



175-177 Cleveland Street, Redfern

Statement of Heritage Impact



June 2014

Issue	Description	Date	Issued By
A	Draft for Review	01/05/2014	SC
B	Final	04/06/2014	SC

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Executive Summary

This report has been prepared as part of the Environmental Impact Statement (EIS) for State Significant Development (SSD) application number SSD 6371, the redevelopment of 175-177 Cleveland Street, Redfern.

The subject site at 175-177 Cleveland Street is not listed as heritage item in any statutory instrument; nor is it located in a heritage conservation area. A Heritage Assessment of the site has been prepared by Graham Brooks and Associates. The Heritage Assessment, *175-177 Cleveland Street, Redfern Heritage Assessment* (April 2014), concludes the existing building at 175-177 Cleveland Street, Redfern, has no significance in heritage terms. As such, there are no statutory heritage considerations to be addressed in relation to the demolition of existing built structures on the site.

The subject site is located at the northern edge of the Redfern-Waterloo Authority Site, defined in the *State Environmental Planning Policy (SEPP) (Major Development) 2005*, which contains the applicable planning provisions. As the subject site is not a listed heritage item, or in the vicinity of a heritage item, listed under the SEPP the heritage provisions of this SEPP and the heritage considerations of the *Redfern-Waterloo Built Environment Plan (Stage One)* are not applicable to the proposed development.

The DGRs for this application require that all relevant statutory provisions, policies and guidelines be addressed, and include a list of EPIs to be addressed in particular. The *Sydney Local Environmental Plan (LEP) 2012* is the only EPI specified that includes heritage provisions. Although the subject site itself is part of one of a number of sites excluded from the *Sydney LEP 2012* it is in the vicinity of the following heritage items listed in Schedule 5 (Environmental Heritage): Item I163 - Residential flat and retail building group "Strickland Building" at 154-62 Balfour Street, Item I199 - Former Mercantile Bank Chambers at 151 Regent Street and the Chippendale Heritage Conservation Area (C9). Accordingly, this report has considered the potential impact of the development on these items.

The proposed development at 175-177 Cleveland Street will not have an adverse impact on the established heritage significance of the heritage items at 54-62 Balfour Street and 151 Regent Street, Chippendale or the Chippendale Heritage Conservation Area.

The proposed development is generally consistent with the heritage objectives and guidelines of the *Sydney LEP 2012* and the *Sydney DCP 2012*.

Graham Brooks and Associates recommends the application for approval.

Introduction

1.0

1.1 Background

This report has been prepared as part of the Environmental Impact Statement (EIS) for State Significant Development (SSD) application number SSD 6371, the redevelopment of 175-177 Cleveland Street, Redfern.

The report evaluates the proposed development for the demolition of an existing building and erection of a 5 storey mixed use development above a common basement level with student accommodation for 40 students and a residential flat building containing 13 apartments, designed by Ghazi El Ali Architects.

The Director General Requirements (DGRs) for this project note the following in relation to heritage:

The EIS must address the following specific matters:

8. Heritage European and Aboriginal Heritage

- *Assess the heritage significance of the site and any impacts the development may have upon this significance.*
- *Non-Aboriginal heritage items within the area affected by the proposal should be identified. A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken. Any policies/measures to conserve their heritage significance should be identified. This assessment should be undertaken in accordance with the guidelines of the NSW Heritage Manual.*
- *The proposal should identify whether the site has any significance to Aboriginal cultural heritage and archaeology and identify appropriate measures to preserve any significance. The proposal should have regard to any impacts on places, items or relics of significance to Aboriginal people. Where it is likely the project will impact on the Aboriginal heritage, adequate community consultation should take place regarding the assessment of significant, likely impacts and management/mitigation measures.*

A Heritage Assessment of the site has been prepared by Graham Brooks and Associates. The Heritage Assessment, *175-177 Cleveland Street, Redfern Heritage Assessment* (April 2014), concludes the existing building at 175-177 Cleveland Street, Redfern, has no significance in heritage terms.

Aboriginal cultural heritage and archaeological assessment is outside the scope of this report and is addressed in separate reports prepared by Archaeological & Heritage Management Solutions (AHMS).

