SUTHERLAND
&ASSOCIATES
PLANNING

3 October 2018

James Groundwater
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear James

S4.56 amendment to SSD 15_7064
175-177 Cleveland Street and 1-5 Woodburn Street, Redfern
Response to Submissions

This correspondence provides a response to the issues raised by government agencies and the public following exhibition of an application made pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* to modify the consent for State Significant Development 15_7064 for a mixed use development involving demolition of existing structures, construction of a part 5 and part 6 storey building comprising 45 hotel rooms, 20 residential units, commercial tenancies and wine bar and 2 levels of basement car parking at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern.

The application seeks approval for internal and external modifications to facilitate the following primary amendments:

- Elevate the level of the internal courtyard to correspond with the residential floor level and infill of area below with an extension to the retail tenancy on the corner of Cleveland Street and Eveleigh Street;
- Infill of the redundant ground floor outdoor terrace to wine bar and also voids to increase the size of the wine bar;
- Conversion of the 'hotel recycle' and 'hotel storage' areas into amenities and an office for the wine bar; and
- Introduction of a reception desk for the hotel entry at the street level.

A response to the submissions is provided in the table below:

Submission	Response
Transport for NSW	
The above modification proposal has been reviewed and no further comment is provided at this stage.	Noted. No objection from Transport for NSW.
RMS	
Roads and Maritime reviewed the submitted application and raises no objection to the proposed modification.	Noted. No objection from RMS.

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Heritage Division, Office of Environment and Health	
The Project Area does not contain items listed on the state Heritage Register, S 170 Heritage and Conservation Registers or items that are locally listed. The Archaeological Assessment has identified potential for historical archaeological relics to be present within the Project Area. A review of the documentation associated with the proposed amendments has been undertaken. It is noted that the proposed changes are not likely to have any additional impacts on the approved proposal and no issues were identified because the changes proposed are all above ground. Based on this review it is considered that further comments from the Heritage Council are not warranted and all the previous conditions of approval including the conditions for archaeology must remain the same as in the original approval.	Noted. No objection from Heritage Council.
Office of Environment and Health	
OEH originally provided comments on this application to OPE on 20 November 2015 after reviewing the report 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern: Aboriginal Cultural Heritage Assessment, Final, for Construct Corp, AHMS, September 2015 (Aboriginal Cultural · Heritage Assessment). OEH raised concerns that: "*The Aboriginal Cultural Heritage Assessment states that no further Aboriginal cultural heritage assessment or investigation is required prior to the development, based on the densely developed nature of the Cleveland Street area. It is stated that the construction of the factory buildings that are currently on the site are likely to have required footings and foundations and that these will have disturbed the site sufficiently to ensure that no Aboriginal objects will be present. However, no information about historical land uses at the site and past construction methodologies appear to have been considered and were not presented. As a result of this, the extent of impact to any archaeological objects that may be on site is not known. Many older buildings have discrete footings and foundations and no basements. Aboriginal objects and intact deposits have been located in between footings in other urban areas. Intact pre-European soil horizons have been recorded in other locations along Cleveland Street and may be present here. OEH considers that further assessment relating*	The proponent is aware of Condition Nos. C7 and C8 which mandate that works must cease in the event that Aboriginal objects or human remains are discovered during works on site. These conditions provide sufficient safeguard with specific protocols to guide the proponent in the event of discovery of previously unidentified Aboriginal objects.

