

20 February 2017

**NSW Planning Assessment Commission Determination Report
Determination of State significant development application for a mixed use hotel, residential and
retail development at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (SSD 7064)**

1. INTRODUCTION

On 8 December 2016, the Planning Assessment Commission (the Commission) received from the Department of Planning and Environment (the Department) a State significant development application from Sutherland & Associates Planning (the Applicant) to construct a mixed use building at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern.

The Department has referred the development application to the Commission for determination in accordance with the Minister for Planning's delegation dated 14 September 2011 because the Department received an objection from the City of Sydney Council (Council).

Ms Lynelle Briggs AO, Chair of the Commission, and Ms Ilona Millar constituted the Commission to determine the development application.

1.1 Background

On 28 January 2015, the Department approved SSD 5397 for a five storey mixed use development at 175-177 Cleveland Street with a FSR of 2.98:1. The building comprised student accommodation for 40 students, a residential flat building containing 13 apartments and a single storey basement.

Since the approval, the owner of 175-177 Cleveland Street has acquired the adjoining site at 1-5 Woodburn Street. The subject development application (described in detail below) is to construct a mixed use development over both sites.

1.2 Summary of Development Application

The development application proposes:

- a part five and part six storey mixed use development comprising a 72 room hotel, a residential flat building with 19 apartments and two commercial tenancies;
- two levels of basement providing 13 car parking spaces, 17 bicycle parking spaces and storage for residents on one level, and 13 car parking spaces, a service bay, motor cycle space and storage for hotel usage on the other level;
- two rooftop landscaped communal open space areas for the hotel;
- stratum subdivision to create two lots for the residential and commercial components of the building; and
- to provide a monetary contribution to Urban Growth Development Corporation per square metre of additional residential and commercial gross floor area above the maximum floor space ratio (FSR) standard for public works identified in the *Redfern-Waterloo Authority Contributions Plan 2006*.

The development application seeks exceedances to the height and FSR development standards for the site, as specified in the *State Environmental Planning Policy (State Significant Precincts) 2005* (SEPP SSP). The development application is accompanied by two *State Environmental Planning Policy No 1 –*

Development Standards (SEPP 1) objections which seek flexibility in the application of these development standards.

2. DEPARTMENT'S ASSESSMENT REPORT

The Department's assessment report identified land use, built form and design excellence, residential amenity, contributions and traffic, parking and access as they key impacts associated with this proposal. The Department's assessment report concluded that:

- the variation to the residential FSR standard is acceptable because the proposal meets the strategic intent to co-locate compatible land uses to balance residential and commercial demand for inner-city land, the proposed FSR is similar to that approved under SSD 5397, and the design of the building maximizes residential amenity by orientating apartments away from Cleveland Street;
- the proposal presents as a five storey building from the public domain and will therefore have no greater streetscape impact than a compliant scheme;
- the proposal should be amended to increase the setback of the sixth storey at the Eveleigh Street elevation from the southern boundary to ensure the overshadowing of the communal open space of 6-8 Woodburn Street does not exceed the overshadowing caused by SSD 5397;
- the proposal exhibits design excellence through its varied façade designs, engagement with the public domain and delivery of sustainable design principles;
- the proposal is consistent with the intent of the Apartment Design Guide and provides an acceptable level of residential amenity;
- the proposed contributions are in accordance with the relevant contributions plans; and
- the proposal will not significantly impact on traffic in the surrounding area.

3. COMMISSION'S MEETINGS AND SITE VISIT

As part of its assessment of the proposal, the Commission met with the Department, the Applicant and Council and visited the site. Notes from these meetings are provided in **Appendix 1**.

3.1 Site Visit

On 19 December 2016, the Commission met with the Applicant on site and inspected the existing buildings and adjoining development, including 6-8 Woodburn Street.

