 861sqm FLOORS: 12 GBA: 10,324 FLATS: 122	E AREA : 585sqm FLOORS: 8 GBA: 5,850 FLATS: 68	
B AREA : 993sqm FLOORS: 8 GBA: 7,944 FLATS: 93	F AREA : 886sqm FLOORS: 8 GBA: 7,088 FLATS: 83	
C AREA : 500sqm FLOORS: 8 GBA: 4,000 FLATS: 47	G AREA : 885sqm FLOORS: 6 GBA: 5,310 FLATS: 62	
D AREA : 558sqm FLOORS: 8 GBA: 4,464 FLATS: 52	H AREA : 663sqm FLOORS: 6 GBA: 3,978 FLATS: 46	I AREA : 1399sqm FLOORS: 6 GBA: 8,394 FLATS: 98

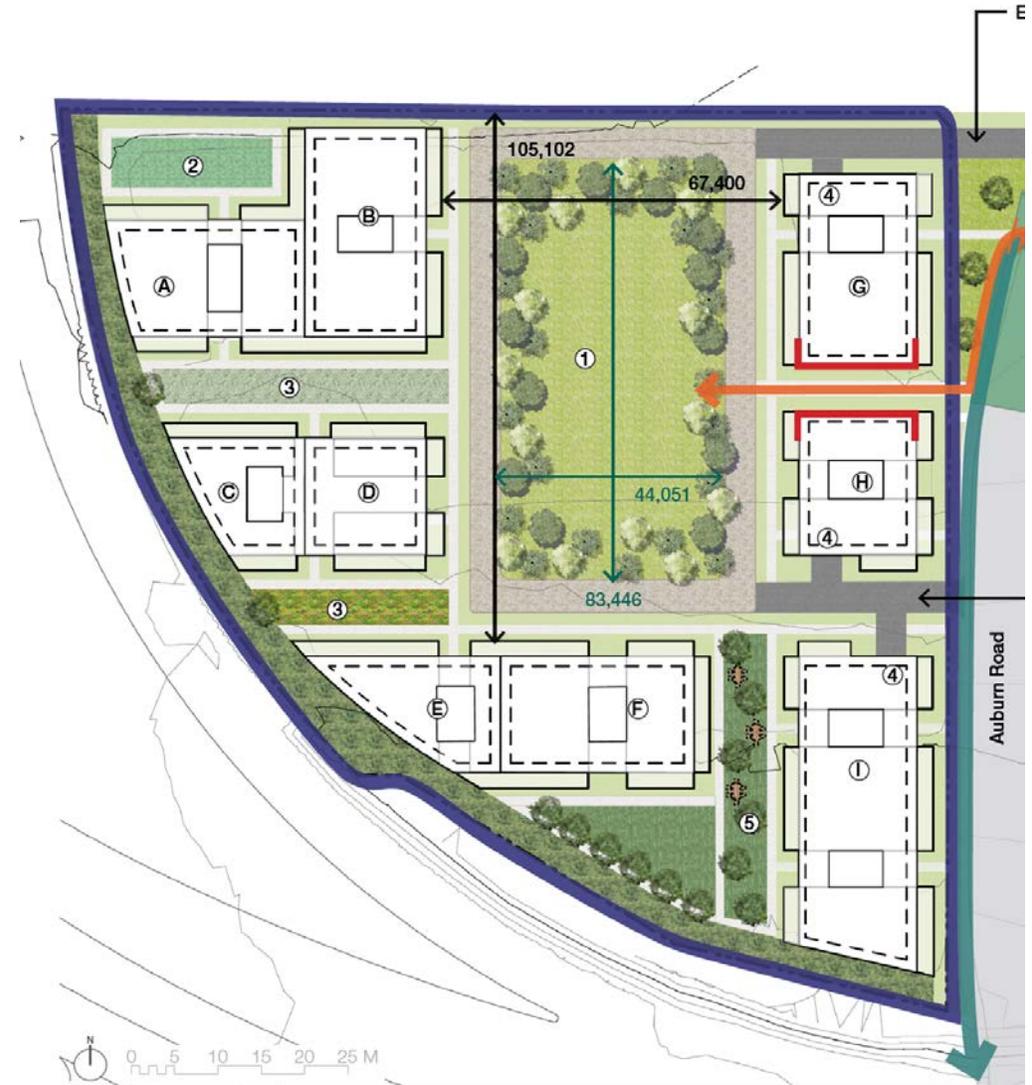
Legend

	Cycleway
	Green Links
	Shared Pedestrian Cycle Path
	Pedestrian Crossing
	Pedestrian Route
	Activation Zone
	Central Green
	Day Care Centre Playground
	Secondary Open Spaces
	Car Entry Points
	Dining Garden



