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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: 80 TO 88 REGENT STREET REDFERN STUDENT ACCOMMODATION

PANEL:

**STEVE O'CONNOR
CAROL AUSTIN
DR PETER WILLIAMS**

ASSISTING PANEL:

MATTHEW TODD-JONES

**DEPARTMENT OF
PLANNING AND
ENVIRONMENT:**

**DAVID McNAMARA
CAMERON SARGEANT
ELIZA COOK**

LOCATION:

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LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES**

DATE:

9.36 AM, MONDAY, 22 JULY 2019

MR S. O'CONNOR: Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to the elders, past and present, and to the elders from other communities who may be here today. Welcome to the meeting today of the proposal seeking approval for the
5 construction of an 18-storey student accommodation development at 80 to 88 Regent Street, Redfern. My name is Steve O'Connor. I'm the chair of this IPC panel. Joining me and my fellow Commissioners are Carol Austin on my right and Dr Peter Williams on my left. Matthew Todd-Jones is attending on behalf of the Commission Secretariat.

10 In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of
15 this process and will form one of several sources of information upon which the Commission will base its decision. It is important for the Commissioners to ask questions of attendees and to clarify issues wherever we consider it appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing. We will
20 then place that information on our website.

I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure the accuracy of the transcript. We are now able to begin. Did you
25 want to make an opening statement, David?

MR D. McNAMARA: Yes. Thank you, Steve.

30 MR O'CONNOR: Okay. Over to you.

MR McNAMARA: David McNamara, director, key sites assessment. I just have a little bit of an opening statement to give some broad context to this development area, and then I will hand over to Cameron to talk through some more specific issues that are covered off through our assessment report and happy to take questions along
35 the way. So the proposal before us is at 80 to 88 Regent Street, Redfern. It's for an 18-storey, 265-bed student accommodation development in Redfern and the proposal also includes three ground-level retail tenancies and one commercial tenancy.

This part of Redfern is part of the broader Redfern-Waterloo development area,
40 which includes some really large development precincts like Central Park, the site, Australian Technology Park, which are all predominantly on the western side of the railway, but on this eastern side, this Regent Street sub-precinct, for want of a better phrase, has seen a significant amount of development over the last five or more years and there's a number of approvals which have already been issued and
45 buildings that have been constructed, including the building immediately north of

this site, which was approved by the Commission as being constructed for student accommodation by Iglu who are now the owners of this site.

5 There is another development site for 11 Gibbons Street before the Commission at the moment and the department if undertaking other assessments on sites further to the south both for student housing and affordable housing. So there is a significant amount of development in the area and Cameron will walk through some of the specific details of that in a few moments. This particular design, the particular design before you and subject of our assessment report, has been – it has gone
10 through a design review process in consultation with the State Design Review Panel and the New South Wales Government Architect.

Quite notably, the State Design Review Panel provided its support to the current design response and noting that the envelope reduces the height, bulk and footprint
15 from a previously approved envelope on the site and creates greater amenity to surrounding development. As just mentioned, the site has development consent for the construction of an 18-storey mixed-use development for commercial, retail and predominantly residential development. That was granted by the Commission in November 2017. The site was subsequently sold by the develop to Iglu and Iglu
20 have commenced works on the site utilising that consent: works just through demolition of the previous two-storey terraces and sort of making good of the site.

Iglu's plans are now to take forward this proposed student housing development and, in doing so, amalgamate the site with existing student accommodation building
25 immediately to the north at 60 to 78 Regent Street. That development was approved back in 2015 and our assessment report goes into some of the benefits of that amalgamation in terms of shared servicing and other facilities, and also benefits to the streetscape of Regent Street from a more integrated design. We have a number of images here today that, as Cameron talks, we can share with you and we can leave
30 a package of these with you as well. So I will hand over to Cameron now to run through some of the more detailed issues with our assessment.

MR O'CONNOR: Thanks, David.

35 MR C. SARGEANT: So Cameron Sargeant, the team leader in key sites assessments. So the design package that we've got before you, image 1 here shows what was previously on the site. So you had two-storey terraces, of which there were five, with shop-top housing above. They were demolished by Iglu some time, I believe, last year and, apart from the demolition of the terraces, no further works
40 have commenced. Notably, the development that was approved by the Commission contained four levels of basement car parking. This proposal provides no basement car parking whatsoever, so there's a substantial amount of works that don't need to be undertaken on site compared to what was approved.

45 So image 2 shows the site as it is today. You will see that there's a that's surrounding the site and then, obviously, you've got Iglu1 adjacent to the – which is immediately to the north. So image 3 shows the site in context with surrounding

development. So, as David pointed out previously, the block area has been the subject of three separate consents, one of which is the existing student accommodation development immediately to the north, which was approved by the Commission in August 2015. There are also two other residential buildings that are immediately to the west and the north-west of the site. They are also 18-storey residential buildings with sort of ground floor retail as well.

Just to the north of the Iglu site, the existing one, you will see in green, which is the Regent Street site, that is the subject of a SEARs request. So the department has issued the Secretary's Environmental Assessment Requirements for a proposed development on that site. The Environmental Impact Statement has not been lodged, so there has been no public exhibition, but what is proposed there is a 21-storey hotel development with, obviously, ground floor retail. It's unknown at this stage when the EIS will be lodged, but we expect it's probably to be towards the latter part of this year. Immediately to the south of the site, we've got three other sites that are the subject of proposed developments and those three sites are at different stages.

So the development to the south-west of our site is the 11 Gibbons Street proposal, which contains social and affordable and housing, which is before the Commission at the moment. That is also an 18-storey development. Immediately to the south of that site is the 13 to 23 Gibbons Street site. That is another proposal for student accommodation and that is also 18 storeys. Immediately to the south of the site, which is highlighted in green, is 90 to 102 Regent Street.

