



**Planning &  
Environment**

**STATE SIGNIFICANT DEVELOPMENT  
ASSESSMENT REPORT:**

***Mixed Use Hotel, Residential and Retail  
Development at 175-177 Cleveland Street and  
1-5 Woodburn Street, Redfern***

**SSD 7064**



Environmental Assessment Report  
Section 89H of the *Environmental Planning and  
Assessment Act 1979*

November 2016

## ABBREVIATIONS

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Applicant	Sutherland and Associates Planning Pty Ltd, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
CIV	Capital Investment Value
Department	Department of Planning & Environment
EIS	Environmental Impact Statement prepared by Sutherland and Associates Planning dated August 2015
the Act	<i>Environmental Planning and Assessment Act 1979</i>
the Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning
PAC	Planning Assessment Commission
RtS	Response to Submissions prepared by Sutherland and Associates Planning dated August 2016
Secretary	Secretary of the Department of Planning and Environment, or her delegate
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Artist's impression of proposed development viewed from Cleveland Street  
(Source: Applicant's revised architectural plans)

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## EXECUTIVE SUMMARY

This report assesses a State significant development application (SSD 7064) lodged by Sutherland and Associates Planning Pty Ltd (the applicant) to construct a partly five storey and partly six storey hotel, residential and retail / commercial building at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern.

The development has a capital investment value (CIV) of approximately \$16.3 million and will generate approximately 160 jobs during construction and 20 jobs during operation. As development with a CIV greater than \$10 million in Redfern-Waterloo, the proposal is SSD and the Minister for Planning is the consent authority.

The Department of Planning and Environment (the Department) exhibited the Development Application (DA) and Environmental Impact Statement (EIS) for the proposal for 30 days from 22 October until Friday 20 November 2015.

The Department received ten submissions during the EIS exhibition, seven from public authorities and three from the general public. The City of Sydney (Council) and two of the public submissions objected to the proposal. Issues raised in these objections were non-compliance with (residential and total) FSR and height requirements, separation between the residential and hotel components of the building, residential amenity for future occupants, solar access and noise impacts on neighbouring residents.

The Department has considered all relevant matters under section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act and the principles of ecologically sustainable development. The key issues in the Department's assessment of the proposal are the land-use mix, impacts associated the proposed height, bulk and scale; urban design; and residential amenity for future occupants of the building.

Notwithstanding Council's concerns about the proposed land-use mix, the Department considers the proposal allows for a predominantly non-residential mixed use development and remains consistent with the objectives of the zone. Therefore it is considered to be acceptable despite not meeting the specific land use controls.

The proposal exceeds the height (five storeys) and FSR (3:1) control for the site, however the Department considers the proposal has been designed to be consistent with the character of the area. The building will appear as a five storey building when viewed from the public domain, except for a sixth storey corner element visible from Cleveland Street. The Department considers this element to be a positive design response for the site and the proposed building exhibits a high quality of architectural design.

The Department's analysis of the overshadowing impacts to adjoining properties has identified that whilst some of the overshadowing impacts are acceptable, a further reduction/setback of the proposed upper/sixth floor is required to reduce the impacts to an open space area on the southern adjoining property.

The proposal is consistent with Apartment Design Guide requirements and meets or exceeds apartment size, solar access and cross ventilation guidelines. The Department also recommends a condition to increase the private open space of three (of the proposed 19) apartments. The Department notes Council's concern that the proposed internal courtyard does not meet building separation distances. The Department's analysis identifies the residential apartments are oriented toward the streetscape and is satisfied the proposal has appropriate measures to mitigate privacy impacts.

The Department has considered the strategic context of the project, its compliance with statutory requirements, and the key assessment issues, and recommends the application should be approved, subject to conditions.

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## 1. BACKGROUND

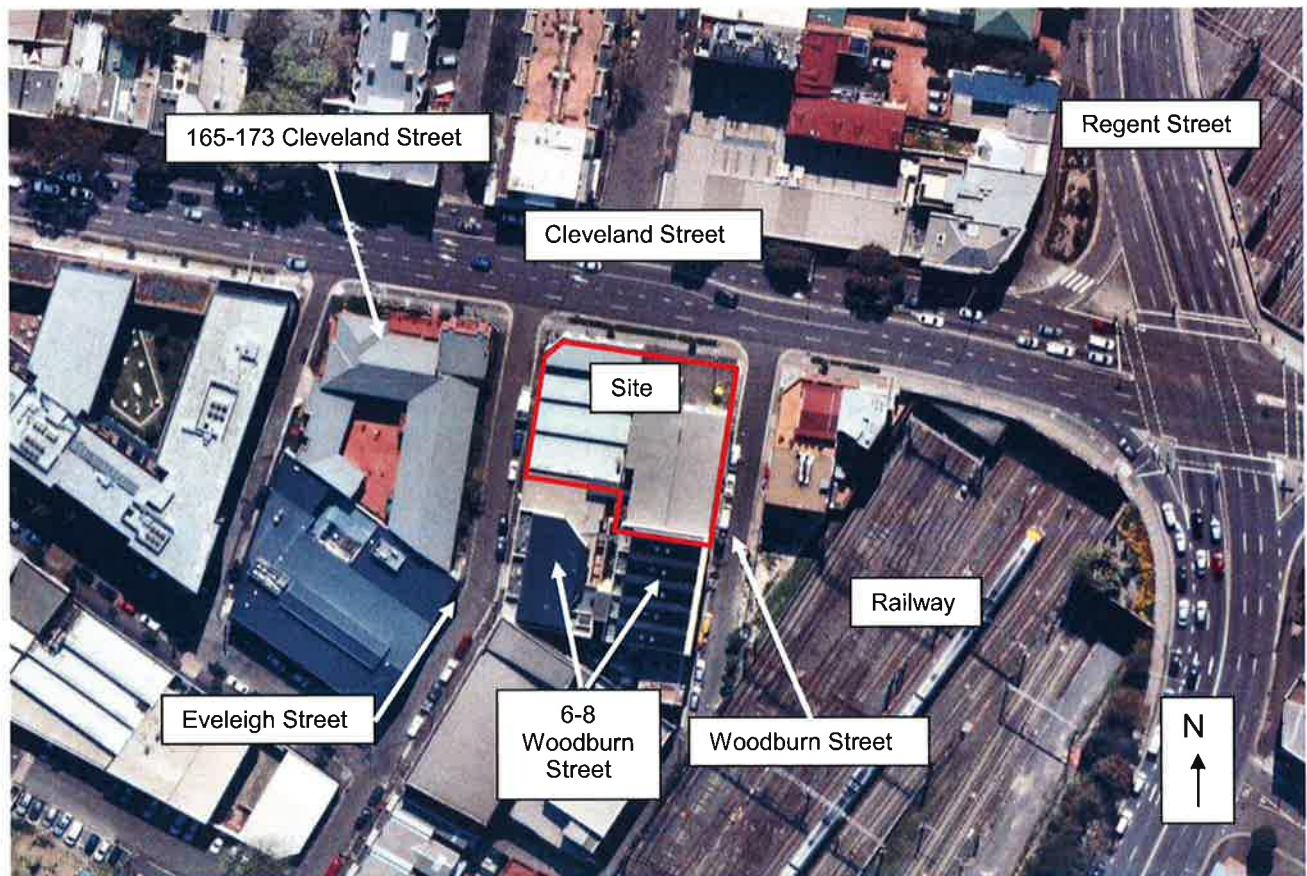
### 1.1. Introduction

This report assesses a State significant development application (SSD 7064) to demolish the existing structures, construct a mixed use hotel and residential flat development and strata subdivision at 175-177 Cleveland Street and 1-5 Woodburn Street, Redfern.