The Commission then independently inspected the surrounding area. The Commission observed that the surrounding development on Cleveland Street included:

- a five storey hotel of predominantly brick construction, known as the 'Y Hotel' (179 Cleveland Street);
- a part three and part four storey residential flat building of red brick construction (165-173 Cleveland Street);
- a part two and part five storey building used for student accommodation, known as 'Urbanest'. The two storey components of the building are of brick construction whilst the five storey components of the building have metal façades (157 Cleveland Street);
- a three storey mixed use building of brick construction (210-212 Cleveland Street); and
- a five storey residential flat building (used for serviced apartments) of masonry construction, known as the 'Waldorf Apartments' (47-49 Chippen Street).

The Commission noted the poor amenity of the area due to the traffic on Cleveland Street and the noise from the main rail corridor between Redfern and Central Stations, which is adjacent to the site.

3.2 Briefing from the Department

On 19 December 2016, the Department briefed the Commission on the key planning issues outlined in its assessment report, including height, density, overshadowing, residential amenity and traffic.

3.3 Briefing from the Applicant

After the site visit on 19 December 2016, the Applicant briefed the Commission on its views on the Department's assessment report and recommendations.

3.4 Meeting with Council

On 19 December 2016, the Commission met with Council to hear its views on the Department's assessment report and recommendations. Council raised concerns that the proposed building did not comply with the height or floor space ratio development standards, residential amenity (including natural cross ventilation and visual and acoustic privacy) and that the building did not display design excellence.

4. ADDITIONAL INFORMATION FROM THE APPLICANT

On 20 December 2016, the Commission sent a letter to the Applicant advising that it was unable to support the development in its current form as the development did not comply with the height and floor space ratio development standards and did not meet the objectives outlined in the *Apartment Design Guide* (ADG) in relation to visual privacy and building separation. In order to address these non-compliances and associated impacts, the Commission requested amended plans demonstrating at a minimum:

- the removal of one storey across the development (either proposed level 2, 3, 4, or 5); and
- compliance with the building separation distances outlined in objective 3F-1 of the ADG.

On 6 and 9 February 2017, the Applicant submitted amended plans to the Commission. The amended plans showed the following changes:

- the addition of storage and the removal of some bicycle parking spaces at the basement levels;
- amendments to the orientation of the windows of the hotel rooms bordering the internal courtyard; and
- the removal of four hotel rooms on level 6.

5. COMMISSION'S CONSIDERATION

In this determination, the Commission has considered carefully:

- all information provided by the Applicant;
- the Department's assessment report;
- additional information provided to the Commission and described above in Section 4; and
- relevant matters for consideration specified in section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), including:
 - the provisions of the relevant environmental planning instruments and the regulations;
 - the likely impacts of the development on both the natural and built environments and social and economic impacts in the locality;
 - the suitability of the site for the development;
 - submissions from the public, Council and other government agencies; and
 - the public interest.

From its consideration of the above, the key issues identified by the Commission include the impacts from the proposed height and FSR, streetscape impacts, residential amenity and design excellence.

The Commission is satisfied with the Department's assessment of other issues including apartment width and depth, private open space, ceiling height, storage, noise, indigenous and non-indigenous heritage, contamination, construction impacts and landscaping.

5.1 Impacts from Non-Complying Building Height and Floor Space Ratios

SEPP SPP permits a maximum height of five storeys and a maximum FSR of 3:1 for the site. SEPP SSP also prescribes a maximum residential FSR of 1:1. In contrast, the proposed development is six storeys in height, has a FSR of 3.35:1 and a residential FSR of 1.36:1.

The Applicant has submitted two SEPP 1 objections to justify the proposed non-compliances with the height and FSR development standards. In *Winten Property Group Ltd v North Sydney Council [2001]* NSWLEC 46 and *Wehbe v Pittwater Council [2007]* NSWLEC 827, the NSW Land and Environment Court (NSWLEC) established five questions to be addressed in SEPP 1 objections.

The Commission has considered these questions, along with the NSWLEC Planning Principles outlined in *Veloshin v Randwick Council [2007]* NSWLEC 428, to assist with its review of the proposed height and bulk. The Commission's consideration of the SEPP 1 objections is as follows:

1. Is the planning control in question a development standard?

The height and FSR planning controls are development standards set out in the clauses 21(1) and (2) of Part 5 of Schedule 3 of SEPP SSP.