- The concept advanced by McGregor Coxall provided for a larger more consolidated open central open space.
- In good faith, and in the interests of moving forward, the proponent adopted the layout provided by McGregor Coxall and advanced the planning for the site on this basis.
- McGregor Coxall concluded that an FSR of 2.4:1 was appropriate for the site.
- McGregor Coxall also advanced heights of 6, 8 and 12 storeys as appropriate for the site.
- The refined heights were recommended by Smith & Tzannes following a study of the site and accommodating the site slope.

Comparison of Proponents scheme (DA Approved layout) and McGregor Coxall recommendation



Comparison of Michael Raad Architects/McGregor Coxall scheme vs Architectus.
 Then how large is the park compared to other large developments, e.g. central park.

	REGENTS PARK Proponent Scheme	REGENTS PARK council scheme	CENTRAL PARK
Site Area	2.1 Ha	2.1 Ha	5.8 Ha
Urban Park	3,300 sqm.	1,700 sqm.	6,400 sqm.
Percentage of site area open space	15.7%	8%	11%
Density	Requesting 2.4:1	Requesting 1.75:1	Approx. 4.39:1

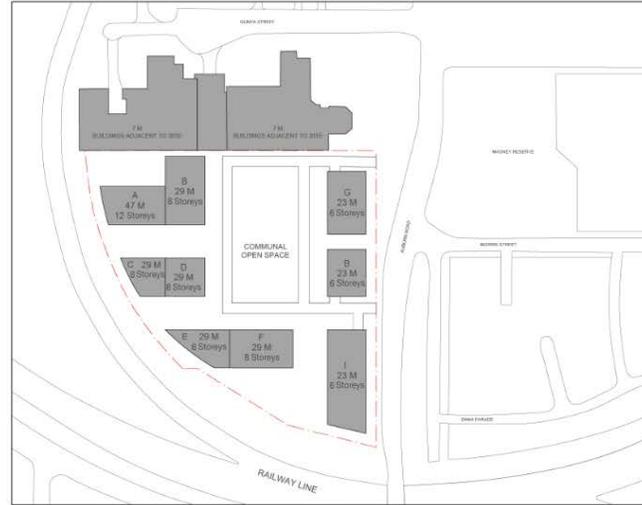
Application of the ADG and SEPP 65

- The report prepared by the Department of Planning raised issues with the additional floor space sought on the basis of amenity. Analysis undertaken by council and the department's urban design team was concerned that the higher floor space ratio proposed could not be achieved without either compromising the solar access to apartments, or the size and amenity of the central public space.
- Achieving both the solar access to apartments and the central public space (including the solar access to it) is considered important by the proponent. The achievement of both will depend both on the final site layout, footprint and orientation of the buildings and the final apartment layout. There are many combinations of these that can be tested, some can result in greater footprints, others result in higher GFA efficiencies (than the ADG guidelines). It is appropriate that this testing be undertaken as part of the detailed design phase (as part of the Part 4 DA process). The planning proposal process should not be analysing a hypothetical DA without the benefit of the design work done in preparing a DA.
- What is important for this site is not how 'efficient' the floor plates are, but that a built form provides high levels of amenity (both internal and external) and an urban form that integrates with the context.