The applicant is Sutherland and Associates Planning Pty Ltd.

### 1.2. Site Location and Context

The site fronts Cleveland Street to the north, Woodburn Street to the east and Eveleigh Street to the west (**Figure 1**).



**Figure 1:** Site location plan (Source: Nearmaps)

The site is located at the south-western fringe of the Sydney Central Business District (CBD) within the City of Sydney Local Government Area. The site is within a 400 metre walk of Redfern Station and within close proximity of several tertiary educational establishments, including University of Sydney, University of Technology Sydney and Notre Dame University.

The site has an area of 1,060m<sup>2</sup> and is irregular in shape. It has a 36.7 m frontage to the southern side of Cleveland Street and a fall of approximately four metres from north east to south west. The site is currently occupied by:

- a part one, part two storey industrial building at 175-177 Cleveland Street and associated open paved car park; and
- a two storey industrial building at 1-5 Woodburn Street.

The existing buildings are illustrated in **Figures 2** and **3**.



**Figure 2:** Subject site (outlined in red). (Source: site visit)



**Figure 3:** Subject site (red) and adjoining building at 6-8 Woodburn Street, noting both buildings also front onto Eveleigh and Woodburn Streets. (Source: site visit)

### 1.3. Surrounding Development

The surrounding area is characterised by a mix of buildings and uses, including:

- a three to five storey residential flat building immediately south of the site, with frontages to Woodburn and Eveleigh Streets (6-8 Woodburn Street) (**Figure 3**);
- a three to five storey residential flat building to the west of the site (165-173 Cleveland Street);
- a three to four storey hotel to the east of the site (179-181 Cleveland Street);
- a mix of two storey terraces and industrial buildings further to the south of the site; and
- a mix of commercial and residential buildings on the northern side of Cleveland Street.

Cleveland Street is a four lane arterial road carrying over 80,000 vehicles per day between the east and west of the city, south of the Sydney CBD. The site is also 25 m from the main rail corridor between Redfern and Central Stations.

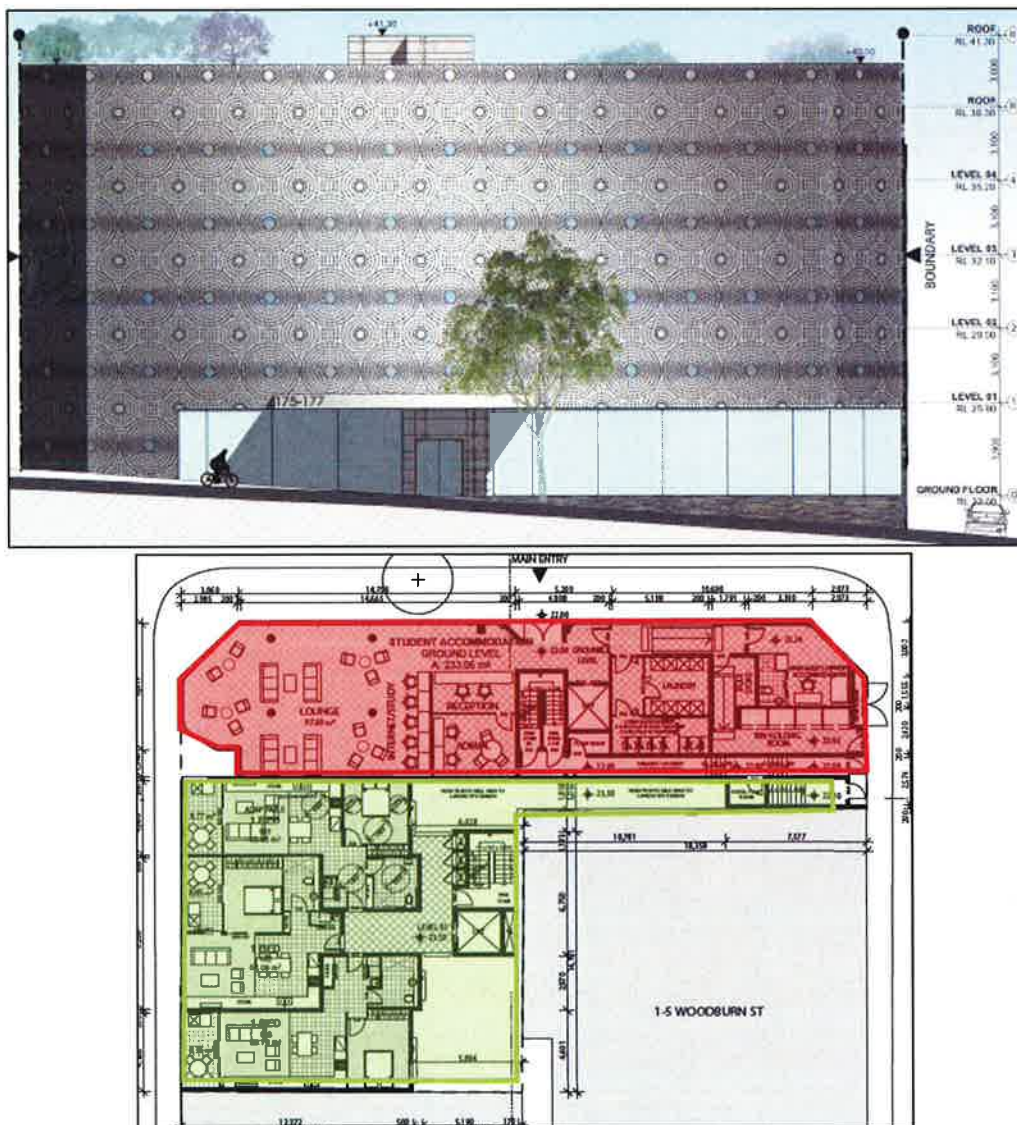
### 1.4. Approval History

On 28 January 2015, the Department approved SSD 5397 for a mixed use student accommodation and residential development at 175-177 Cleveland Street (**Figure 4**) (the northern and western components of the current site) (SSD 5397), comprising:

- demolition of existing structures;
- construction of a five storey building (sitewide floor space ratio (FSR) of 2.98:1) comprising:
  - student accommodation for 40 students (FSR of 1.71:1);
  - a residential flat building containing 13 apartments (FSR of 1.27:1);
  - a single storey basement; and
- stratum subdivision.

Council did not object to this previous application.

The current application has consolidated this site with 1-5 Woodburn Street and seeks an alternative development on the larger site, including different land uses (i.e. it includes hotel accommodation rather than student accommodation).