2. What is the underlying purpose of the standard?

The SEPP SSP does not provide objectives for the maximum building height or FSR development standards.

However, the Commission is of the view that it is possible to understand the implied objectives of the standards through an analysis of the history of the strategic planning that has informed State significant site listing and built form controls for the Redfern-Waterloo area.

The development standards prescribed for the site within the SEPP SSP are based on the *Redfern-Waterloo Built Environment Plan (Stage 1) 2006* (BEP). The BEP was informed through an urban design analysis and developed with stakeholder and community input. The BEP identified Cleveland Street as a main traffic route and specified that the scale of the area is generally three to five storeys.

From its review and evaluation of the BEP, the Commission finds that the objective of the five storey maximum height standard is to ensure development is of a similar size and scale to existing development so it is compatible within the streetscape.

The Commission also finds that the FSR standards are to encourage business uses and to limit the proportion of residential development due to residential amenity concerns. This finding is supported by the submissions provided by Council to the Department.

Rather than analysing the strategic planning history of the site, the Applicant and the Department have relied on the zoning objectives of the Business Zone – Mixed Use listed in the SEPP SSP to assess the impacts of the additional height and FSR. The zoning objectives of the Business Zone – Mixed Use are:

- a) *to support the development of sustainable communities with a mix of employment, educational, cultural and residential opportunities,*
- b) *to encourage employment generating activities by providing a range of office, business, educational, cultural and community activities in the Zone,*
- c) *to permit residential development that is compatible with non-residential development,*

- d) *to maximise public transport patronage and encourage walking and cycling,*
- e) *to ensure the vitality and safety of the community and public domain,*
- f) *to ensure buildings achieve design excellence,*
- g) *to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.*

The Commission is of the view that reliance solely on these objectives fails to adequately take into account the need to balance mixed uses with amenity as provided for through the BEP.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the Act?

The aim of SEPP 1 is to provide flexibility in the planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary.

Wehbe v Pittwater Council [2007] NSWLEC 827 sets out ways of establishing whether compliance with a development standard is unreasonable or unnecessary. It states:

An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The Commission has considered the SEPP 1 objections made by the Applicant against the implied objectives of the height and FSR development standards and the zoning objectives outlined above. The Commission finds that the proposed development does not achieve compliance with these objectives for the following reasons:

- by exceeding the maximum height and residential FSR standards, the proposed development fails to limit residential development within the zone and does not provide the proportionate 'mix' of commercial and residential development envisaged by the zoning objectives;
- the area has a predominant existing character of buildings varying between one to five storeys in height and the planning controls are seeking to maintain it. The proposed development would be the largest building in this section of Cleveland Street and would be out of character with the streetscape (discussed further in section 5.2);
- the proposed development does not offer the optimal built form arrangement within the site for residential development. The massing has not been distributed as to reduce the impacts of noise and pollution from traffic and the railway on residential apartments, resulting in detrimental impacts on residential amenity (discussed further in section 5.3); and
- the proposed development does not achieve design excellence (discussed in further in section 5.4).

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, (and)*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land.*

The Commission finds that the variations to the development standards do not encourage the proper development of the site as the proposed development has adverse visual impacts on the urban environment. The Commission also finds that the variations to the development standards do not encourage the promotion and co-ordination of the orderly and economic use and development of land as:

- the existing character of the streetscape has been established through the consistent application of the development standards. A breach of these development standards would set an undesirable precedent for future development within the area, which is not in the public interest; and
- Council advised that accepting a monetary contribution in return for permitting a breach of development standards would also set a highly undesirable precedent, as well as undermine the public's confidence in the validity of statutory controls.

The Commission is of the view that the applicable controls are sufficient to attain the above objects and notes that a development (SSD 5397) for 175-177 Cleveland Street was able to achieve compliance with both the height and FSR development standards.