Originally, we issued – the department issued the Secretary's Environmental Assessment Requirements for a residential development on that site. It has been subsequently sold and a proposal – it's at its initial stages, but it's intended that this site will be developed for student accommodation as well. This site was previously owned by City of Sydney Council, similar to the site to the west, which was also owned by City of Sydney. Okay. So image 4 - - -

MR O'CONNOR: Just – can I ask a question there. I'm familiar with the 11 Gibbons Street project and I knew that was Council owned, but I'm not familiar with what might happen on 90 to 102. That was previously council owned. Did council sell it with a requirement that it had to be used for social housing or student housing or - - -

MR SARGEANT: No. I don't believe so. Unlike 11 Gibbons where a specific requirement was that it had to be used for that purpose, I'm not aware that there's a similar proposal.

MR O'CONNOR: Okay.

MR SARGEANT: We could take that on notice and get back to you.

MR O'CONNOR: Okay. Right.

MR SARGEANT: But what we do know is that, originally, it was proposed for residential and now it's proposed for student accommodation.

MR O'CONNOR: Student. Yes.

5

MR SARGEANT: Yes. And the proponent for the development of that site is the same as the proponent for the other Gibbons Street student accommodation. Okay. So image 4 illustrates the, um, approved development. Ah, I – I – I guess I need to point out to the Commission that one of the – the notable changes that was made, um, by the Commission in its consideration of the design of the development, whilst it was agreed that the building exhibited design excellence, the Commission, at the time, um, did not support the, um, intrusion of that corner element, balconies – the balcony corner element there. Ah, so a condition was placed on the consent that the corner element be, um, substantially set back further creating sort of like a Juliet-type balcony arrangement. So there was – there was a level of – um, or there was a degree of balcony that was supported, but it was substantially, um, set back.

The proposed development also, um, consistent with what we had got before us – or the approved development, I should say, um, encroached in the Regent Street setback and the Marian Street setback. So you will see from here, you've got sort of a – a – a sort of a two-storey podium element with a – ah, an additional two-storey, um, sort of podium, ah, element that sits above. Um, the approved development had retail, um, but there was also commercial office space that was approved, and that approved – um, that was approved for levels two and – one and two, and, on level 3 was approved for child care. Um, council did not support the – the proposed development. They objected. Um, they raised issues broadly consistent with the issues that are raised before – um, in this application. That's wind, overshadowing. Um, however, it – it was, um, subsequently approved by the Commission.

So image 5 is the proposed development. So the – the key differences, I guess, that we could speak to, um, and that is probably articulated and outlined in our – in our report, is that the proposed development contains a – sort of a two, three-storey podium. The reason why it's two, three storeys is that at some parts of the ground floor, there's a mezzanine level, so that's counted towards a storey, um, which is about two storeys, um, below what the approved development, um, contained. It, ah, contains, ah, ah, a number of, um, student accommodation, which is 265 beds, um, but there are also cluster units, ah, in that. It's an 18-storey building. Um, it's L-shaped, in terms of its – its tower form, ah, and it has a setback of about three metres – between 2.65 and three metres from Regent Street, that is, the tower has a setback. Ah, and then from Marian Street, it has a three-metre, ah, setback. Um, the previous development, ah, had – um, also had a three-metre setback, um, but unlike this proposal, it actually, ah, went up to sort of four – four levels. It had a four-level podium.

MR McNAMARA: I might just add – it's David McNamara again. Just with the Regent Street setback, there's – there's been a history of approvals adopting a – a lesser setback to Regent Street for development and to allow and prioritise a greater

separation to those existing residential buildings to the west and the north, and that has been a deliberate move, both through assessments the department has undertaken on sites adjoining to the north, ah, and previously on – on this particular site and also when the Commission has considered it. So it is a – a deliberate strategy to try and
5 give as much residential amenity to those existing residential flat buildings, but, in doing so, allowing encroachment of the Regent Street setback, and it has been applied reasonably consistently, ah, through previous assessments. So just a bit of context for – for why that – that shift and that move is happening. There is a benefit, um, on the western side of the site with greater separation.

10 MR SARGEANT: And – and that – that frontage there aligns with the approved Regent Street frontage for the – um, the northern part of the Iglu. You'll notice that on this image here. This – there is a – a slightly greater setback, but, um, this facade here aligns with the facade setback to – further to the north. So the appro – the
15 proposed building has, ah, an FSR of 8.97 to one, um, and this site has an FSR of seven to one. The approved development complied with the height – with the FSR control. It didn't comply with the – the tower control, or tower setback controls.

20 Um, there's a number of reasons for that, but, principally, this building doesn't contain balconies. Um, the proposed building did. So from an envelope point of view, yes, it's generally consistent, but the – the balconies obviously are not proposed. Um, there was also a significant breezeway that ran through the approved building, um, which sort of had a balustrade height of about 1.2 metres. So that wasn't contribut – wasn't contributing towards floor space as well, and there's some
25 other floor plate changes, back of house areas that the applicant has noted that contributes to that exceedance as well. So essentially, the application, um, ah, has a SEPP 1 objection, which relates to the FSR control and the tower setback control.

30 Okay. So figure – or image 6 shows the differences between the approved envelope, um, and the proposed, and – and it's quite a good image because a lot of the, um, discussion in our report, um, it refers back to the fact that despite there is an increase in FSR, there is an overall decrease in building volume, um, and that is illustrated in these images here. So you can see the envelope. You can clearly see that the podium, um, is two storeys. The approved podium was between two – three and
35 four.