1.2 Report Objectives

The main objective of this Statement of Heritage Impact is to analyse the overall heritage impact of the proposed development in relation to the Environmental Planning Instruments (EPIs) specified in the Director General Requirements (DGRs) and the guidelines endorsed by the NSW Heritage Council.

1.3 Methodology and Structure

This Statement of Heritage Impact has been prepared in accordance with guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013*, known as *The Burra Charter*, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, *NSW Heritage Manual*.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of *The Burra Charter*. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.4 Site Identification

The subject site, known as 171-175 Cleveland Street, is located on the southern side of Cleveland Street. Everleigh Street adjoins the western boundary and Woodburn Street adjoins the eastern boundary of the site. It is described by NSW Land and Property Information (LPI) as Lot 10, DP 809537; Lot 1, DP 1093304; Lot 1, DP 724328 and Lot 15 DP 57107.

1.5 Heritage Management Framework

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The *EPBC Act* provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the *EPBC Act* as matters of national environmental significance.

The seven matters of national environmental significance to which the *EPBC Act* applies are:

- world heritage sites
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)

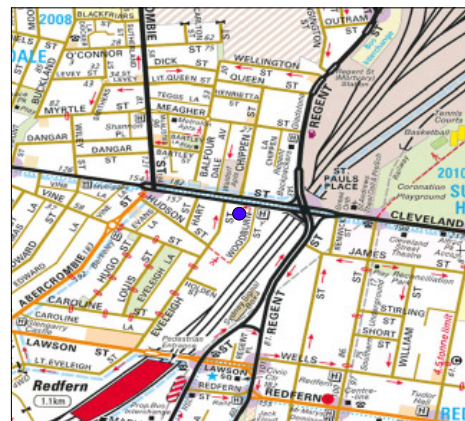


Figure 1.1
Location map showing the subject site marked with a blue circle.

Source: street-directory.com.au



Figure 1.2
Aerial photo of the subject site, outlined in red.

Source: <http://maps.six.nsw.gov.au/>, accessed 22/04/2014

- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- nuclear actions.

In addition, the *EPBC Act* confers jurisdiction over actions that have a significant environmental impact on Commonwealth land, or that are to be carried out by a Commonwealth agency (even if that significant impact is not on one of the seven matters of 'national environmental significance').

As the subject site is not included on the World Heritage List, National Heritage List or Commonwealth Heritage List there are no heritage approvals required under the *EPBC Act*.

Australian Heritage Council Act 2003

The *Australian Heritage Council Act 2003* established the Australian Heritage Council, as an independent expert advisory body on heritage matters. The Australian Heritage Council is the principal adviser to the Australian Government on heritage matters. The Council assesses nominations for the National Heritage List, the Commonwealth Heritage List and the List of Overseas Places of Historic Significance to Australia.

As the subject site is not included on the World Heritage List, National Heritage List or Commonwealth Heritage List, and the development is not being undertaken by a Commonwealth agency there are no provisions of this *Act* applicable to the proposed development.

NSW Environmental Planning and Assessment Act 1979 (EP&A Act)

The Director General's Environmental Assessment Requirements (DGRs) for SSD 6371 note the EIS is to be consistent with the requirements of the *Environmental Planning and Assessment Regulation 2000* (Regulations).

Clause 228(2)(e) of the Regulations requires consideration of "any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations".

As such, assessment of this application must take into consideration the potential impact of the proposed development on the heritage significance of the site and Non-Aboriginal heritage items within the area.

The DGRs for this application require that all relevant statutory provisions, policies and guidelines be addressed, and include a list of EPIs to be addressed in particular.

The *Sydney Local Environmental Plan (LEP) 2012* is the only EPI specified that includes heritage provisions. Although the subject site itself is part of one of a number of sites excluded from the *Sydney LEP 2012* it is in the vicinity of the following heritage items listed in Schedule 5 (Environmental Heritage):

- Item I163 - Residential flat and retail building group “Strickland Building” at I54–62 Balfour Street
- Item I199 - Former Mercantile Bank Chambers at 151 Regent Street
- Chippendale Heritage Conservation Area (C9).