**Figure 4:** Approved development at 175-177 Cleveland Street showing the elevation (top) and ground floor layout (bottom) with student accommodation in red and residential flat building in green.

## 2. PROPOSED PROJECT

### 2.1. Project Description

The current application (SSD 7064) originally proposed a part five, part six and part seven storey mixed use hotel, residential and retail / commercial building with an FSR of 3.87:1. In response to discussions with the Department and Council, the application has been amended during the assessment process and now seeks approval for a part five and part six storey mixed use development comprising a hotel, a residential flat building and two retail/commercial tenancies (Table 1 and Figures 4 to 7).

Table 1: Key components of the proposal

Aspect	Description
Demolition	Demolition of existing structures.
Building Form and Height	Part five and part six storey building form with a maximum height of RL 44.45 (22.9 metres) in predominantly two components namely: <ul style="list-style-type: none"> <li>a hotel component fronting Cleveland and Eveleigh Streets (Figure 6 and Figure 7); and</li> <li>a residential component fronting Woodburn Street (Figure 8).</li> </ul>
Gross Floor Area (GFA) and Floor Space Ratio (FSR)	<ul style="list-style-type: none"> <li>Total GFA of 3,923m<sup>2</sup> (FSR of 3.7:1); comprising: <ul style="list-style-type: none"> <li>76 hotel rooms (2,369m<sup>2</sup> or 2.23:1 FSR);</li> <li>19 residential apartments (1,428m<sup>2</sup> GFA or 1.35:1 FSR); and</li> <li>two retail / commercial units (125m<sup>2</sup> GFA or 0.12:1 FSR).</li> </ul> </li> </ul>
Parking	Two level basement providing 13 car parking spaces for residents, 13 car parking spaces for hotel usage, 86 bicycle spaces, a service bay and a motorcycle space.
Landscaped Outdoor Communal Open Space	Two rooftop landscaped communal open space areas, comprising: <ul style="list-style-type: none"> <li>136m<sup>2</sup> for the hotel; and</li> <li>318m<sup>2</sup> for the residential flat building.</li> </ul>
Site Access/Egress	<ul style="list-style-type: none"> <li>Vehicular access to the basement via Eveleigh Street;</li> <li>Pedestrian access to the hotel via Cleveland Street; and</li> <li>Pedestrian access for the residential flat building via Woodburn Street.</li> </ul>
Subdivision	Stratum subdivision to create two lots for the residential and commercial components of the building.
Voluntary Planning Agreement (VPA)	Monetary contribution of \$475/m <sup>2</sup> of residential and \$275/m <sup>2</sup> of commercial GFA above the maximum FSR control be provided for public works identified in the <i>Redfern-Waterloo Authority Contributions Plan 2006</i> .
Jobs and Capital Investment Value	<ul style="list-style-type: none"> <li>20 operational / 160 construction</li> <li>\$16,299,200</li> </ul>

### 2.2. Project Need and Justification

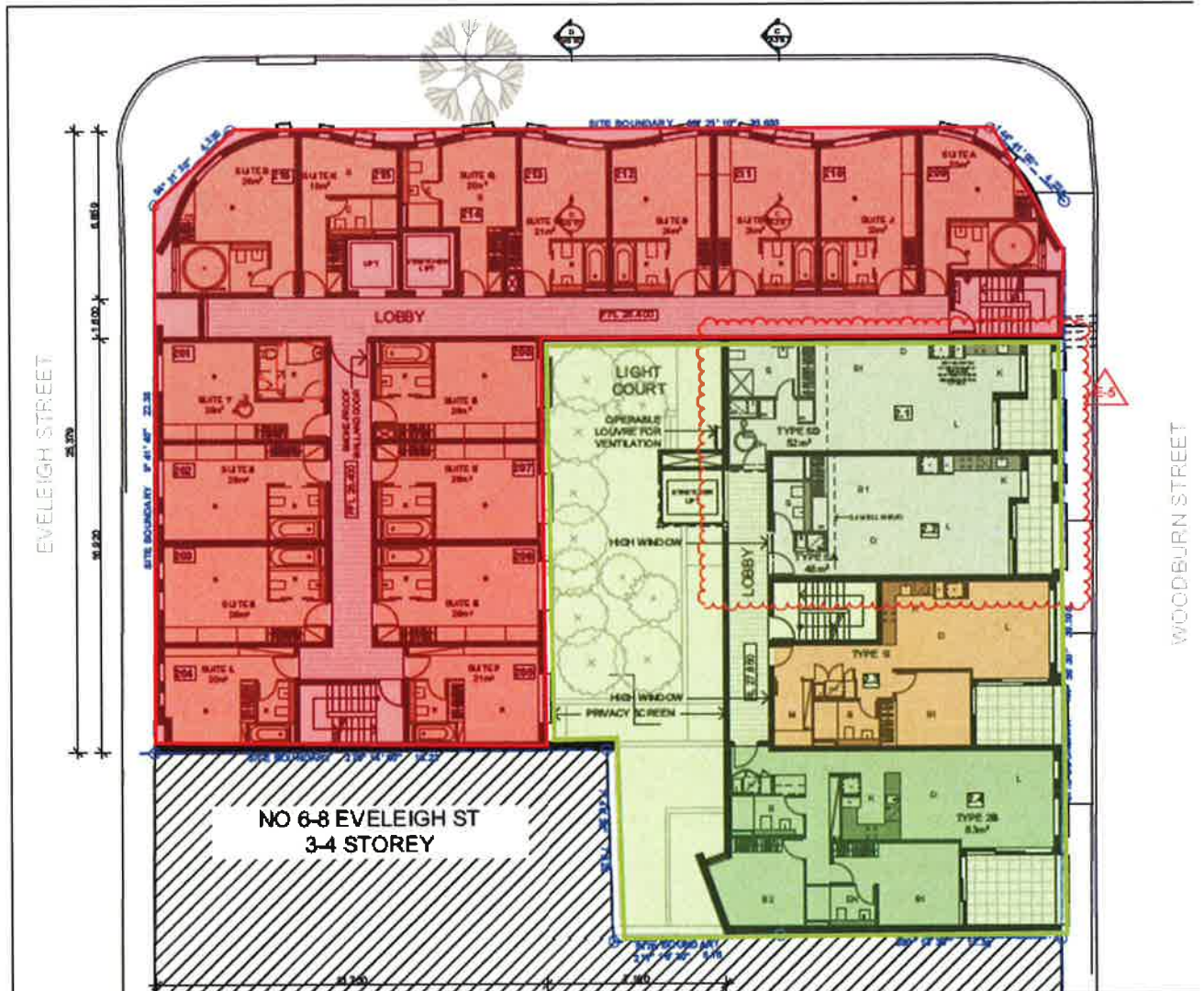
#### *A Plan for Growing Sydney*

*A Plan for Growing Sydney* is a strategic document that guides the development of the Sydney Metropolitan area for the next 20 years. The Plan set outs the following strategic planning actions:

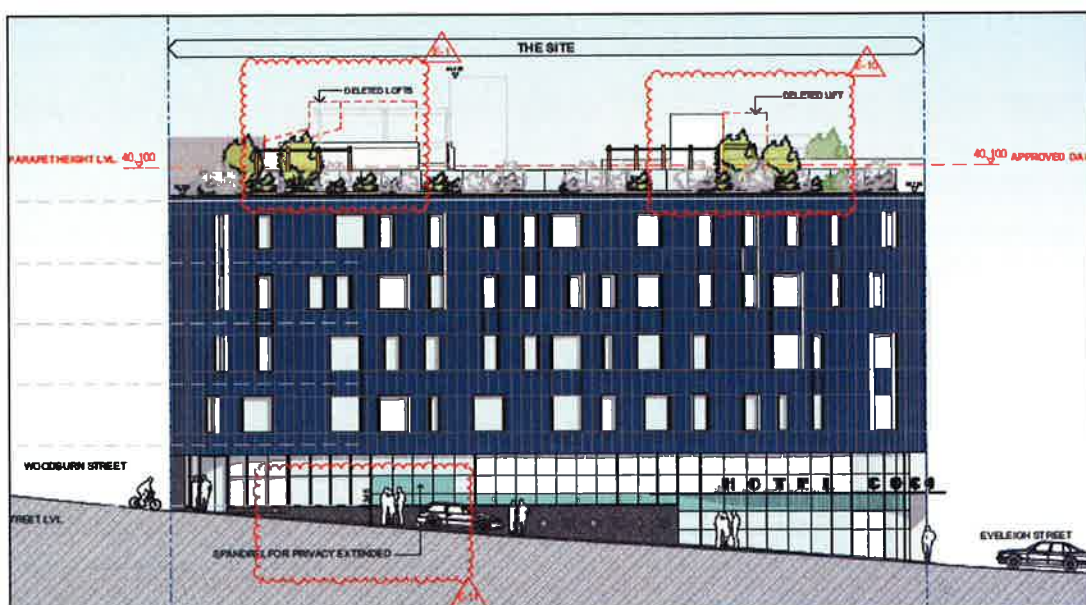
- housing targets for the Sydney region of 664,000 additional dwellings;
- provision of housing and jobs within walking distance to public transport, services and facilities;
- identifies the Central to Eveleigh corridor which includes the site as having the potential to accommodate medium and high density office, education, retail, hospitality and residential development; and
- promote the tourism and visitor economy within Sydney.

*A Plan for Growing Sydney* will be implemented through District Plans that link the metropolitan planning of *A Plan for Growing Sydney* with the detailed land use planning in environmental planning instruments (EPIs). The District Plans for the six districts in greater Sydney are on public exhibition until March 2017 and the Department has therefore considered the relevant draft plan in this assessment.