40 Um, taking a snapshot of, um, the part of the podium, you can see in the top right-hand corner, that was the approved development. So the blue, obviously, um, had a much larger floor plate because of the podium level, um, and then below, the tower form, because of its L shape, has substantially increased the setback of – um, ah, from the western side of the site. Um, in addition to that, highlighted in blue here, you can see the differences in the envelope between not only the podium, but the – um, the top of the building. So the – the height of the approved building is 2.9 metres greater than the proposed height.

45 DR WILLIAMS: Sorry. Cameron, could I just ask a question just on height at this point.

MR SARGEANT: Yes.

DR WILLIAMS: It might be a good point.

5 MR SARGEANT: Yes.

DR WILLIAMS: It's – it's a two to three-storey podium and 18 storey tower, isn't it?

10 MR SARGEANT: No, no, no, the overall – it's an 18-storey development. So the po – the – um, the development itself, um, is – ah, you've got the three-storey – or two to three-storey, but it's a 16-storey, essentially, tower.

DR WILLIAMS: Okay. I'm just looking - - -

15 MR SARGEANT: So it's not 18 plus - - -

DR WILLIAMS: Okay. I'm just - - -

20 MR SARGEANT: - - - the podium.

DR WILLIAMS: I'm just looking at the, ah, description of the project on page 4
- - -

25 MR SARGEANT: Yes.

DR WILLIAMS: - - - of your report, and it talks about construction of an 18-storey tower and three-storey podium.

30 MR SARGEANT: Oh, okay. They're meant to be read together. So the – the total, um, building height is 18 storeys.

DR WILLIAMS: Okay. I keep counting and can't work - - -

35 MR SARGEANT: Yes, we should have, yeah, clarified that. It's – it's 18 storeys in total.

DR WILLIAMS: Overall. Thank you very much. Sorry to interrupt. Thank you.

40 MR SARGEANT: That's okay. Ah, image 7 has the, ah, height controls. So illustrated in purple there, um, is obviously the 18-storey height limit, um, and then you've got the, ah, two-storey height limit on Regent Street, and then you've got the, ah, three-storey – um, sorry the two-storey height limit on Regent Street with an eight-metre setback control, and then from Marian Street, you've got a three-storey

45 podium with a four-metre setback control.

- So, unlike the proposed development, there's no car parking provided, as we've already mentioned. And there's 84, um, bicycle parking spaces that are proposed. The proposal also incorporates an 800, ah, millimetre setback from Marian Street, um, as well as a – um, a three-metre – um, well, it will create up to a three-metre
- 5 setback from Marian Street for footpath widening. That's consistent with the Redfern controls. Ah, council initially did raise concerns about the – the setbacks, um, but that was subsequently revised, ah, in the response to submissions, and, we've noted that we believe that the – um, the setbacks comply with the controls.
- 10 MR O'CONNOR: Can you – and just going to another question. Can you just confirm, that 800 millimetre setback to the lane - - -
- MR SARGEANT: Yes.
- 15 MR O'CONNOR: - - - is that to facilitate a footpath, or what's the purpose of that?
- MR SARGEANT: Yeah. Yeah. So it's – it's footpath widening. So, essentially, at the moment, it's extremely narrow. Marian – I mean, the William Lane is – um, is – is quite narrow. So it's not, um, a key pedestrian thoroughfare, um, at the moment,
- 20 but, potentially, um, the site to the north also has an approved, um, ah, sort of laneway, so there may be the potential later on in the future to - - -
- MR O'CONNOR: For a connecting - - -
- 25 MR SARGEANT: - - - to create a connection. That's right. Yes.
- MR O'CONNOR: Right.
- MR SARGEANT: Which is sort of illustrated here.
- 30 MR O'CONNOR: So what footpath width will eventuate in that lane?
- MR SARGEANT: It will be 800 wide.
- 35 MR O'CONNOR: Right. So that's not - - -
- MR SARGEANT: Yes.
- MR O'CONNOR: So 800-metre setback, but what would - - -
- 40 MR SARGEANT: From the podium. So - - -
- MR O'CONNOR: The footpath will also be 800, will it?
- 45 MR SARGEANT: No, no, no. The total setback will be 800 from William Lane.
- MR O'CONNOR: Yes. And what will the footpath be?

MR SARGEANT: So that will be 800.

MR McNAMARA: It will all be footpath.

5 MR SARGEANT: It will all be footpath.

MR O'CONNOR: Okay.

10 MR SARGEANT: Yes. So the podium essentially will be 800 from the footpath edge, so creating - - -

MR O'CONNOR: And so there's no footpath in the road reserve in other words.

15 MR SARGEANT: There is a footpath, absolutely, but it's 800 mills. So if you were to - if you've got the kerb - - -

MR O'CONNOR: Yes.

20 MR SARGEANT: - - - if you go back 800, that's where the edge of the podium is.

MR McNAMARA: At the moment, it's - - -

MR SARGEANT: At the moment, it's less than that.

25 MR McNAMARA: It would have been built to the boundary or there would be no foot - - -

MR SARGEANT: It is. Yes, yes.

30 MR McNAMARA: There would be - it's just a laneway at the moment - - -

MR SARGEANT: That's right.

MR McNAMARA: - - - from memory, without proper footpaths.

35 MR SARGEANT: We've got - - -

MR O'CONNOR: Yes. That's why I would have assumed - - -

40 MR McNAMARA: So the control is looking to establish - - -

MR O'CONNOR: A footpath.

45 MR McNAMARA: - - - a recognised footpath, albeit it's not even a secondary - it's a tertiary third level sort of laneway.

MR O'CONNOR: So does that footpath end up on land owned by the proponent, or is it – it must do if there's no footpath - - -

MR SARGEANT: The site?

5

MR O'CONNOR: Yes. That 800 mill - - -

MR SARGEANT: So the site boundary – yes. So that would be absorbed partially by the site itself, just like it is on Marian Street. So the Marian Street is around 1.6 metres setback. So you've got the existing footpath, plus the additional setback for footpath widening. So, in a way, the development is absorbing – by creating an additional footpath, the development site is absorbing part of that. We've got an image of it actually, which I can show you.