In summary, the non-compliances with the development standards are inconsistent with the aim of SEPP 1 and hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

As outlined above, it has not been demonstrated that it is unreasonable or unnecessary to comply with the height and FSR development standards.

5. Is the objection well founded?

The Commission does not consider the SEPP 1 objections provided by the Applicant to be well founded because:

- the proposed development does not meet the implied objectives of the development standards and the zoning objectives;
- the proposed development does not fit within the streetscape, does not provide sufficient residential amenity and does not achieve design excellence;
- the objects specified in section 5(a)(i) and (ii) of the EP&A Act are hindered by the proposed variations; and
- there is no public benefit in varying the height or FSR standards.

Given the above, the Commission is unable to support the proposed variations to the height and FSR development standards.

5.2 Streetscape Impacts

The Applicant and the Department are of the view that the proposed development's streetscape impact is consistent with the five storey built form anticipated with the SEPP SSP height control as the sixth storey will not be visible from Woodburn and Eveleigh Streets.

At its meeting with the Commission and in its submissions to the Department, Council raised concern that the proposed development does not achieve a contextual fit within the streetscape due to the non-compliances with the height and FSR standards. Council also raised concern that the materials and finishes of the proposed development were inconsistent with those of the existing, surrounding development.

The Commission has considered the Planning Principles outlined in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* and the *State Environment Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) principles in relation to context and neighbourhood character, built form and scale, and aesthetics to assist in its determination of the development’s compatibility within the streetscape.

The site fronts a section of Cleveland Street that is bordered by Regent Street to the east and Abercrombie Street to the west. The site also has secondary frontages to Woodburn and Eveleigh Streets. Due to the site’s prominent location, the Commission finds that the Cleveland Street streetscape would be the most affected by any adverse visual impacts from the proposed development.

Cleveland Street is characterised by a mix of commercial, mixed use and residential buildings varying between one and five storeys in height.

The buildings that are five storeys in height are the Y Hotel, the Waldorf Apartments and Urbanest. The Commission notes that the fifth storey of both the Y Hotel and the Waldorf Apartments is setback from Cleveland Street, giving the buildings an appearance of being only four storeys in height when viewed from street level. Similarly, the five storey elements of the Urbanest development are setback from Cleveland Street, reducing the impacts of the five storey height on the streetscape. The result of these increased setbacks is that the existing development, although being a maximum of five storeys in height, presents a reduced appearance of bulk and scale within the streetscape.

The proposed development has a height of six storeys, which is inconsistent with the maximum five storey height established by existing buildings within Cleveland Street. The proposed six storeys would be dominant within the streetscape and would be accentuated given the site’s corner context, sloping topography and absence of a setback for the fifth storey of the development.

The Commission observes that this section of Cleveland Street has a distinct architectural style, with the majority of buildings being of masonry construction. The proposed ground and first floor of the Cleveland Street elevation is glazed, with Aboriginal artwork painted on the building base. For the upper levels, the proposed façade is clad with alucobond in a navy blue colour. The proposed development is not in keeping with the masonry character established by existing development.

The Commission finds that the proposed development does not contain or respond to the essential elements that make up the character of the surrounding urban environment. In particular, the proposed development is inconsistent with the scale, size and materials established by the existing development. The Commission is of the view that the proposed development is not visually compatible with the streetscape, is inconsistent with the SEPP 65 principles in relation context and neighbourhood character, built form and scale, and aesthetics.

5.3 Residential Amenity

The Applicant and the Department are of the view that the development provides an acceptable level of amenity as it is generally able to meet or come close to meeting the majority of the numerical benchmarks outlined in the ADG. However, the Commission finds that the development is unable to meet several critical objectives and related design guidance specified in the ADG in relation to amenity and is therefore unable to achieve compliance with the SEPP 65 amenity principle.