The *Sydney Development Control Plan (DCP) 2012* has also been included in the list of guidelines to be considered although the DCP notes the Redfern Waterloo Urban Renewal area is excluded from the document.

The subject site is located at the northern edge of the Redfern-Waterloo Authority Site, defined in the *State Environmental Planning Policy (SEPP) (Major Development) 2005*, which contains the applicable planning provisions. As the subject site is not a listed heritage item, or in the vicinity of a heritage item, listed under the SEPP (refer to Figure 1.5) the heritage provisions of this SEPP and the heritage considerations of the *Redfern-Waterloo Built Environment Plan (Stage One)* are not applicable to the proposed development.

NSW Heritage Act 1977

The *NSW Heritage Act 1977* (Amended) is an Act to conserve the environmental heritage of New South Wales. The Act established the Heritage Council of NSW, and the State Heritage Register.

As the subject site is not included on the State Heritage Register there are no heritage approvals required under the *NSW Heritage Act 1977* other than those that may be applicable to archaeology. These are considered in the AHMS report.

1.6 Authorship

This report has been prepared by Sinclair Croft, Senior Heritage Consultant, of Graham Brooks and Associates Pty Ltd and has been reviewed by the Director, Graham Brooks. Unless otherwise noted all of the photographs and drawings in this report are by Graham Brooks and Associates Pty Ltd.

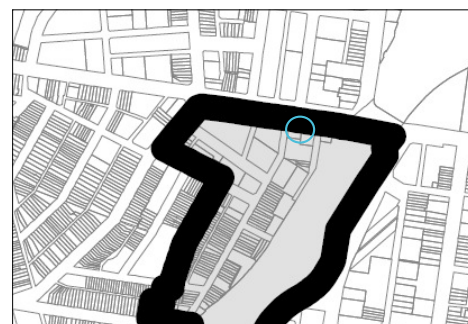


Figure 1.3
Extract from the Sydney LEP 2012 Land Application Map showing the location of the subject site, circled in blue, in an area that is excluded from the LEP.

Source: www.legislation.nsw.gov.au, accessed 30/04/2014



Figure 1.4
Extract from the Sydney LEP 2012 Heritage Map 9 showing the location of the subject site, outlined in blue, in relation to the listed heritage items in its vicinity.

Source: www.legislation.nsw.gov.au, accessed 30/04/2014

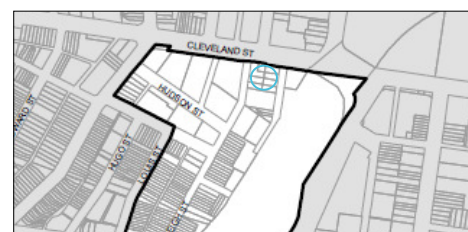


Figure 1.5
Extract from the SEPP (Major Development) 2005 Heritage Map showing the subject site, circled in blue, is not a listed heritage item, or in the vicinity of a heritage item listed under this SEPP

Source: www.legislation.nsw.gov.au, accessed 30/04/2014

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1.7 Report Limitations

This report is limited to the analysis of the European significance of the site. A summary of the historical development of the subject site is included in the *175-177 Cleveland Street, Redfern Heritage Assessment* (Graham Brooks and Associates, April 2014) and is not repeated in this report.

Recommendations have been made on the basis of documentary evidence viewed and inspection of the existing fabric.

Archaeological assessment of the subject site is outside the scope of this report. This report only addresses the relevant heritage planning provisions and does not address general planning or environmental management considerations.

Site Description

2.0

2.1 Urban Context

The subject site is located in the inner city suburb of Redfern which is located to the south of Sydney Central Business District. It is located within a context of mixed residential and commercial uses. Dwellings in the area comprise typical one and two storeyed semi-detached terrace houses constructed during the late nineteenth and early twentieth centuries. There are also numerous examples of interwar units and contemporary multi-storey apartment buildings in the area.

The railway corridor between Central and Redfern Stations lies to the east of the site.