10 MS C. AUSTIN: But I think, Steve, are you asking is it – so footpaths are normal council land – is it becoming council owned or is it staying privately?

MR O'CONNOR: That's exactly what I'm asking. Yes. Is it mixed ownership or is that going to be dedicated to council?

20

MR SARGEANT: Will it be dedicated to council?

MS AUSTIN: So if somebody trips on it, who do they sue?

25 MR SARGEANT: We would have to take that on – we will take that on notice.

MS AUSTIN: Who do they sue - - -

MR SARGEANT: Yes.

30

MS AUSTIN: Sorry. Carol Austin. Who they sue, the council or the developer, if they have an accident on the footpath?

MR SARGEANT: Yes. Okay. We can – we will take that on notice.

35

MR O'CONNOR: Thank you.

MR SARGEANT: There are conditions in the consent that relate to footpath widening, and so all the public domain works, etcetera, has to be designed consistent with council specifications; it has to be approved by council. So we've got numerous controls relating to that.

40

MR O'CONNOR: Yes.

45 MR SARGEANT: Okay. So the development was exhibited between 18 October and 14 November for a period of up to – or for a period of 28 days. We received 18 public submissions, of which 17 objected. The key concerns related to view loss,

height, overshadowing, wind and noise impacts. The Government Architect New South Wales, they did mention some comments around providing a stepped awning, greater articulation, improved visual outlook and solar access. Council objected to the application, their key concerns being the development not exhibiting design excellence, wind impacts, overshadowing, setbacks, building separation.

There was also initial concerns about the exemption from development contributions – affordable development contributions and, also, they didn't support the SEPP 1 objection. They didn't believe that it was well-founded and then it gave rise to amenity impacts. The applicant submitted a response to submissions and – in response to the – obviously the issues that were raised. Key changes included they lowered in step the awning; they provided greater articulation to the building; they provided additional glazing to the western façade to improve solar access into the student accommodation. Apartments: an 800-wide setback to William Lane, an average footpath of three metres to Marian Street, as well as ground floor layout changes, including end-of-trip facilities.

Council reviewed that and council maintained its objection to the proposed development. We subsequently got additional information in the form of a response to submissions addendum and some of that was just providing additional information around overshadowing, solar, wind impacts. They also provided, consistent with Government Architect's comments, some direct access to bike storage and end-of-trip facilities. Additional overshadowing analysis around the level 1 courtyard, council have raised a lot of concerns around solar access to that, so they provided additional information. They provided a further visual impact assessment and they provided us with a revised basic certificate as well consistent with the changes.

So in the assessment of the application, we carefully considered all the issues that had been raised. The Government Architect, after reviewing the response, were satisfied that the changes responded to their prior comments. So, in our consideration of the issues, we've sort of identified what we think are the key impacts associated with the proposal, and they include the visual. So the Regent – we know that the Regent Street and Gibbons Street setbacks are not consistent with the eight-metre and four-metre controls. However, we consider that those setbacks are broadly consistent with the setbacks that were approved previously and they do not give rise to any adverse visual or streetscape issues, and we also note that the Design Review Panel and the Government Architect have not raised any concerns with the setback changes – or the variation, I should say.

We also note that the design is consistent with the setbacks to the north, which is Iglu1, and that if we were to push the building further to the west to comply with those setbacks, that would mean that, potentially, the building would shift both further to the west and also to the north, which is closer in proximity to the residences immediately to the west of the site. Views: we do note that the residents to the west of the site and the north-west of the site will experience substantial view loss, but that is as a consequence of the 18-storey height limit of that site, so it's reasonably expected view impacts would occur to those properties, but we note that

the view impacts associated with the development, including the view impacts associated with the proposed FSR, we think are reasonable and are consistent with those that were previously approved and considered as part of the original application.

5

Overshadowing: the proposal results in either – well, results in less overshadowing, particularly in relation – due to the tower form and also the podium form. Privacy: we believe that the development would not give rise to significant privacy issues, firstly because of the design treatment. So that includes translucent windows to the west which development to the west privacy, and also blank walls and appropriate window placement. Council has raised concerns about wind, and the applicant has provided additional information throughout both the RTS and the response to submissions addendum primarily addressing wind and those treatments relates to sort of the stepped awnings, so having an awning providing the building great – significant building articulation, as well as planting on the level 1 courtyard area.

20

Noise and ventilation: so the council has raised concerns about the proposed ventilation system. The applicant has provided us with some additional information around that. So we have an image for you that I would like to show you. So this was contained in the response to submissions package and it was provided also by an acoustic consultant. So the – it proposes an alternate system, a ventilation system, which comprises casement windows and ventilation boxes, as well as an alternate system of exhaust fans and individual supply.

25

So it's noted, just as we've got with other developments, that if you do have those windows open and you do have those louvres open, would they comply with the internal noise level? The answer is no. However, in their view, they think the combination of allowing natural ventilation by the louvres there would provide residents with sufficient amenity given that they have an option to either close those windows and rely on the other alternate ventilation that's proposed.

30

MR McNAMARA: I think it's also worth noting – and you could ask the proponent about this – they have used a similar system on the adjoining development. They can speak in a lot more detail about the mechanics of how the system works. This, as I understand from the discussions with them, is a step of evolution from the system they used on the previous building. They think it's going to be better, but, as Cameron said, it's about giving the occupant the choice and there might be times where they want to open this and have natural ventilation and they might be satisfied that the amount of noise is better than having mechanical ventilation. So we're seeing this more and more in urban areas, trying to find this hybrid system. So occupants have a greater choice than just a pure – using mechanical ventilation and nothing else, but the proponent can provide a lot more detail about exactly how the system is designed and operates.