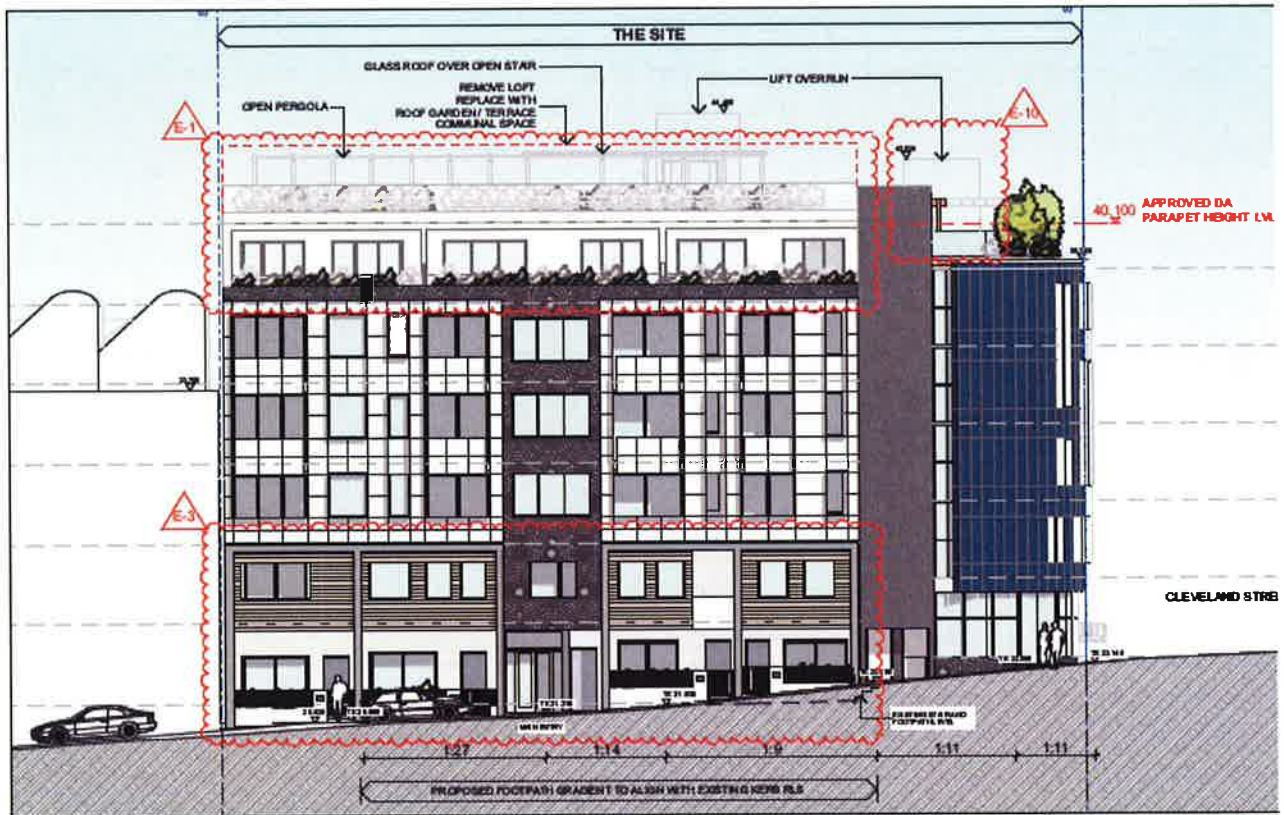




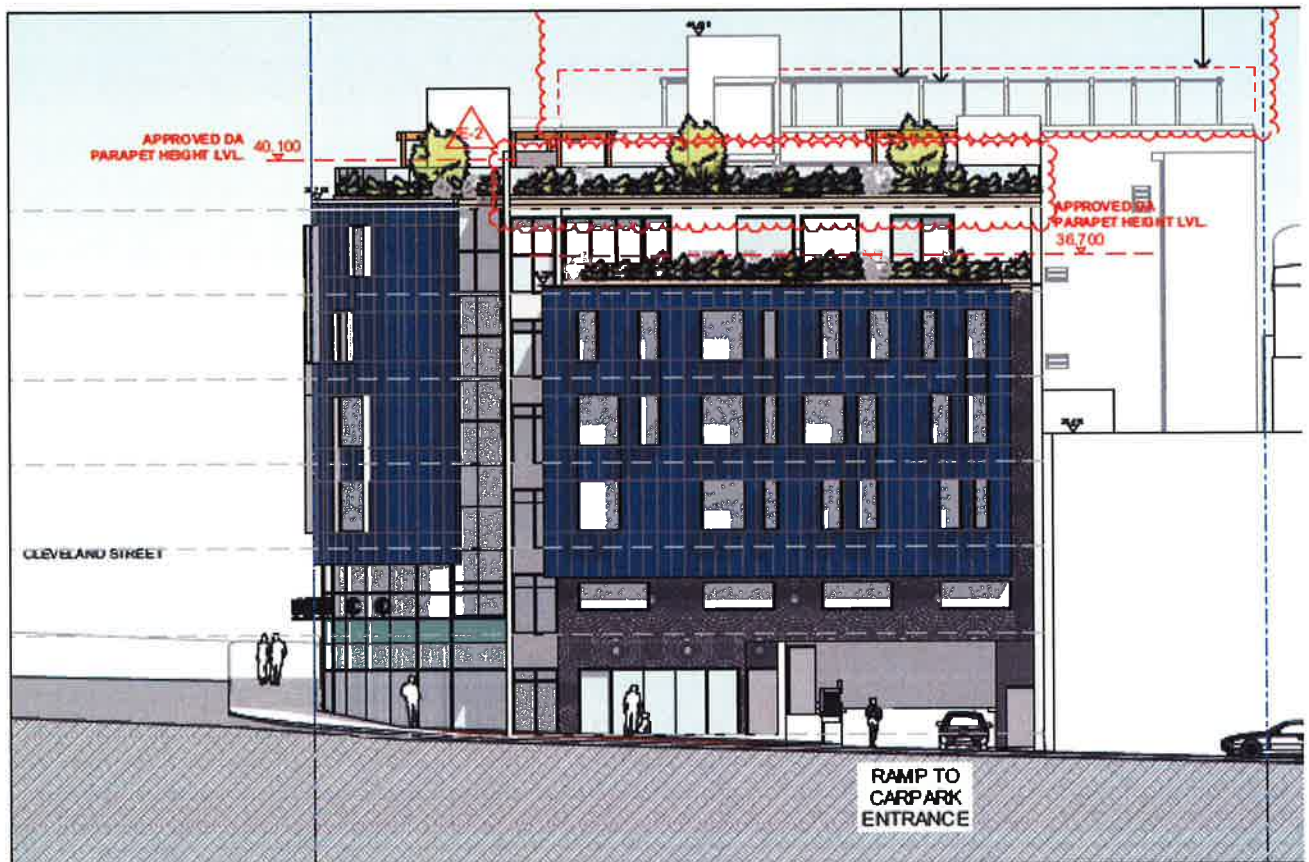
**Figure 5:** Second floor plan showing typical layout of the hotel (red) and residential components (green) (Source: Applicant's revised architectural plans).



**Figure 6:** Northern elevation fronting Cleveland Street showing the proposed hotel façade design including retail tenancy on the eastern corner at Cleveland and Woodburn Street (left) and communal open spaces on the roof. (Source: Applicant's revised architectural plans)



**Figure 7:** Eastern elevation fronting Woodburn Street showing the proposed residential flat building component (left) and the hotel building component (right). (Source: Applicant's revised architectural plans)



**Figure 8:** Western elevation fronting Eveleigh Street showing the proposed hotel component including hotel entry (left), retail tenancy at the ground floor (middle) and basement entry (right)

The site is within the Central District, which includes the City of Sydney LGA and other LGAs in the eastern, inner-western and inner-southern suburbs. The proposal is consistent with the objectives and actions of the draft Central District Plan in that:

- the proposed residential dwellings will contribute to the Central District's 2016-2021 target of 46,550 new dwellings;
- the proposed unit mix provides greater diversity of housing stock; and
- the hotel will assist in growing the visitor economy by providing additional hotel accommodation on the fringe of the Sydney CBD.

### **Central to Eveleigh Urban Transformation and Transport Program**

The *Central to Eveleigh Urban Transformation and Transport Program* (Central to Eveleigh) is investigating opportunities for urban renewal along the rail corridor between Central, Macdonaldtown and Erskineville Stations, as well as parts of Redfern and Waterloo (**Figure 9**).

The principles behind Central to Eveleigh include development for a variety of residential, commercial and retail purposes, including use of government lands to provide diverse housing, enhancing key transport nodes and making these activity centres, improving linkages with nearby health and education infrastructure, and enhancing open space networks. Built form design principles include a diversity and variety of building form and scale.

Central to Eveleigh is divided into seven precincts, which will be the subject of later detailed urban design and planning studies. The site is within the Lawson to Cleveland precinct.

While the detailed land use and built form plans of the Lawson to Cleveland precinct have not been developed, the proposal is consistent with the Central to Eveleigh principles of providing a variety of land uses and building form and scale.

### **Redfern Waterloo Authority – Built Environment Plan 1**

The *Redfern-Waterloo Built Environment Plan 1* (BEP) was developed to assist in the social and economic revitalisation of the Redfern-Waterloo area. The BEP aims to facilitate the creation of 2,000 new dwellings and 18,000 new jobs in Redfern-Waterloo.

The BEP provides a planning framework for the redevelopment of the Redfern Waterloo Authority's strategic sites, and was used to inform the planning controls for the site set out in Schedule 3 of the *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP).

The proposal exceeds the key built form controls including the height control of five storeys and the overall FSR control of 3:1. Notwithstanding, the Department considers the proposal consistent with the land use and design concepts for the Eveleigh Street precinct (in which the site is located) including the creation of a sustainable business and residential community, providing appropriate business opportunities, and encouraging a range of housing types that respond to the social mix of the area. The Department's assessment of the proposed height, bulk and scale is discussed further in **Section 5.2**.

### **Visitor Economy Industry Action Plan**

The *Visitor Economy Industry Action Plan* (Trade and Investment NSW, 2012) (the Action Plan) establishes key actions to revitalise tourism and event industries by doubling visitor expenditure by 2020. Key actions identified in the Action Plan include:

- supporting and encouraging private investment in accommodation facilities;
- encouraging and facilitating investment in new visitor accommodation that matches market needs; and
- ensuring visitor accommodation targets are included in major Government-led urban renewal and strategic land use projects.



**Figure 9:** Site and surrounding context with the Central to Eveleigh transformation and Transport program study area outlined in blue and precincts in brown. (Source: UrbanGrowth NSW)

The proposal supports the key actions in the Action Plan by providing investment in a new hotel development which will assist in the revitalisation of hotel and visitor accommodation within the wider Sydney CBD fringe.

### **Sustainable Sydney 2030**

*Sustainable Sydney 2030* prepared by the City of Sydney Council highlights:

- the need for more visitor accommodation in Sydney;
- the need to provide an adequate supply of housing choice; and
- providing housing within close proximity to public transport, services and facilities.

The proposed development is consistent with these points as it provides new visitor accommodation and increases the supply of housing choice that is within close proximity to public transport, services and facilities.