Views within the streetscape extend along Cleveland Street in both easterly and westerly directions. The existing building on the subject site is visible along the approaches on Cleveland Street. The Cleveland street facade comes into view travelling west along Cleveland Street around the intersection with Regent Street. Similarly, travelling east, the building facade comes into view from around the intersection of Cleveland and Hart Streets. The side of the building is visible from along Eveleigh Street, looking north, after the turn in the street towards Cleveland Street.

The site is located on the southern side of Cleveland Street with the T intersection of Chippen Street to the north. It is seen in the terminating view looking south along Chippen Street. The northern side of Cleveland Street, in this locality, is within the Chippendale Heritage Conservation Area.

2.2 Site Description

The site is an L-shaped parcel of land bounded by Eveleigh, Cleveland and Woodburn Streets. It contains a part one and part two storey building known as 175 Cleveland Street. As the current building on the subject site is modest in height and scale, it does not have a strong visual presence within the Cleveland Street context, being overlooked by three storey and multi-storey apartment buildings in the general vicinity of the site.

177 Cleveland Street is the site of the former Royal Standard Hotel, which was demolished in the 1980s. The vacant site is currently used as a car park.

The light industrial building at 175 Cleveland Street has a splayed two storey component along its principal Cleveland Street elevation, dropping down to a single storey level behind, with a saw tooth roof and rear roller door access onto Eveleigh Street, simple timber roof trusses and painted brick walls.

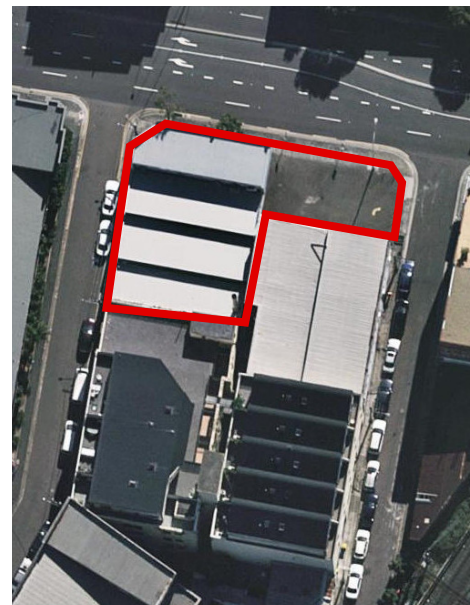


Figure 2.1
Aerial view showing the subject site at 175-177 Cleveland Street, Redfern (outlined in red)



Figure 2.2
Streetscape view along Cleveland Street, looking towards the subject site from the west



Figure 2.3
Streetscape view, showing the multi-storey building stock in the vicinity of the subject site

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The Cleveland Street elevation occupies half of the block between Woodburn and Eveleigh Streets, with the other half remaining vacant. The painted brick facade presents with restrained interwar detailing at parapet level and across the upper half of the building, incorporating subdued horizontal and vertical motifs. There are late twentieth century modifications to the facade including changes to the fabric and c.1970s signage. Windows are timber framed sashes on the two storey elevation fronting Cleveland Street, with vertically-oriented metal framed window openings on the Eveleigh Street one storey elevation which are flanked by box gutters.



Figure 2.4
Residential development on the northern side of Cleveland Street, within the Chippendale Heritage Conservation Area, west of the subject site



Figure 2.5
View of the building stock directly opposite the subject site, also within the Chippendale Heritage Conservation Area



Figure 2.6
View looking south west along Cleveland Street, looking towards the subject site (circled)



Figure 2.7
View from the corner of Woodburn and Cleveland Street showing the car park at 177 Cleveland Street and part of the building at 175 Cleveland Street



Figure 2.8
Main (north) elevation of 175 Cleveland Street, with the north elevation of the adjoining building to the east seen behind the carpark



Figure 2.9
Main elevation of 175 Cleveland Street, with the north elevation of the adjoining building to the east seen (on the left) and the splayed corner at Eveleigh Street



Figure 2.10
View of the splayed corner of the subject site on Cleveland and Eveleigh Streets, showing the two storeyed building stepping down to one storey at the rear.