Amenity - Natural Cross Ventilation

Objective 4B-3 of the ADG requires that the number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. The design criteria for this

objective recommends that at least 60% of apartments have natural cross ventilation. The Applicant is of the view that 15 of the 19 apartments (79%) have natural cross ventilation. However, Council advises that only 11 of the 19 apartments (57%) are naturally cross ventilated due to restricted air flow in four apartments.

The Commission does not have sufficient information to determine what the correct percentage of apartments are naturally cross ventilated and whether the proposed apartment ventilation is appropriate to achieve sufficient residential amenity and sustainability.

The Commission most critically notes that the acoustic report requires windows of all apartments to be shut at all times in order to achieve compliance with acoustic standards. The Commission raises concern that residents will have to choose between enjoying natural cross ventilation or acoustic amenity and privacy. A well designed building should be able to provide residents with both these measures in order to maximise residential amenity.

Amenity – Private Open Space and Balconies

Chapter 4E of the ADG states that balconies are an extension of living spaces and should enhance the amenity and indoor/outdoor lifestyle of residents. Where balcony use is limited by close proximity to road, rail or other source noise, other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.

The Commission finds that the private open space areas and balconies of the apartments facing Woodburn Street (towards the railway) will not experience acoustic amenity and will not be useable as an extension of living space. Furthermore, no other amenity benefits within the apartment or the development have been highlighted. As discussed above, natural ventilation has not been conclusively demonstrated. Given the lack of residential amenity for the private open space and balcony areas, the Commission finds that the proposed development does not achieve objective 4E-2 which requires private open space and balconies to be appropriately located to enhance liveability for residents.

Amenity – Building Layout and Siting

During its site visit, the Commission noted that the site is significantly constrained by the noise and pollution from the nearby rail corridor and Cleveland Street. The Commission is of the view that the site would only be able to accommodate residential development if significant effort was made by an Applicant to design the building to maximise residential amenity. The ADG provides design guidance for the siting and layout of residential development in hostile environments, such as the subject site.

Objective 4J-1 of the ADG states that in noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings. There are a number of design solutions suggested under objective 4J-1 to assist in minimising the impacts of external noise and pollution on residential development, such as locating non-residential uses at lower levels and vertically separating the residential component from the noise or pollution source. The proposed development does not incorporate any of these design solutions and it has not been demonstrated that the siting and layout of the development has been designed to minimise the impacts of the noise and pollution from Cleveland Street and the railway.

For the reasons outlined above, the proposed development does not meet the ADG objectives 4B-3, 4E-2 and 4J-1 and is unable to achieve compliance with the SEPP 65 sustainability and amenity design quality principles.

5.4 Design Excellence

In accordance with Clause 22(1) of Schedule 3 in SEPP SSP, the Commission must consider whether the proposed development exhibits design excellence.

The Applicant and the Department are of the view that the proposed development exhibits design excellence through its varied facades, engagement with the public domain and delivery of sustainable design principles.

Having regard to the matters outlined in Clause 22(2) of Schedule 3 in SEPP SSP, SEPP 65 and the ADG, the Commission is of the view that the proposed development does not achieve design excellence for the following reasons:

- the siting and layout of the building does not maximise residential amenity;
- the excessive height and floor space would be readily seen from the public domain and the proposed building is not consistent with the scale established by existing development;
- the materials and detailing are not compatible with the building elements established by existing development and the proposed building would look out of character within the streetscape;
- it is inconclusive if the proposed building meets the sustainable design guidelines set out in the ADG in relation to natural ventilation;
- the private open space areas and balconies of the residential component of the proposed building facing Woodburn Street would not experience acoustic amenity or privacy; and
- as discussed in the sections above, the proposed development does not achieve compliance with the SEPP 65 principles relating to context and neighbourhood character, built form and scale, amenity and aesthetics.

Given that the proposed development does not achieve design excellence, the Commission is unable to support the development in its current form.

5.5 Other

Visual Privacy

On 20 December 2016, the Commission sent a letter to the Applicant advising that it was unable to support the development in its current form as it did not meet the objectives in relation to visual privacy and building separation outlined in the ADG.