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to this should occur, including an extensive site history and disturbance mapping. *OEH notes that no evidence of consultation with the local Aboriginal community is presented in the Aboriginal Cultural Heritage Assessment. If consultation has taken place, the results of that consultation should be provided. If not, OEH considers that consultation should occur and that the results of this consultation inform the recommendations of the Aboriginal Cultural Heritage Assessment.*" OEH understands that the proponent's response to submissions on the original SSD did not address OEH's concerns outlined above. The SSD was refused by OPE, however it was approved on appeal to the Land and Environment Court (Platinum Property Advisors Pty Ltd v Minister for Planning Appeal No: 17/85735). The Conditions of Consent relating to Aboriginal Heritage (conditions C7 and C8) required that in the event of discovery of previously unidentified Aboriginal objects, or human remains, that works in the vicinity must cease. There is a possibility that the site may have intact soil profiles that contain Aboriginal objects particularly given the extent of excavation to facilitate two levels of basement car parking. The proponent needs to be aware of this and the two conditions of this consent relating to Aboriginal cultural heritage. The proponent must ensure the stop work protocol is implemented in the event of the discovery of unidentified Aboriginal objects, or human remains.	
City of Sydney	
1. The City objects to an increase in floor space above that approved. 2. Nevertheless, a more rigorous justification should be required to demonstrate why the variation is warranted. The justification that the proposal is infilling unusable redundant space is a simplistic justification and lacking in expertise and imagination. A redesign that reduces building bulk to eliminate redundant space should be investigated to reduce the impact of the already non-compliant development. 3. Any increase of commercial floor space should not come at the expense of the loss of amenity for either the hotel or residential component of the development. 4. Any increase in commercial floor space below the central landscaped area should not compromise the	The City has not specifically outlined any detrimental impact as a result of the proposed modification which would mean that strict compliance with the FSR standard is necessary in the circumstance of the application. It also appears that the City is suggesting that approved components of the development should be removed or reduced to compensate for the conversion of areas within the development into GFA. However, this is manifestly unreasonable on the basis that the bulk and scale of the development has already been determined to be an acceptable outcome by the consent authority and therefore any reduction in the bulk and scale of the development is without a sound basis. Furthermore, there is no test that a justification for a proposed variation must be 'imaginative'. The increase

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types of plantings that can be accommodated within the area. 5. The new garden seating area may result in noise impacts within the development within a confined area and should be carefully considered. 6. Waste storage, including the storage of bulky items, must not be compromised in any reduction of waste storage areas.	of commercial floor space in the proposal is in fact the result of a desire to improve the amenity within the development in particular by resolving the central courtyard space and elevating it to the same level as the residential component and converting this into a communal courtyard for the benefit of the residents. The revised courtyard design also provides for a significantly larger contiguous planter than the approved scheme (with the same depth) which means that it is capable of supporting a significantly increased provision of landscaping. The central courtyard space in the approved development could also be accessed by residents and so the amended design is not likely to result in any significant difference in terms of acoustic impact when compared to the approved scheme. Notwithstanding, there is no 'solution' to prevent any noise from this area other than the remove the seating so that this space cannot be used, but this is considered a poor outcome which reduces amenity for the development. There has been no reduction to the waste storage capacity of the development as a result of the proposed amendments. In conclusion, the following grounds in support of the proposed variation to FSR are re-iterated and demonstrate that the minor increase in variation to the FSR as a result of the proposed improvements to the development is acceptable: • The condition of consent which prohibits the use of the outdoor terrace adjacent to the wine bar has resulted in a redundant space which no longer relates to any component of the development and serves no purpose and results in a safety issue. The proposed infill of this area by part of the retail tenancy and part of the wine bar provides an opportunity to achieve an improvement design resolution for the development by creating a large open space area above containing a garden and seating which is at the same level as the first residential level and achieves a considerably improved amenity for the apartments when compared to the approved design. • The void areas within the wine bar area are redundant and the infill of these voids does not result in any external change to the development but achieve a rationalised layout which will improve the functionality of the wine bar. Likewise, the hotel waste and storage rooms are surplus to the needs of the hotel and have been converted into amenities and an office for the wine bar. The conversion of