## **3. STATUTORY CONTEXT**

### **3.1. State Significant Development**

Under Clause 2, Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), any development within the Redfern Waterloo area with a capital investment value (CIV) in excess of \$10 million is SSD.

The proposal is SSD under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as the proposal has a CIV of \$16,229,200. The Minister for Planning is therefore the consent authority.

### 3.2. Delegation

The Minister has delegated his functions to determine SSD applications to the Planning Assessment Commission (the Commission) where an application has been made by persons other than, or on behalf of, a public authority and in cases where:

- the Council has made an objection;
- there are 25 or more public submissions objecting to the proposal; or
- a political disclosure statement has been made in relation to the application.

The proposal is referred to the Commission for determination as the City of Sydney Council objects to the development.

### 3.3. Permissibility

The site is zoned Business Zone – Mixed Use under the SSP SEPP. The proposed hotel, residential flat building and commercial / retail uses are therefore permissible within the zone.

### 3.4. Environmental Planning Instruments

Under Section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any SEPP or environmental planning instrument (EPI) that substantially govern the carrying out of the project, and that have been considered in assessing the project. These include:

- *State Environmental Planning Policy (State Significant Precincts) 2005;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55- Remediation of Land;*
- *State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development and accompanying Apartment Design Guide; and*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.*

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix C** and **D**. The proposal is consistent with the relevant provisions of the abovementioned SEPPs and EPIs.

### 3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in section 5 of that Act. The Department has considered the objects of the EP&A Act (**Table 2**) and is satisfied the proposal complies with all relevant objects.

**Table 2:** Compliance with EP&A Act objects

<b>Objects of the EP&amp;A Act</b>	<b>Consideration</b>	<b>Complies?</b>
<i>(a) to encourage:</i>		
<i>(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</i>	The proposal does not significantly impact on natural and artificial resources, as it involves the construction and use of a building within an area already identified for urban redevelopment. The proposal will enhance economic and social welfare by providing a land use that can be used for residential and tourist accommodation, providing 19 new homes and employment for 20 staff.	Yes
<i>(ii) the promotion and co-ordination of the orderly and economic use and development of land</i>	The proposed land use is permitted and the merits of the proposal are considered in Section 5.	Yes
<i>(iii) the protection, provision and co-ordination of communication and utility services</i>	The proposal is unlikely to significantly impact on communication and utility services.	Yes
<i>(iv) the provision of land for public purposes</i>	The proposal does not propose the provision of land for public purposes. However, the proposal includes	Yes

	development contributions and a Voluntary Planning Agreement (VPA) that will contribute to the provision of public land.	
(v) <i>the provision and co-ordination of community services and facilities</i>	The proposal does not propose the provision of community services and facilities. However, the proposal includes development contributions and a VPA that will contribute to community services and facilities.	Yes
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats</i>	The proposal not impact on native animals and plants given the site is a former commercial and industrial site that does not contain threatened species and their habitat.	Yes
(vii) <i>ecologically sustainable development (ESD)</i>	Section 3.6 of this report considers the proposal against the principles of ESD.	Yes
(viii) <i>the provision and maintenance of affordable housing</i>	The proposal includes a contribution to affordable housing provision.	Yes
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State</i>	The proposal is SSD in accordance with the SRD SEPP. The Department consulted with Council and other relevant agencies on the proposal.	Yes
(c) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	Section 4 sets out details of public exhibition on the proposal.	Yes

### 3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) from the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The applicant has considered and addressed ESD principles as they relate to the proposal in Section 4.9 and Appendix H of the Environmental Impact Statement (EIS). This describes the Applicant's approach to integrating energy efficient technologies and sustainable practices in the design, construction and ongoing operation of the development.

The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – the proposal will not result in any serious or irreversible environmental damage, as:
  - the site is already developed and has been appropriately planned for the proposed development;
  - the location of the site encourages sustainable transport choices as it is well served by public transport;
  - a BASIX certificate is provided confirming the residential component complies with energy efficiency and water saving requirements;
  - the proposal includes stormwater management;
  - the proposal includes measures to reduce water, energy through building design maximising natural light and ventilation.

- **Inter-Generational Equity** – the proposal will not result in adverse impacts on the health, diversity and productivity of the environment for the benefit of future generations, as:
  - the proposal will not result in any serious or irreversible environmental damage, as detailed above; and
  - the proposal considers existing environmental impacts in the area.
- **Biodiversity Principle** – the site does not contain biodiversity or ecological value due to its urban environment.
- **Valuation Principle** – the proposal includes a number of energy, water and waste reducing measures that will reduce the ongoing operating costs of the development.

Having considered the objects of the EP&A Act, including the encouragement of ESD in its assessment of the application, the Department is satisfied the proposal encourages ESD.

### 3.7. Environmental Planning and Assessment Regulations Compliance

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

### 3.8. Environmental Assessment Requirements

The Department considers the matters for consideration in the Secretary’s Environmental Assessment Requirements have been sufficiently addressed in the EIS, Response to Submissions (RtS) and revised RtS to adequately consider and assess the proposal for determination purposes.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1. Exhibition

Under Section 89F(1)(a) of the EP&A Act, the Secretary is required to exhibit the EIS for at least 30 days. The Department publicly exhibited the EIS from Thursday 22 October until Friday 20 November 2015 (30 days) on its website, at its office on Bridge Street and at the City of Sydney Council’s office.

The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the Central Courier on Wednesday 21 October 2015 and notified landholders and relevant State and local government authorities.

### 4.2. Submissions on EIS

The Department received 10 submissions during the exhibition of the EIS comprising seven submissions from public authorities and three public submissions. A link to these submissions is available at **Appendix A**.

The issues raised by public authorities are summarised in **Table 3**. The issues raised by both the public authorities and the general public submissions are considered in **Section 5**.

**Table 3:** Summary of public authority submissions to the EIS

<b>City of Sydney (Council)</b>
<p>Council object to the proposal and raised specific concerns in relation to:</p> <ul style="list-style-type: none"> <li>• non-compliance with height and FSR development standards;</li> <li>• architectural and urban design;</li> <li>• visual privacy for hotel rooms;</li> <li>• separation between the proposed hotel and residential apartments;</li> <li>• residential amenity and consistency with the Apartment Design Guide;</li> <li>• unit mix;</li> <li>• ground floor apartments’ relationship with the public domain;</li> <li>• quality and quantity of communal open space;</li> <li>• waste management;</li> <li>• noise;</li> <li>• contamination; and</li> </ul>

<ul style="list-style-type: none"> <li>boundary encroachments.</li> </ul>
<b>Urban Growth NSW Development Corporation (UDGC)</b>
UDGC supports the proposed Voluntary Planning Agreement (VPA) for payment of contributions towards GFA in excess of the allowable controls.
<b>Office of Environment and Heritage (OEH)</b>
OEH comment that further assessment of Aboriginal cultural heritage relating to the site history should be undertaken. Further consultation with the local Aboriginal community is also required.
<b>NSW Heritage Council</b>
The NSW Heritage Council has recommended conditions to ensure that archaeology is managed appropriately during demolition and construction.
<b>Transport for NSW (TfNSW)</b>
TfNSW raise no objection and recommended standard conditions of consent.
<b>Sydney Trains</b>
Sydney Trains has recommended conditions of consent to ensure the proposal will not impact on the existing rail corridor and the proposed CBD rail link.
<b>Sydney Water</b>
Sydney Water advise an extension of the waste water system is required to service the proposed development which may be addressed through the Section 73 certificate.