45

MS AUSTIN: So the mechanical ventilation – sorry, Carol Austin – is air-conditioning?

MR SARGEANT: Exhaust fans. So they haven't specifically said air-conditioning as part of their, um – their proposal but it would be, um, supply through some type of mechanical ventilation system, um, and they have advised that they would provide – that further detail around that would need to be, um, undertaken. But they've got the
5 exact location of where the fans are going to be located, um, which would provide, um, ventilation into the building.

MS AUSTIN: So the answer is it's not air-conditioning then because - - -

10 MR O'CONNOR: Not necessarily.

MS AUSTIN: Yeah.

MR O'CONNOR: Yeah.
15

MR McNAMARA: It's a form of mechanical ventilation - - -

MR SARGEANT: It's a form.

20 MR McNAMARA: - - - but not maybe air-conditioning as you and I are thinking about it right now.

MR SARGEANT: Like full ducted air-conditioning.

25 MR McNAMARA: So maybe not ducted air-conditioning.

MS AUSTIN: Okay. Yep.

MR O'CONNOR: Yep.
30

MR McNAMARA: But a very good question to put to the proponent when you – when you speak to them.

MR SARGEANT: Contributions. Council originally objected to no contributions
35 being provided. The applicant has subsequently advised that they would pay. We've recommended conditions that – the affordable housing contributions are paid, as we don't believe that they should be exempt. So the footpath bit that we've already mentioned. Now, I believe that there are some other – um, issues that were put forward to us this morning around construction traffic and those sorts of issues so
40 upon review, they've prepared a construction traffic and pedestrian management plan.

So they've advised that there will be no construction vehicles allowed on site and that's purely because of the constraints of the site. A work zone would be sought
45 from council for the use of William Lane and that workers on site would either be using off street car parking, so they won't be using on street car parking, and give the

close proximity to the site, it's expected that a vast majority of workers would be using public transport to get to work.

5 MS AUSTIN: And storage of their kits. Often they use transport vehicles because they have tools that they've got to bring. There will be accommodation or storage of their tools so they won't need to bring them?

10 MR McNAMARA: Yeah. Again, the applicant could provide more detail around that but I think – I mean, it is a constrained site and – there's going to be a long term benefit from the site not providing a basement car park in terms of traffic but in the short term that potentially means there might be slightly more impact during the construction phase, whereas if you had a basement, that provides a lot more opportunity.

15 But I think, looking in the longer term, the benefit of shared access, less traffic and car parking provided by the site, um, we weren't concerned about those potential short term construction impacts but it is an issue that needs to be managed, um, and hopefully they – yes, some – the proponent will be able to give you more comfort about the other on site arrangements they can provide for staff to, yes, safely leave
20 their tools, etcetera.

MR McNAMARA: As we said, there was also a question about the basic certificate so that was provided in the responsive submissions and it's also cited in the – the conditions of consent. Another thing I guess the government architect mentioned
25 and also the State Design Review Panel was something around Aboriginal heritage archaeology and so we've got a heritage interpretation strategy condition that is required to be prepared with local Aboriginal stakeholders. Um, in response to the question you had about the communal rooms, whether they were being - - -

30 MR O'CONNOR: Just before you leave the Aboriginal heritage interpretation study - - -

MR McNAMARA: Yeah. Yep.

35 MR O'CONNOR: - - - what's likely to be the outcome of that. I mean, this must have been a condition you put on other developments. At the end of the day, what generally is the outcome?

40 MR McNAMARA: Predominantly – look, what it will predominantly be is an unexpected finds protocol.

MR O'CONNOR: Right.

45 MR McNAMARA: Yeah. So - - -

MR O'CONNOR: So there's nothing about the landscaping - - -

MR McNAMARA: There might - - -

MR O'CONNOR: - - - on the site - - -

5 MR SARGEANT: It will include - - -

MR O'CONNOR: - - - or the material used or - - -

10 MR SARGEANT: There will be – there will be - - -

MR McNAMARA: It could go to that but initially, yeah, it will be a combination of mainly making sure that when they excavate, if there's unexpected finds and then looking to, potentially through landscaping, um, to allow for other aspects of interpretation. We've seen other sites do it. There's a wide range of responses from
15 the minimal to, um – we've seen some examples where quite significant murals and things are proposed as part of the external appearance of the building.

MR SARGEANT: So there's – the three components are the strategy has to incorporate a landscape design, has to incorporate species selection, and there's also interpretation strategies, and so that's prepared in consultation with the local
20 Aboriginal stake holders and that has to be submitted to a certifier prior to issue of construction certificate.

MR O'CONNOR: So who signs off that certifying? Not the secretary?
25

MR SARGEANT: There's no formal approval so the – as long as a strategy is being prepared in consultation with the local Aboriginal community, then that strategy would be submitted to the certifier prior to him issuing. So he would have to be satisfied that it's being undertaken, um, but a copy of the strategy has to be provided
30 to the secretary so we would receive that as well.

MR O'CONNOR: Okay. Thanks.

MR SARGEANT: So in terms of the detailed assessment, we sort of found that the development exhibits design excellence. We're satisfied with the potential amenity impacts, we think they're reasonable, and that we support the proposed development, subject to conditions and presents the application – we present the application to the Commission for its approval or determination.
35

40 MR O'CONNOR: Good. Thanks very much for that detailed rundown, Cameron. Um, is – well, Eliza, is there anything you wanted to say at this stage?

MS E. COOK: I'm good. Thank you.

45 MR O'CONNOR: Okay.

MR SARGEANT: Can I - - -

MR O'CONNOR: Sorry.

MR SARGEANT: Sorry.