Figure 2.11
Eveleigh Street view of the subject building, with its single storey form and saw tooth roof adjacent to multistorey buildings

Established Heritage Significance

3.0

3.1 Introduction

The subject site at 171-175 Cleveland Street, Redfern, is not listed as a heritage item in any statutory instrument. The Heritage Assessment of the site, *175-177 Cleveland Street, Redfern Heritage Assessment* (Graham Brooks and Associates, April 2014), concludes the existing building at 175-177 Cleveland Street, Redfern, has no significance in heritage terms.

Although the subject site itself is excluded from the *Sydney LEP 2012* it is in the vicinity of the following heritage items listed in Schedule 5 (Environmental Heritage) of this LEP:

- Item I163 - Residential flat and retail building group “Strickland Building” at 154–62 Balfour Street
- Item I199 - Former Mercantile Bank Chambers at 151 Regent Street
- Chippendale Heritage Conservation Area (C9).

3.2 Established Significance of the Heritage Items in the Vicinity of the Subject Site

There are a number of individually listed heritage items in the vicinity of the subject site. These are listed as items of local heritage significance on Schedule 5 of the *Sydney LEP 2012*.

The following information for the heritage items in the vicinity of the subject site is sourced from the NSW Heritage Inventory.

***Residential flat and retail building group “Strickland Building”
54–62 Balfour Street, Chippendale***
Database entry number 2420437

Statement of Significance:

Of historical significance as an early, innovative and substantial residential apartment development. Of architectural significance for its detailing and original integrity. The complex is of environmental importance, greatly contributing to the character of its community.

Description:

Three storey Federation Arts and Crafts style residential flat building. Occupying an entire block, these early apartments mark an important transition from terrace to flat dwelling. The overall massing and integration of the building with its gardens is well-executed. The building possesses a good range of material in its elevational composition including sandstone, plinth, timber detailing, face brickwork and roughcast stucco.

Excellent retention of original detailing to interior and exterior public spaces. Commercial premises form a part of the complex at the northern and southern ends.

Former Mercantile Bank Chambers

151 Regent Street, Chippendale

The NSW Heritage Inventory, Database entry number 2421167, has no Statement of Significance for this item. It is assumed to have been heritage listed for its historical and architectural values.

Description:

Two storey Victorian Italianate style commercial building.

Chippendale Heritage Conservation Area

Database entry number 2421466

Statement of Significance:

Chippendale is of historical significance for three key themes: 19th century industry, industrial working class residential and quality residential housing. Industry was the key historical role of Chippendale due to its location relative to the City. Housing for industrial workers is integral to the industrial history of Chippendale, evidenced by early housing in Elim and Chandler's Avenues.

Chippendale is also of historical significance for the extent of land resumption which occurred in the early 20th century which increased the dominance of industry in the area. Strickland House, the first public housing by the City Architect, is significant as evidence of the need to provide quality low income housing.

Chippendale's association with high quality 19th century residential housing predominantly predates the intrusion of the railway around Regent Street. Chippendale demonstrates several key period of layers for the development of inner city Sydney: the first layer as a direct result of the subdivision of the Cooper Estate and Shepherd's Nursery, subsequent layers from Railway construction and from the resumption era and the construction of industry and related housing for industrial workers.

Chippendale is an exceptional area with multiple key period layers, an early residential suburb profoundly affected by land resumptions and the construction of industrial buildings and associated Victorian working class housing. The area contains many intact buildings which are contributory to the area's significance.

Description of the Proposal

4.0

It is proposed to demolish the existing structures on the site and construct a five storey mixed use building, including basement car parking.

The proposed development, designed by Ghazi El Ali Architects, is detailed in the EIS that accompanies this application. It is described in the *175-177 Cleveland Street, Redfern Request for DGRs - Supporting Document* (Sutherland and Associates, January 2014) as follows:

The proposal provides for the erection of a 5 storey mixed use development above a common basement level at 175-177 Cleveland Street, Redfern containing the following:

- *student housing development for 40 students facing Cleveland Street; and*
- *a residential flat building containing 13 apartments facing Woodburn Street.*

The site has awkward proportions and a design approach has been adopted to split the two proposed uses on the site, student housing and residential apartments, vertically rather than horizontally. This approach provides for the introduction of two differing aesthetics which respond appropriately to the condition of each street.