On 6 February 2017, the Commission received revised plans showing amendments to the orientation of the windows of the hotel rooms bordering the internal courtyard. The Commission is of the view that the amended design now achieves a reasonable level of internal visual privacy between the hotel rooms and the residential apartments.

Overshadowing

A public submission raised concern that the proposed development would overshadow the communal open space of the adjacent building at 6-8 Woodburn Street. In its assessment report, the Department did not support the overshadowing caused by the additional height and floor space. As such, the Department recommended a condition to increase the setback of the sixth storey at the Eveleigh Street elevation from the southern boundary of the site to ensure it does not exceed the overshadowing caused by the approved scheme (SSD 5397).

On 6 February 2017, the Commission received amended plans that removed four hotel rooms from level 6, increasing the southern boundary by approximately 8m. The Commission finds that the amended plans address the overshadowing concerns.

Bicycle Parking

The original plans provided 86 bicycle parking spaces for the residential component of the development. The amended plans submitted to the Commission on 9 February 2017 provided 17 bicycle spaces for the residential component. The Commission notes that the *Sydney Development Control Plan 2012* and Transport for NSW suggest 30 bicycle parking spaces for the proposed development. The Commission considers that sufficient bicycle parking should be provided within the development to encourage future residents and visitors to use sustainable transport.

Waste Collection

In its submissions to the Department and at its meeting with the Commission, Council raised concern that the waste collection facilities are not consistent with Council's waste design guidelines in that the proposed development does not provide a waste chute, the travel distance from the waste room to the street-side collection point is 15m (the maximum permitted being 10m) and the width of the access corridors and doors is too narrow.

The Department is of the opinion that it is reasonable to allow additional travel distance between the waste room and the street-side collection point. The Department also notes that the relocation of the bin room is restricted as the Applicant needs to activate street frontages and allow vehicular access to the basement.

The Commission is of the view that any new development should be able to comply with Council's requirements. Any breach of these requirements could result in inefficiencies to the waste disposal and collection processes.

6. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has considered carefully the Applicant's development application, the Department's assessment report, Council's objection, submissions from the public and other government agencies, and the relevant matters for consideration under section 79C of the EP&A Act.

The Applicant submitted two SEPP 1 objections to justify the significant proposed variations to the height and FSR development standards specified in SEPP SSP. The Commission does not find the objections to be well founded, as the proposed development is unable to demonstrate compliance with the implied objectives of the standards and the zoning objectives. In particular, the proposed development fails to:

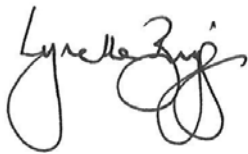
- limit residential development within close proximity to Cleveland Street, an area with poor amenity;
- achieve compatibility with the existing streetscape;
- provide adequate residential amenity for the apartments; and
- achieve design excellence.

The Commission finds that the proposed development is inconsistent with SEPP 65 design quality principles in relation to context and neighbourhood character, built form and scale, and aesthetics. The proposed development would not be visually in keeping with the Cleveland Street streetscape character as it is inconsistent with the scale, size and materials established by the existing development.

The proposed development does not comply with the SEPP 65 amenity and sustainability design quality principles and is unable to achieve critical objectives specified in the ADG. Specifically, the Commission is unable to confirm whether a sufficient amount of natural cross ventilation can be provided for the residential apartments. The Commission is also concerned that the private open space and balcony areas of residential apartments will not experience acoustic amenity and privacy.

Most importantly, the Commission finds that the Applicant has not demonstrated that the siting and layout of the development has been designed to minimise the impacts of the noise and pollution from Cleveland Street and the main rail corridor between Redfern and Central stations.

For the reasons set out above, the Commission does not accept the Department's recommendation that this proposal be approved. Consequently, the Commission has determined to refuse consent to the development application for the reasons set out in the State significant development application refusal.