The Department received three public submissions to the proposal. One was an objection, one comments and one a letter of support. The submissions raise issues including:

- impacts to 6-8 Woodburn Street, including overshadowing to an external deck and blocking of existing windows on the site's boundary;
- noise impacts to neighbouring apartment buildings from the use of the rooftop deck; and
- increased density should be supported given the location of the site.

The Department has considered the issues raised in public submissions in its assessment of the proposal.

#### 4.3. Applicant's Response to Submissions

In the RtS, the applicant made the following amendments to the proposal and/or provided the following clarifications:

- revised apartment mix and ground floor access for apartments;
- regrading of the footpath at Woodburn Street;
- ground floor landscape communal open space made non accessible;
- conversion of two hotel suites at Eveleigh Street to a retail tenancy;
- relocation of the bicycle storage area at ground floor to the basement and increased bicycle parking spaces from 34 to 86 spaces;
- removal of the overhang blade wall at Eveleigh Street;
- additional louvre screens at the apartment corridors;
- revised communal open space design, including provision of barbecue facilities;
- revised materials and finishes;
- increased floor to floor heights; and
- other minor associated amendments.

The Department made the RtS publicly available on its website and referred the information to relevant public authorities.

Three agency submissions were received in response to the RtS. Issues raised by agencies are summarised in **Table 4** below and have been addressed in detail in **Section 5** and/or by way of recommended conditions in the instrument of consent at **Appendix D**. No additional public submissions were received.



**Table 4:** Summary of public authority submissions to the RtS

<p><b>City of Sydney (Council)</b></p> <p>Council maintained its objection to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• non-compliance with height and FSR development standards;</li> <li>• separation between the proposed hotel and residential apartments;</li> <li>• residential amenity and consistency with the Apartment Design Guide;</li> <li>• unit mix;</li> <li>• waste management;</li> <li>• noise; and</li> <li>• contamination.</li> </ul> <p>Earlier concerns about communal open space, units' access to balconies, bicycle parking and letterbox locations were resolved.</p>
<p><b>Transport for NSW (TfNSW)</b></p> <p>TfNSW noted the increased number of bicycle spaces and recommended further conditions regarding end of trip facilities and a requests a condition requiring a Construction Transport Management Plan.</p>
<p><b>Sydney Trains</b></p> <p>Sydney Trains noted the proposal's proximity to the proposed CBD Rail Link corridor and recommended conditions requiring the building's basement and footings avoid the proposed tunnels and their design is approved by Transport for NSW, and other conditions to protect proposed tunnels from the development and vice versa.</p>

#### 4.4. Revised Response to Submissions

Following comments from the Department and Council, the applicant lodged a revised RtS which proposes the following:

- removal of the seventh storey facing Woodburn Street;
- increased setbacks to the sixth storey on the Woodburn and Eveleigh Street elevations;
- reconfiguration of the ground and first floor apartments to create four two-storey townhouse style apartments;
- increased size of the residential communal open space;
- removal of one of the hotel lifts to the rooftop deck; and
- increased height of window spandrel for hotel room facing Cleveland Street.

The Department consulted with Council on the revised RtS. Council maintains its objection to the proposal due to the height and FSR non-compliance, building separation, residential amenity and waste management. Council raised an additional concern that allowing a planning agreement in exchange for additional floor space would set an undesirable precedent. Council notes concerns regarding contamination and verification, acoustic amenity, direct and equitable access to Woodburn Street units, ceiling heights and unit mix have been resolved.

## 5. ASSESSMENT

**Table 4** identifies the matters for consideration under Section 79C of the EP&A Act that apply to State significant development. The table represents a summary for which additional information and consideration is provided for in further sections of the report and the relevant appendices or the EIS.

**Table 4:** Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Exceedences of relevant height, FSR and residential FSR standards are considered acceptable ( <b>Section 5</b> and <b>Appendices C</b> and <b>D</b> ). Proposal otherwise satisfactorily complies ( <b>Appendix E</b> ).

(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	DCP's do not apply to SSD developments but the proposal satisfactorily complies ( <b>Appendix E</b> ).
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to Development Applications (Part 6 of the Regulations), public participation procedures for State Significant Developments and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to <b>Section 5</b> of this report.
(c) the suitability of the site for the development	Suitable as discussed in <b>Sections 3</b> and <b>5</b> of this report.
(d) any submissions	Refer to <b>Sections 4</b> and <b>5</b> of this report.
(e) the public interest	Refer to <b>Section 5</b> of this report.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

### 5.1. Key assessment issues

The Department has considered the proposal, the issues raised in submissions and the applicant's RtS and revised RtS, and considers the key planning issues associated with the proposal are:

- land use;
- built form and design excellence;
- residential amenity;
- contributions; and
- traffic, parking and access.

A number of other issues have also been identified in relation to historic heritage, Aboriginal heritage and contamination.

### 5.2. Land Use

The SSP SEPP allows a maximum FSR for the site of 3:1 which includes a land use control of a maximum residential component FSR of 1:1. The proposed FSR is 3.7:1, with a residential FSR of 1.35:1 (**Table 5**).

**Table 5:** Comparison of proposal against height and FSR controls, with exceedances shown in red

SSP control	Proposed development	Complies?
Height		
Five storeys	Part five / six	In part (+1)
FSR (GFA)		
Residential component of 1:1 (1,060m <sup>2</sup> )	1.35:1 (1,428m <sup>2</sup> )	No (+0.35:1 / 35%)
No specific non-residential control	2.35:1 (2,491m <sup>2</sup> )	N/A
<b>Sitewide total of 3:1 (3,180m<sup>2</sup>)</b>	<b>3.7:1 (3,923m<sup>2</sup>)</b>	No (+0.7:1 / 23%)

Council raises concern that the residential FSR non-compliance is inconsistent with the purpose of the residential FSR control to encourage mixed use developments and limit residential development in the mixed use zone. Council suggested that the 1:1 residential FSR should be enforced.

The applicant justifies the residential non-compliance by noting:

- the proposal meets demand for additional housing in close proximity to public transport in inner Sydney;
- the proportion of commercial to residential development is similar to the 2:1 ratio anticipated by the residential control; and

- the proposed residential FSR is similar to that of the approved development (SSD 5397) on the site.

Whilst the SSP SEPP does not specify an objective for the residential FSR control, the Department considers the purpose of this FSR control is to promote a balance between commercial and residential development in the Redfern precinct. It also has the effect of limiting residential development in areas of limited amenity (such as frontages to busy roads), but this is a secondary effect.

The Department has considered the proposed land use mix against the objectives of the Business – Mixed Use zone in the SSP SEPP. The Department considers the proposal meets the objectives of the zone as follows:

- providing an employment generating use on the site;
- promoting sustainable communities by providing a mix of commercial and residential opportunities; and
- permitting residential development that is compatible with hotel accommodation.