5 MR O'CONNOR: Yep. Go ahead.

MR SARGEANT: Can I just clarify. The set back is from the site boundary so it's not a total set back so the 800 mil William Lane set back is the set back from the edge of the site boundary into the site so it's providing – whatever footpath is there
10 now, it's providing an additional 800 mil.

MR O'CONNOR: So you might still clarify for us - - -

MR McNAMARA: We will - - -
15

MR SARGEANT: What the total is. We could – we could tell you that.

MR O'CONNOR: - - - what footpath is there and what the new total will be.

20 MR SARGEANT: Off the top of my head I don't know but, yep.

MR O'CONNOR: Yep. Yep. That's fine.

MR SARGEANT: Sorry for the confusion.
25

MR O'CONNOR: No, no. Take that question on notice; that's fine. Um, Carol, have you any questions.

MS AUSTIN: Um, just the – a broader issue. There has been a large amount of student accommodation developed in New South Wales in recent years. Has the department considered developing an overall planning document relating to the – the terms under which such development should be undertaken; minimum size, the height of building, with a view to, if there is, um, future reduction in demand for student accommodation, that it could be repurposed. So – but, more generally, um,
30 there are references in this document to saying there aren't standards for student accommodation so that it's – the constraints relate more to residential development rather than student accommodation. So is the department contemplating, um, putting together an overall strategy relating to the student accommodation at any stage?
35

40 MR McNAMARA: It's correct what you're noting about. There's no fit-for-purpose student accommodation code as such and so in undertaking the assessment, you borrow parts of other codes, including, you know, SEPP 65 department design guide as well as the affordable housing - - -

45 MR O'CONNOR: Council's boarding housings - - -

MR McNAMARA: - - - and council boarding house - - -

MR O'CONNOR: Yep.

MR McNAMARA: Yeah. But look, we – in terms of officially whether there is a piece of policy work to be undertaken, I would need to take that on notice. I'm
5 happy to do so. Um, but there's nothing that has gone out to exhibition that I'm aware of.

MS AUSTIN: And as I said, the broader question, there seems to be a large number – we're already seeing in this cluster a number of student accommodation
10 developments being put forward. Does the department have a view about the totality of student accommodation that it would like to see developed and we would like to see that developed – we've seen that happen in respect of other social infrastructure. It would be useful to consider that. And minor issues, like the number of washing machines, seem to be de minimis, to put it mildly. Again, where there are no
15 standards, I'm not sure the students are in a position to push back if the operators choose not to provide what would be a reasonable level of amenity in those areas.

MR McNAMARA: Okay. More than happy to take that on notice and get a response.
20

MS AUSTIN: Thank you.

MR O'CONNOR: Thanks, Carol. Um, Peter, any questions?

25 DR WILLIAMS: Thanks. Thanks, Steve. Sorry, Cameron, you begun to talk about the communal rooms, um, so there's those. Um, levels 2 to 17 have the communal rooms, 17 square metres. Are they just for use of the residents of the clusters?

MR SARGEANT: Yeah.
30

DR WILLIAMS: Yeah.

MR SARGEANT: So for the purpose of the calculation, the – consistent with the DCP, it's around 300-odd square metres in total. So we've – we've outlined that the
35 development exceeds that substantially. I think it provides up to three times that but those cluster rooms between those levels, Peter, are for the – um, the people that will be living in those clusters.

DR WILLIAMS: In those clusters.
40

MR SARGEANT: Yes.

DR WILLIAMS: Okay. Okay. Thanks. And the – I think you confirmed that the – there were two actual objections; one for the SFR and the other one for setbacks.
45

MR SARGEANT: The – the height controls. That's right.

DR WILLIAMS: Height or FSR?

MR SARGEANT: It's height. So it's storeys.

5 MR O'CONNOR: So it's height and FSR, I think, the answer.

MR SARGEANT: So is that – because the tower is shifting into the – that control
- - -

10 DR WILLIAMS: Yeah.

MR SARGEANT: So the best thing - - -

MR McNAMARA: It's the area there

15 MR SARGEANT: So what's happening is that the tower is – which should be set
back at eight metres here, it's projecting forward into this area here. So this currently
has a two-storey height limit, while you've got an 18-storey building that's
projecting into it. So it's shifting eastwards into that zone.

20 DR WILLIAMS: Right.

MR SARGEANT: So the objection is in relation to the, um – the overall height, um,
and in relation to the setback, ie, instead of providing an eight-metre setback from
25 the edge of the street, they're providing a three-metre setback, and so the tower
starts, essentially, from that point.

DR WILLIAMS: Okay. So there's two objections. One is for FSR - - -

30 MR SARGEANT: Yep. Yep.

DR WILLIAMS: - - - and the other one is for setback or height.

MR SARGEANT: Height.

35 MR McNAMARA: It's for – technically for height - - -

MR SARGEANT: For height.

40 DR WILLIAMS: Yeah.

MR McNAMARA: - - - but the noncompliance with height is created by the
narrower setback.

45 DR WILLIAMS: The setback. Okay.

MR McNAMARA: Yeah. Yep. It's – because these are quite – very prescriptive height controls. You wouldn't always see a podium setback control put into an LEP or equivalent. It might be otherwise - - -

5 DR WILLIAMS: Yeah.

MR McNAMARA: - - - a control you might see in a DCP - - -

DR WILLIAMS: Yeah.

10

MR McNAMARA: - - - which would be more easily varied, but here, um, yes, they've had to put in the objection, um, but really our reports looked at that in a lot of detail, and, as we discussed earlier, the, um, prioritising greater amenity and separation on the western side of the site, um, and allowing some encroachment
15 along the Regent Street setback, it's seen as a better overall outcome. So prioritising amenity for the existing residential building here – um, it is what it is, that building, and it's built there now. We can't move it, but we need to try and afford it as much amenity as possible. Yep.