Ms Lynelle Briggs AO
Chair of the Commission



Ms Ilona Millar
Member of the Commission

**APPENDIX 1
RECORDS OF COMMISSION MEETINGS**

NOTES OF BRIEFING FROM THE DEPARTMENT OF PLANNING AND ENVIRONMENT

This meeting is part of the determination process.		
Meeting note taken by Jade Hoskins	Date: 19 December 2016	Time: 9:30am
Project: Determination of State significant development application or a mixed use hotel, residential and retail development at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (SSD 7064)		
Meeting place: PAC Office		
<p>Attendees: Commission Members: Lynelle Briggs AO and Ilona Millar Commission Secretariat: Jade Hoskins (Senior Planning Officer) The Department: Anthea Sargeant (Executive Director, Key Sites and Industry Assessments), Ben Lusher (Director, Key Sites Assessments), Brendon Roberts (Team Leader, Key Sites Assessments) and Alexander Scott (Senior Planning Officer, Key Sites Assessments)</p>		
The purpose of the meeting: For the Department to brief the Commission on the project.		
<p>The Department raised the following matters:</p> <ul style="list-style-type: none"> • The Department has met with both the Applicant and Council numerous times to discuss the proposed development. • The proposed development is an appropriate scale for the area. The proposed development is viewed as a five storey building from the street and sits within the compliant building envelope. The proposed development is also consistent with the desired future character of the area. • The recommended conditions require the proposed development to not have any more overshadowing impacts on 6-8 Eveleigh St than the approved development for the site (SSD 5397). This condition may result in the loss of 3 hotel suites on the Level 6 southern boundary. • On balance, the development meets the objectives of the ADG. • Despite not complying with separation guidelines, privacy is able to be maintained between the hotel rooms and the apartments. Privacy screening is sufficient. • The landscaped area will not be accessible to residents or hotel guests. The ADF has a clause to allow less deep soil landscaping in urban areas. • The Applicant has agreed to provide bicycle parking in accordance with Council's requirements. • The VPA has been made transparently and will provide public benefit. Urban Growth has accepted the Applicant's letter of offer. 		
Outcomes/Agreed Actions: N/A		
Meeting closed at 10:15am		

NOTES OF BRIEFING FROM THE APPLICANT

This meeting is part of the determination process.		
Meeting note taken by Jade Hoskins	Date: 19 December 2016	Time: 10:30am
Project: Determination of State significant development application or a mixed use hotel, residential and retail development at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (SSD 7064)		
Meeting place: PAC Office		
Attendees: Commission Members: Lynelle Briggs AO and Ilona Millar Commission Secretariat: Jade Hoskins (Senior Planning Officer) Representing Sutherland and Associates Planning (the Applicant): Aaron Sutherland (Director, Sutherland and Associates Planning) and Roland Martinez (Director, JRP Architects)		
The purpose of the meeting: For the Applicant to brief the Commission on the project.		
The Applicant raised the following matters: <u>Design of the Building</u> <ul style="list-style-type: none">• The residential accommodation has been located on the Woodburn Street side of the development as it has good sunlight access that will activate the street. It is unlikely that the apartments could achieve compliance with the ADG in terms of solar access if the apartments were facing south west.• The basement is more suited to the Eveleigh Street side of the development due to the topography of the site.• The Applicant proposes vertical rather than horizontal separation between the hotel rooms and the apartments because it is easier to separate uses via strata subdivision. <u>Height, Bulk and Scale</u> <ul style="list-style-type: none">• The overall height of the development is less than the existing approval. The development will be read as a 5 storey development, except where the site slopes. The 6th floor is disguised by architectural elements.• To comply with the FSR, the Applicant would need to remove 743m², which is a whole lower level.• There is no reason that the variations to the height and FSR cannot be supported in this instance. <u>Overshadowing</u> <ul style="list-style-type: none">• The Applicant accepts the condition that will result in the removal of hotel suites on Level 6. <u>Residential Amenity</u> <ul style="list-style-type: none">• Landscaped area is approximately 5m x 16m. This space is used for natural cross ventilation.• Approximately 79% of apartments will have natural cross ventilation, whereas the other 21% will use a mechanical duct. <u>Other</u> <ul style="list-style-type: none">• Garbage room is 11m from street. Council requires 10m from the street. The Applicant is of the view that garbage can still be collected.• The Applicant advised that it hadn't adjusted parking to accommodate new adaptable arrangements.• There are no parking controls under the SEPP, so the Applicant has referred to the LEP.		