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	these areas from non-GFA into GFA does not result in any meaningful change to the density of the development, however, result in a contribution to the functionality of the wine bar. • There is no external physical change to the approved development as viewed from the public domain as a result of the modifications and therefore the increase in FSR does not result in any perceptible difference to the building or any change in impacts to the surrounding area. As there is no external physical change to the approved building, the proposed variation does not result in any environmental impacts beyond the approved development. • The increase to the variation to the FSR control is of such a minor magnitude that it does not result in any impact to the availability and capacity of local infrastructure, public transport and recreational opportunities. • The proposed minor increase to the gross floor area and variation to the floor space ratio development standard is the result of improvements to the functionality of the development and also achieves improved residential amenity. In the absence of any detrimental impacts or external difference to the building when compared to the approved development, strict compliance with the FSR control or the approved FSR would only serve to prevent the achievement of an improved resolution and functionality of the development. Accordingly, the proposed variation to the FSR control is warranted in this instance.
Public Submissions	
Anthony Crewes I live in a unit directly opposite what will be the garage entrance of for this development and am an owner/ occupier of many years. Here is yet another submission regarding expansion of the use for this site. I've lost track of how many there have been over the last few years. Mostly here the changes appear internal so do not affect me or others in my block, though I note no interest has been shown here or in other applications for the amenity of local residents. Basically my objections are as previously stated; • the building is too high and will cut light from units facing Eveleigh St in my block,	The basis for the objection relates to the approved development rather than the proposed modification. The submission correctly notes that the amendments are internal and do not result in any perceptible difference externally from the site. In addition, the proposed increase in floor space of only 280 square metres will not result in any meaningful difference in relation to the servicing requirements of the development. The approved development and proposed amendments do not result in the placement of any bins on the street for garbage collection. All waste collection occurs with bins momentarily retrieved and returned at the time of garbage collection.

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• the flow of additional traffic from the building into Eveleigh St from the carpark will not only add to unwanted noise but put an already narrow street under further strain, • it is not clear if service delivery vehicles will also be additional traffic to and from the carpark. With a hotel, bar and (unspecified) retail premises I'm assuming it could be an additional burden on the street. In addition, I had not taken notice before of the enormous impact of at least thirty large containers of rubbish put out on Eveleigh St once a week(?). The street will be clogged, whenever this happens, and the noise of both placing the bins and the public collection will be huge (and prolonged), especially if there is glass involved which with a wine bar I expect there will be. Overall, a terrible development for existing residents.	
Caglar Caymaz When i first heard the news about the construction i am devastated because i am living just across the street of the building which is going to be destroyed. The mentioned streets; 1-5 Woodburn Street and Eveleigh Street are really narrow streets which means any construction will ruin our lives because of the inevitable noise and dust. Furthermore, this is not a normal construction, they are planning to build a mix-use hotel and bar which will probably take too long – at least 1 year-. Thus, the houses around that building will be unliveable for 1 year. Besides, that workshop is a successful business so that many customers will be unhappy about the destruction of the workshop. I would like this development modification to be cancelled or at least to be postponed to following years.	The proposed amendments will not result in any meaningful difference in relation to construction impacts when compared to the approved development.
Gizem Bayram I request this shocking attempt to be cancelled immediately because the mentioned modification application will happen just across to my balcony and there is only 3-4 meters between my house and the building. Besides, they are mentioning about a huge facility which means the construction will continue at least 1 year. I object to this unacceptable attempt since the streets around the building are extremely small and it will affect our lives negatively in many ways, beginning with intolerable noise and the dust will be a risk for our health. I kindly request this development of modification to be cancelled or maybe considered to be delayed to future. I would like to indicate that i will search ever	It is unclear as to the location of the objectors residence, however, all proposed amendments are contained internally within the lower parts of the building and therefore there is no external change of any consequence to neighbouring buildings. The proposed amendments will not result in any meaningful difference in relation to construction impacts when compared to the approved development.

Submission	Response
legal way to object this construction since this construct ion will definitely ruin our lives.	

This Response to Submissions has demonstrated that the proposed amendment to the approved development represents an acceptable outcome for the site which is well considered and achieves a significant improvement to the residential amenity within the building. The proposal is capable of support.

Should you have any questions concerning the above, please contact Aaron Sutherland on either (02) 9894 2474 or 0410 452 371, or alternatively at aaron@sutherlandplanning.com.au

Yours faithfully

Aaron Sutherland
Sutherland & Associates Planning Pty Ltd