The student housing presents to Cleveland Street and has been designed as a robust architectural solution to the more hostile environment of Cleveland Street. The typology of student housing, with no balconies, has provided an opportunity to achieve visual interest with a single, unifying skin of perforated, pressed metal screens. The screen acts to provide privacy to the occupants as well as creating a bold architectural solution for this prominent facade. Prominent local Aboriginal artist Jim Simon has been commissioned to assist in incorporating indigenous artwork into the pattern of the screen to recognise and celebrate the Aboriginal significance of Redfern.

The residential apartment building presents to Woodburn Street and introduces a domestic language which is distinctly different in character to the defensive language of the student housing element. The facade is framed and punctuated by balcony openings, with both solid and clear facades to achieve variety for the facade.

The student housing has been designed with a ground floor reception, lounge, internet desks and laundry facilities for the students, whilst each floor above comprises 10 students rooms accessed from an open corridor, and two communal rooms with a kitchen at each end of every floor. The communal rooms take advantage of the wide view corridors to the east and west. Each student room has an operable window and louvers above the entry door which provides for cross flow ventilation. A large 117.59 square metre roof top area provides for the open space needs of the students, with a continuous landscaped perimeter. A screen located along the southern open corridor of the student accommodation to provide visual privacy between the student housing and the residential apartments. The residential apartments are accessed separately from their own lobby at Woodburn Street and include a range of cross-through and single aspect apartments. The residential apartments also have a generous 139.36 metre roof top area with a continuous landscaped perimeter.

Assessment of Heritage Impact

5.0

5.1 Introduction

The DGRs for this application (SSD 6371) require an assessment of the heritage significance of the site and any impacts the development may have upon this significance.

The subject site at 175-177 Cleveland Street is not listed as heritage item in any statutory instrument; nor is it located in a heritage conservation area. The *175-177 Cleveland Street, Redfern Heritage Assessment* (Graham Brooks and Associates, April 2014), concludes the existing building at 175-177 Cleveland Street, Redfern, has no significance in heritage terms. As such, there are no statutory heritage considerations to be addressed in relation to the demolition of existing built structures on the site.

Although the subject site itself is excluded from the *Sydney LEP 2012* and the *Sydney DCP 2012* these have been specified in the DGRs are matters to be considered in the assessment of the proposal.

One of the objectives of sub-section 3.10.1 Warehouses and industrial buildings older than 50 years in Section 3.10 Significant Architectural Building Types of the *Sydney DCP 2012* is to *Conserve warehouse and industrial buildings older than 50 years and ensure that alterations, additions and adaptive re-use maintain the legibility of the historic use*. The preamble to this section notes:

The City has a variety of warehouses and industrial buildings including Victorian, Federation, and Interwar periods. These different architectural periods result in various built form characteristics and detailing.

Central Sydney, Haymarket, Chippendale, Pyrmont, Ultimo and Surry Hills have examples of Federation and pre-war, interwar and post-war warehouses. These often draw inspiration from Romanesque architecture and feature arched windows and sandstone trimmings. Federation warehouses are typically utilitarian in character and often have simple cubic or rectangular forms reinforced with vertical brick piers terminating in arches and articulated bays at regular intervals.

Although the existing building at 175 Cleveland Street is older than 50 years it is not considered to be a significant architectural building type and has been assessed as having no significance in heritage terms. Therefore the guidelines for retention and reuse of industrial buildings in this DCP are not considered to be relevant.

Accordingly, this assessment of heritage impact is limited to that of the potential impacts on the listed heritage items in the vicinity of the site.

Although the subject site itself is excluded from the *Sydney LEP 2012* it is in the vicinity of the following heritage items listed in Schedule 5 (Environmental Heritage) of this LEP:

- Item I163 - Residential flat and retail building group “Strickland Building” at 154–62 Balfour Street
- Item I199 - Former Mercantile Bank Chambers at 151 Regent Street
- Chippendale Heritage Conservation Area (C9).

In accordance with the DGRs this Statement of Heritage Impact has been prepared in relation to the following impact assessment criteria: the *Sydney LEP 2012*, *Sydney DCP 2012* and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*.