- The Applicant is to provide further information on why so many bicycle spaces have been provided for the development.

Documents tabled at meeting: Design of landscaped area.

Meeting closed at 11:15am

NOTES OF MEETING WITH THE CITY OF SYDNEY COUNCIL

This meeting is part of the determination process.		
Meeting note taken by Jade Hoskins	Date: 19 December 2016	Time: 12pm
Project: Determination of State significant development application or a mixed use hotel, residential and retail development at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern (SSD 7064)		
Meeting place: PAC Office		
Attendees: Commission Members: Ms Lynelle Briggs AO and Ms Ilona Millar Commission Secretariat: Jade Hoskins (Senior Planning Officer) Representing the City of Sydney Council: Chris Corradi (Area Planning Manager), Cindy Cheng (Urban Designer) and Chris Ashworth (Senior Town Planner)		
The purpose of the meeting: For Council to present its views on the project and the Department's assessment report.		
Council raised the following matters:		
<u>Approved Development SSD 5397</u>		
<ul style="list-style-type: none">• The previous proposal provided adequate building separation.• Council did have comments on the proposal, but did not use the word 'object', which meant its views may not have been clear enough.• The previous proposal was assessed under former residential design guidelines.• The previous development proposed quality materials and finishes, such as corrugated iron, that were in character with the streetscape.		
<u>Height, Bulk and Scale</u>		
<ul style="list-style-type: none">• The additional storey has visual impacts and will be able to be seen from the streetscape.• The SEPP 1 variations are not supported as the non-compliances with height and FSR have additional visual impacts. Compliance has not been demonstrated to be unnecessary.• Removing hotel rooms on level 6 would remove overshadowing impacts and reduce the FSR of the development.		
<u>Residential Amenity</u>		
<ul style="list-style-type: none">• The proposed separation between the hotel rooms and the apartments do not provide adequate acoustic privacy.• Objective 3B-2 in the ADG states that solar access is not to be reduced by more than 20% (this refers to time, rather than area).• The windows of the development are clear and residents could be affected by light spill from traffic.• The area has poor residential amenity and the residential FSR should be lowered.• Approximately 57% of the apartments have natural cross ventilation. The plans demonstrate that natural cross ventilation relies on plenums. There is no technical information on how the plenums work.• The apartments, especially the ones on the ground floor, will only be provided with 1.5 hours of solar access between 9-3pm to living areas and balconies.		

Design Excellence

- If minimum standards in the ADG aren't achieved, design excellence has not been achieved.
- There is currently an existing strong masonry character within the streetscape. The proposed finishes are not in keeping with this character.
- Design elements of the street should be carried through into the design and finishes of the proposed building.

Other

- Council will provide information on whether Woodburn Street is a private road.
- It is not detailed how the proposed VPA with Urban Growth will provide any public benefits.
- There may be issues with the watering of the landscaped area. The plans do not show where the OSD drainage is.
- Council is satisfied that potential contamination will be adequately managed.
- Aboriginal artwork must come from an accredited Aboriginal artist. Council has a standard public art condition which should be imposed on any consent.
- There are too many bicycle spaces for the residential component of the development.
- The development of the Redfern-Waterloo Built Environment Plan was undertaken with significant community consultation. Any breach of the controls would not be in the public interest.
- For accessibility, the gates to the communal open space must swing open.
- The garbage areas must be counted as GFA. Council to specify requirements of width of access corridors between garbage rooms and collection points.

Documents to be provided: Council to provide the status of the existing through site link between Woodburn Street and Eveleigh Street and Council's requirements in terms of the width of access corridors between garbage rooms and collection points.

Meeting closed at 12:45pm