20 MR O'CONNOR: So is there a floor space ratio SEPP 1 objection as well?

MR SARGEANT: Yes.

MR McNAMARA: Yes.

25

MR O'CONNOR: So there's actually three?

MR SARGEANT: So – no, no, no.

30 MR McNAMARA: Two.

MR SARGEANT: There's two.

MR O'CONNOR: Two. So the height relates to – so the SEPP trigger - - -

35

MR SARGEANT: Yep.

MR McNAMARA: Yep.

40 MR O'CONNOR: Triggered by the setback issue.

MR SARGEANT: Yeah. The breach relates to the fact that the tower encroaches into that setback zone, and then you've got the FSR - - -

45 MR O'CONNOR: So what should the height be - - -

MR SARGEANT: - - - which is seven to one.

MR O'CONNOR: - - - for – if it - - -

MR SARGEANT: The - - -

5 MR O'CONNOR: Once it's in that - - -

MR SARGEANT: The height should – along here - - -

MR O'CONNOR: Just only should be - - -

10 MR SARGEANT: - - - it should be two storeys.

MR O'CONNOR: - - - two and three storeys.

15 MR SARGEANT: A maximum of two storeys - - -

MR McNAMARA: Yeah.

MR O'CONNOR: Yep.

20 MR SARGEANT: - - - um, for eight metres - - -

MR O'CONNOR: Yeah.

25 MR SARGEANT: - - - and then it goes up to eight.

MR O'CONNOR: Yeah.

DR WILLIAMS: Yeah. Okay.

30 MR O'CONNOR: Yep. Okay.

DR WILLIAMS: The bicycle parking seems – you pointed out there's ample bicycle parking.

35 MR SARGEANT: Yep.

DR WILLIAMS: Is that also for use of the retail and office tenancies - - -

40 MR SARGEANT: Yes.

DR WILLIAMS: - - - tenancies as well?

MR SARGEANT: Yep.

45 DR WILLIAMS: Right.

MR SARGEANT: That's right.

DR WILLIAMS: So - - -

5 MR SARGEANT: So the – and not only that. The retail, um, tenancies will also be provided with end of, um, trip facilities, ah, as well. So it's both.

DR WILLIAMS: As the - - -

10 MR O'CONNOR: Just if I can ask another question because I had one about the bicycle parking. The magic number of 84 bicycle car parks, is there any logic to that? It works out about one per three beds, but there didn't seem to be much in the way of standards or authorities that were quoted in the report - - -

15 MR SARGEANT: I'm not aware of any specific bicycle parking rates, um - - -

MR O'CONNOR: - - - for student accommodation.

MR SARGEANT: - - - that applies to student accommodation, but we can take that
20 on notice and get back to you.

MR McNAMARA: I think also, speaking to the proponent, they have – ah, Iglu have a lot of experience operating student housing, and, um, I understand they would have utilised that experience of what happens in their other buildings to help inform,
25 um, the level of parking they're providing.

MR O'CONNOR: And do they have any examples where they offer share scheme for bike usage, as is the case with, as you know, the other development on the opposite side of Marian Street?
30

MR McNAMARA: I'd suggest – good question for them. I've - - -

MR O'CONNOR: Yep.

35 MR McNAMARA: I can't, off the top of my head, recall whether that's something they've mentioned to us. Ah, I wouldn't be surprised. They've certainly got a number of operations around the city. Um - - -

MR O'CONNOR: Okay. Thanks, Peter.
40

DR WILLIAMS: Just one other question. Has the council seen the recommended conditions of consent?

MR SARGEANT: No.
45

DR WILLIAMS: Right.

MR O'CONNOR: Well, they'd be on the website, so they could have seen them.

DR WILLIAMS: Could see them. Yeah.

5 MR SARGEANT: Oh, in terms of have we formally referred it - - -

MR O'CONNOR: Yeah.

MR SARGEANT: - - - to them, no. In terms of is it publicly available - - -

10 DR WILLIAMS: Yes.

MR SARGEANT: - - - or visible - - -

15 DR WILLIAMS: Yes, it is.

MR SARGEANT: - - - the answer's yes.

DR WILLIAMS: Okay.

20 MR O'CONNOR: Yeah.

DR WILLIAMS: Thanks.

25 MS AUSTIN: I just have one final question. The submission's written by reference to the previous, ah, approved development. If we were going back to square 1 and we were treating it as a demolition site, would you approach it differently? And the reason I raise that is that, um, attitudes to, ah, making concessions to developers can change over time, and my understanding was the department had tightened up its

30 views on, ah, providing, ah, approvals that deviated from precinct plans and the like. So if you were going back to de novo, ah, rather than looking at this as a variation of an agreed plan, ah, are there any areas that you'd perhaps be, um, more probing in your analysis?

35 MR McNAMARA: No. I think this – this assessment, whilst it's had regard for the previous approval, is an assessment of the merit of what's before us.

MS AUSTIN: Good. Yeah. That's essentially what I was asking.

40 MR McNAMARA: Yeah. Yeah. Um, we think that where there are non-compliances here, they are either minor or they result in better outcomes, and would be more than happy to support, um, a report with a recommendation for approval had there never been the previous approval.

45 MS AUSTIN: Excellent. Excellent. Thank you.

MR O'CONNOR: Okay. Now, I've got a few questions, but they relate to the conditions of approval, so whether you want to take these on notice or some you might be able to answer straight off is just entirely up to you. In the definitions in the draft conditions, there's a definition of a Crown building works certificate and I
5 couldn't really see the relevance of that definition, so it might have just been a relic from previous approvals.

MR McNAMARA: Yes. We will have a look at that.

10 MR O'CONNOR: Okay.

MR McNAMARA: Yes.