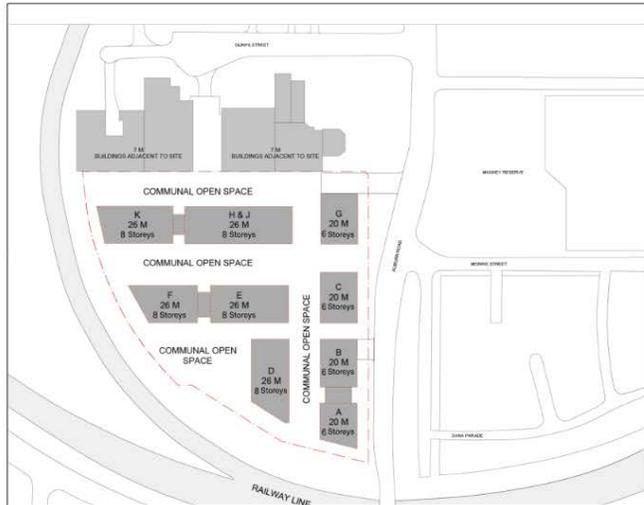
More than one way to layout site



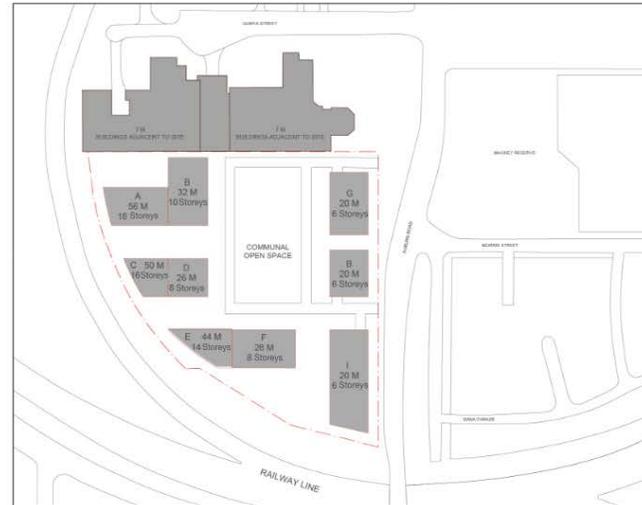
Proposed development by Architectus- Building Heights



Proposed development by McGregor Coxall- Building Heights



Proposed development by Stanistic Architects- Building Heights



Alternative McGregor Coxall (Towers)

More than one way to layout site

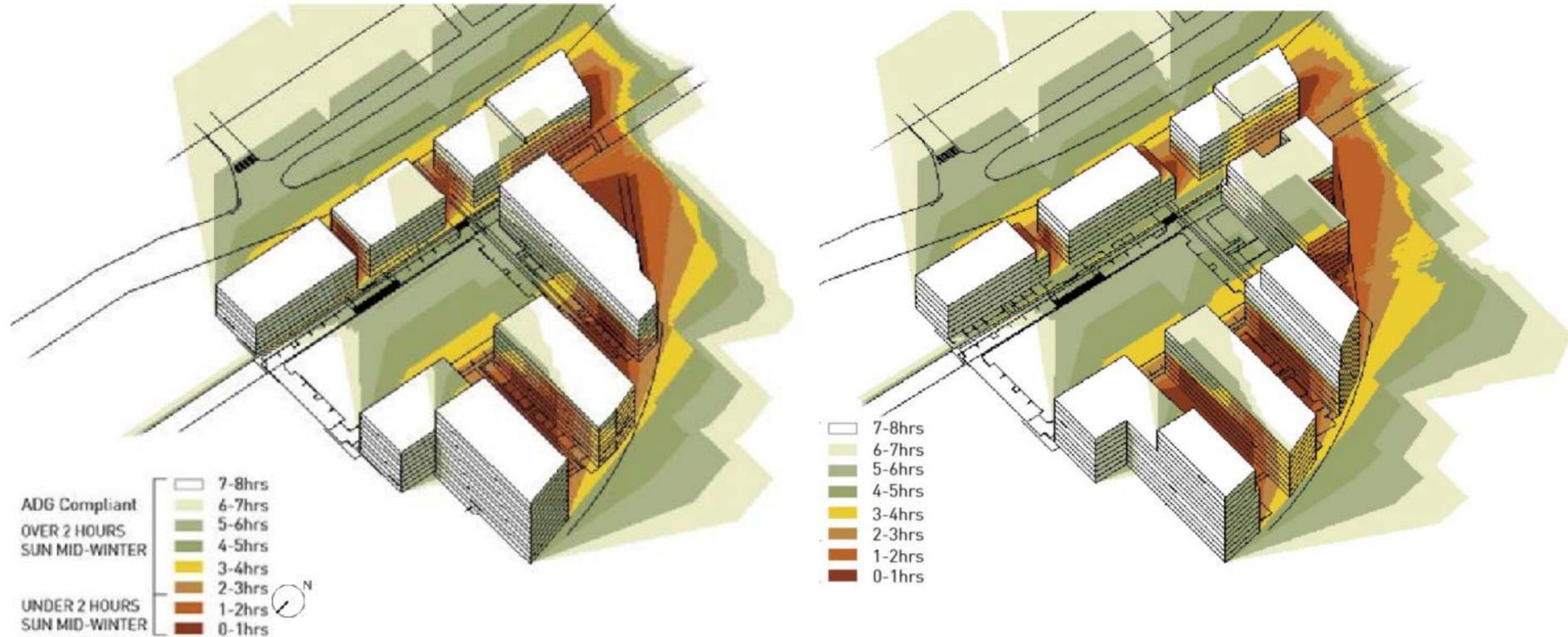


FIGURE 2: ENVELOPES-NORTH-WEST SUN ANALYSIS MID-WINTER

Final built form subject of further detailed design – informed by:

- fixed factors (design principles and development controls) and,
- variable factors (apartment mix, building depth, efficiencies of floor plate)

Agreed design principles

Place identity

Well defined precinct that anchors the southern end of Regents Park, characterised by buildings that define the public space creating a neighbourhood – built form scale is appropriate for each interface with the surrounding development.

Spatial network and connectivity

A clear street grid and network of public spaces connects to wider precinct with highly usable open spaces are stitched into the surrounding neighbourhood

Open space amenity and social interaction

High level of solar access to the open space through mid winter and significant areas of deep soil planting – opportunities for habitat, canopy and recreational amenity

Environmental performance

Maximise solar access and ventilation by maximising building orientation and enhancing site ecology

Council and DPIE review

Concerns raised can be resolved with detail design – many options.

- Buildings overshadowing each other

 - Resolve and test built form and locate height where it overshadows rail line and minimises impacts on individual buildings or central public space.

 - Solar access calculated per application – not per building.

- Lack of cross ventilation

 - Large quantum of single sided apartments – options different apartment floor plates / narrower.

 - Cross ventilation simulation – cuts in buildings / shaping built form.

- South facing apartments

 - Options – different apartment floor plate design.

 - Unable to replicate DPIE calculations – south facing vs no solar?

- Deep floor plates

 - Adjust spacing, number of buildings

 - Large site – many further options to be tested.

- Lower floor space efficiencies

 - 75% ADG Rule of Thumb – dependant on design and layout

 - Envelopes already include breaks between buildings.

 - RFDC – 80%

Possible Solution – Design Excellence Process

- A design excellence clause can provide the incentives, and can lock in these important elements of the masterplan into the LEP. This will allow for the design team to spend the time to provide an outcome that can maximise the public benefit as well as provide a return for the proponent.
- If the design team is unable to satisfy the design excellence clause it will not be awarded the bonus and the lower floor space ratio would be the standard against which the DA will be assessed.
- If the IPC were to recommend a maximum FSR of 2:1, it is requested that they also consider recommending that 2.4:1 could only be achieved through a design excellence process. This would also address some of the matters raised in the Department report.

Design Excellence Clause

Council and DPIE recommendation concerned higher FSR ≠ good amenity

Higher density CAN deliver excellent amenity.

Design excellence incentive clause – awards additional FSR, but **only** if concerns of council and DPIE are achieved

Development consent may be granted to development that exceeds the maximum floor space ratio shown on the map by up to 0.3:1 if:-

- a design review panel reviews the development prior to the submission of the development application,*
- the consent authority takes into account the findings of the design review panel*
- in addition to clause 6.12(4) [the default design excellence clause] the consent authority is satisfied that a large area of open space is provided within the site that has an area of at least 3300m² and 50% of this area receives 4hrs of sun between 9am - 3pm on June 21, and the site layout optimises the number of apartments that receive 2hrs solar access to living rooms.*

Conclusion

- Since the commencement of this Part 3 process over 5 years ago, it has become clear that there are multiple options for redeveloping the site, with schemes from Architectus, Stanisic Architects, McGregor Coxall, Studio MRA and Smith & Tzannes all showing alternative redevelopment outcomes.
- We respectfully feel that the way forward and the appropriate outcome, in the context of how this process of review commenced in this process, is for the Commission to adopt the original opinion of the McGregor Coxall independent expert urban design report outcome of 2.4:1 for the site density control but implement a design excellence clause into the future EPI for this site that enables such densities to only be achieved in a Part 4 assessment process where certain defined design outcomes of excellence are achieved.
- Such an outcome at this stage then serve the economic reality of incentivising a landowner and investor to achieve the desired open space and amenity outcomes of the state as originally defined. A process which can be tested with all the guidance and legislative process and boundaries of a Part 4 process
- Therefore, having regard to the above background context, and process under a Part 3 process, we request that the Gateway determination be altered to provide for the following controls:
 - o A maximum FSR control of 2.4:1.
 - o Maximum building height controls of:
 - 25 metres (for 6 storeys)
 - 31 metres (for 8 storeys)
 - 41 metres (for 12 storeys)