5.2 Evaluation Against the Guidelines of the NSW Heritage Division

The NSW Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) has published a series of criteria for the assessment of heritage impact of new development in the vicinity of a heritage item. These are considered in the response below in relation to the impact on the listed items at 54-62 Balfour Street and 151 Regent Street, Chippendale, and the Chippendale Conservation Area.

The relevant ‘questions to be answered’ in the *NSW Heritage Manual* ‘Statements of Heritage Impact’ guidelines are:

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

Comment

The proposed development is of a contemporary design and materials, consistent with that of the immediate locality. Prominent local Aboriginal artist Jim Simon has been commissioned to assist in incorporating indigenous artwork into the pattern of the perforated, pressed metal facade screens to create visual interest within the streetscape and to recognise and celebrate the Aboriginal significance of the wider area.

The subject site is separated from the heritage items, and from the conservation area, in its vicinity by the intervening roadway. Although the proposed development will be seen in some views from these items, and from within the conservation area, it is consistent with the scale and form of the contemporary development in the locality, and will not have an adverse impact on the established historical and architectural values of these items.

Publicly available views to the listed heritage items, and the conservation area, will not be obscured by the proposed development.

As the subject site is separated from the heritage items by Cleveland Street and has no relationship with the conservation area or the listed heritage items in its vicinity, it is not considered necessary for the design of the new development to be sympathetic to these items in terms of its form, siting and design.

The physical separation provided by Cleveland ensures the proposed development on this site will not visually dominate the adjacent conservation area or the two individually listed heritage items in its vicinity.

This analysis is supported in the Land and Environment Court judgement *Trinity Grammar School v Ashfield Council* [2007] NSWLEC 733 that posed the question 'How close does the larger building need to be to the conservation area or heritage item to constitute an unacceptable impact?' and determined that existing streets are regarded as sufficient separation when considering the relationship of new development to a conservation area.

5.3 Evaluation Against Sydney LEP 2012

The proposed development is considered to be acceptable, from a heritage perspective, for the following reasons:

- it is separated from the heritage items and conservation area in its vicinity by the width of Cleveland Street
- it will not affect views to these heritage items
- there will be no adverse impact on the established heritage significance of the listed items at 54-62 Balfour Street and 151 Regent Street, Chippendale, and the Chippendale Conservation Area.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *Sydney LEP 2012* which are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of the City of Sydney,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

5.4 Evaluation Against Sydney DCP 2012

The proposed development is also consistent with the guidelines of the *Sydney DCP 2012* that relate to development in the vicinity of heritage items contained in Section 3.9: *Heritage*, which notes:

- 3.9.1: Heritage Impact Statements (to address the impact of the proposed development on the heritage significance of heritage items and heritage conservation areas in the vicinity)

Conclusions and Recommendation

6.0

6.1 Conclusions

- The subject site at 175-177 Cleveland Street is not listed as heritage item in any statutory instrument; nor is it located in a heritage conservation area.
- The *175-177 Cleveland Street, Redfern Heritage Assessment* (Graham Brooks and Associates, April 2014), concludes the existing building at 175-177 Cleveland Street, Redfern, has no significance in heritage terms.
- As such, there are no statutory heritage considerations to be addressed in relation to the demolition of existing built structures on the site.
- Although the controls of the *Sydney LEP 2012* do not apply to the site it is in the vicinity of the following heritage items of local significance included in Schedule 5 of the *Sydney LEP 2012*: 54-62 Balfour Street and 151 Regent Street, Chippendale and the Chippendale Heritage Conservation Area. Accordingly, this report has considered the potential impact of the development on these items.
- The proposed development at 175-177 Cleveland Street will not have an adverse impact on the established heritage significance of the heritage items at 54-62 Balfour Street and 151 Regent Street, Chippendale or the Chippendale Heritage Conservation Area.
- The proposed development is generally consistent with the heritage objectives and guidelines of the *Sydney LEP 2012* and the *Sydney DCP 2012*.
- Should any unexpected relics be disturbed during excavation of the site they must be managed under the Archaeological provisions of the *NSW Heritage Act 1977*.

6.2 Recommendation

- Graham Brooks and Associates recommends the application for approval.

Bibliography

7.0

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