MR O'CONNOR: And, again, I might have overlooked this, but I couldn't find any
15 reference in the conditions to a requirement for the consolidation to take place. So it's an important part of this project - - -

MR SARGEANT: Yes.

20 MR O'CONNOR: - - - the merging of the two buildings together and being treated as one development, particularly from the loading-dock point of view, so is there something in there that requires that or - - -

MR SARGEANT: The Act doesn't require development consent for lot
25 consolidation. So even though they have described it in a general sense saying, "Okay. The proposed development includes lot consolidation", they don't formally require development consent for it, but, look, we – you know, we could have a look and see what condition - - -

30 MR O'CONNOR: Well, I just see a problem potentially arising there. If there's not some requirement for consolidation to take place – they may choose not to consolidate – and you're relying on a loading dock on one block to service, then you would have to have a condition in that consent which allowed for that eventuality. So I think it has got to be looked at one way or the other to make sure you don't get
35 left, if they choose not to consolidate, and there's no compulsion, with the potential for it to form a different ownership and that interrelationship, particularly with a loading dock. It just creates a problem.

MR McNAMARA: Yes. Look, we're happy to – for you – two things – to discuss
40 that with the proponent about the specifics of the timing for when they're proposing to consolidate the lots, but also if there was a way that we could look to create – we can consider a way that we might be able to create some sort of trigger or condition that would just acknowledge that that's their commitment. It would be better if they offered that as a commitment.

45

MR O'CONNOR: They have offered – they have acknowledged in correspondence that they're happy to accept a condition along those lines, so there's no resistance that I've seen in the correspondence to that concept.

5 MR McNAMARA: And it could simply be a condition that goes to the timing of that event happening.

MR O'CONNOR: Yes. Prior to - - -

10 MR McNAMARA: And if they want to propose a condition, I would be more than happy to consider a condition they propose, because they will know more the mechanics about how the delivery of the site is going to occur. They might be able to then propose a condition that works appropriately from a timing perspective to allow whatever needs to be done to allow the lots to be consolidated.

15 MR O'CONNOR: Sure.

MR McNAMARA: So maybe they might be able to propose that first and we could review it in conjunction with yourselves.

20 MR O'CONNOR: Okay. The – condition A13 relates to non-compliances – or incidents and it refers to an appendix 1, the standard form of the report for incident notification. I couldn't see an appendix 1, so you might have to insert that in.

25 MR SARGEANT: The copy I've got does contain it, but - - -

MR O'CONNOR: Okay. Maybe it's just the version I've taken off the website.

MR McNAMARA: Yes.

30 MR SARGEANT: We can get back to you.

MR O'CONNOR: Right. Just make sure that's incorporated. And the last question relates to GFA. There's a condition – I think it's B8 relates to the maximum GFA on the site: 7377 square metres. In the response to submissions report, Urbis talked about the GFA having to be increased as a result of the changes they have made slightly and it was 7188 square metres, so there's a disparity between that. So, again, you might just want to have a look and that and come back to us.

40 MR SARGEANT: That - - -

MR O'CONNOR: But there might have been some further amendments after the response to submissions report.

45 MR SARGEANT: It's in the response to the response. So you're right, it did change, but that figure is the latest GFA figure that we have and that was – that is available on our website, so I'm happy to point the Commission to where it is.

MR O'CONNOR: Good.

MR SARGEANT: They have got a detailed – they have given us a detailed GFA schedule, so I'm happy to provide you with a link.

5

MR O'CONNOR: Great. That would be good. Thank you.

DR P. WILLIAMS: Just on the conditions, the developers – the proponents agreed to the two sets of contributions, one for the affordable housing and the other one for the normal development contributions.

10

MR SARGEANT: Yes.

MR McNAMARA: Yes. That's right.

15

DR WILLIAMS: And the value of the calculations and the

MR SARGEANT: Yes. So the value of the calculations are slightly – that are in the consent are slightly different to the value that is noted in UrbanGrowth submission

20

- - -

DR WILLIAMS: Right.

MR SARGEANT: - - - and the reason why is that they applied the previous GFA to that.

25

MR O'CONNOR: Exactly.

MR SARGEANT: So there's a little bit of a difference, but the amount that we've cited here is the most recent amount.

30

DR WILLIAMS: All right. Thanks. Thanks, Cameron.

MR O'CONNOR: Okay.

35

MR SARGEANT: They did try to – they put forward an argument about the affordable housing contribution, but they're now going to pay it and they're okay with paying it.

40

MR O'CONNOR: Matthew, do you have any - - -

MR M. TODD-JONES: None for - - -

MR O'CONNOR: - - - questions or comments you want to make?

45

MR TODD-JONES: No. I'm fine at the moment.

MR O'CONNOR: All right. So I think that probably wraps it up from our end, unless there's any final comments or - - -

MR McNAMARA: No. No.

5

MR O'CONNOR: Okay.

MR McNAMARA: We will - - -

10 MR O'CONNOR: So you've got - - -

MR McNAMARA: - - - liaise with Matthew - - -

MR O'CONNOR: - - - Yes. Three or four things there that - - -

15

MR McNAMARA: - - - around just clarifying those matters that we've taken on notice.

MR O'CONNOR: - - - you will follow up for us.

20

MR McNAMARA: We will follow those up and happy then to – any subsequent questions as you go – work through your deliberations, more than happy to assist where we can.

25 MR O'CONNOR: Yes. We may even get some answers from the proponent that might - - -

MR McNAMARA: Correct.

30 MR O'CONNOR: - - - alleviate some of those questions that we posed for you guys.

MR McNAMARA: Yes.

35 MR O'CONNOR: Okay. If that's the case, then I will call the meeting to a close. Thanks for your attendance. Thank you.

MS AUSTIN: Good. Thank you.

40

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[10.29 am]