In addition, the Department considers the proposed residential FSR is acceptable because:

- the land use mix on the site maintains an approximate 2:1 commercial to residential ratio, as anticipated by the control;
- the residential and commercial uses meet the strategic intent to co-locate compatible land uses to balance residential and commercial demand for inner-city land;
- the proposed residential FSR of 1.35:1 is similar to the residential FSR approved by SSD 5397 (1.27:1); and
- the design of the building maximises residential amenity by orienting apartments away from Cleveland Street (discussed in **Section 5.3**).

The Department considers the overall FSR non-compliance to be acceptable. The built form is considered in detail in **Section 5.3**.

### **5.3. Built form and design excellence**

The application seeks approval for a part five and part six storey building with a GFA of 3,923m<sup>2</sup>, comprising 2,494m<sup>2</sup> of hotel and retail GFA and 1,428m<sup>2</sup> of residential GFA (or 19 apartments). This equates to a site-wide FSR of 3.7:1 (**Table 5**).

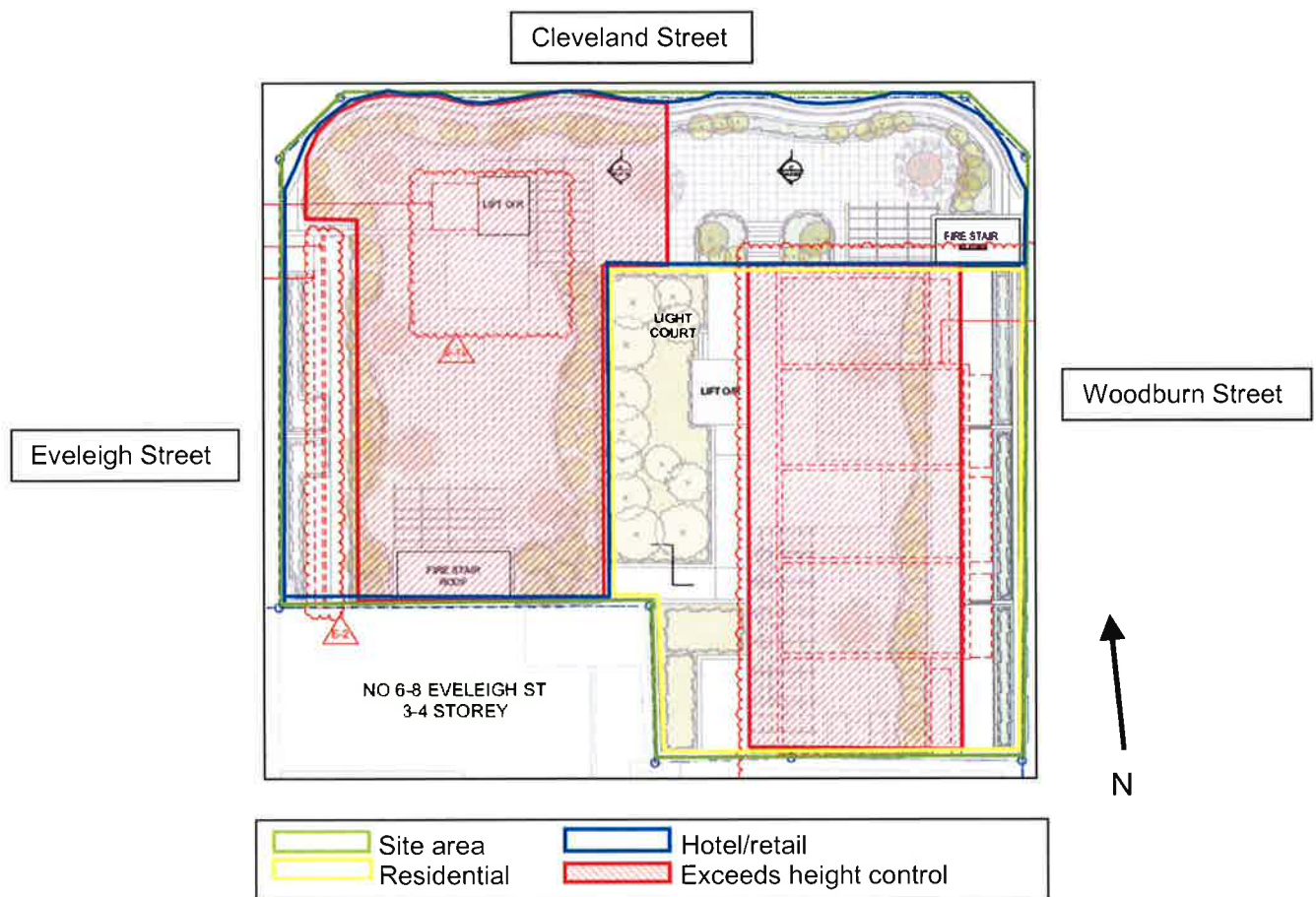
The proposed building is divided into separate hotel and residential components.

The hotel / retail component is located on the northern and western sides of the site, fronting Cleveland and Eveleigh Streets respectively. It is partly five and partly six storeys to the Cleveland Street elevation (due to the fall of the site from east to west) and five storeys to the Eveleigh Street elevation, with the sixth storey set back from the Eveleigh Street frontage by 2.5 m. The Cleveland Street façade (**Figure 6**) is glazed on the ground / first floor levels and features the hotel lobby and a retail / commercial unit. On upper levels, this elevation has a metal clad curved built form with an irregular window pattern. The Eveleigh Street elevation (**Figure 8**) extends to the street boundary, and features the vehicular access to the building and a retail shopfront on ground level. The ground and first floor levels feature Aboriginal artwork, levels 2 to 4 are clad to match the Cleveland Street façade, and the top level is rendered and painted.

The residential component is located on the eastern side of the site, fronting Woodburn Street (**Figure 7**). It is built to the boundary and has a height of five storeys with the sixth storey set back from the Woodburn Street frontage by 3 m. The residential component includes four double storey townhouse style apartments on the ground and first floor, with single storey apartments on levels two to six. The regular layout of apartments, with the formal sequence of balconies and windows, gives this façade vertical and horizontal articulation. Materials used include metal cladding, painted render and Aboriginal artwork.

The SSP SEPP contains two principal development standards applying to the site, namely building height and FSR. The FSR control provides two separate standards, namely site-wide and residential FSR. The proposal exceeds the maximum height, total FSR and residential FSR controls (**Table 5**). The proposal also exceeds the height control by a maximum of one storey for a part of the building. The area of height exceedance is approximately 536m<sup>2</sup>, or approximately half the site area (**Figure 10**).

Council initially objected to the height and FSR of the originally submitted proposal due to the excessive bulk and scale, inconsistency with the principal control, and insufficient justification for the SEPP 1 objection. One public submission also objected to the bulk and scale of the building, based on the potential overshadowing of the building to the south of the site (6-8 Woodburn Street).



**Figure 10:** Area of proposal showing different uses and area of height non-compliance (Source: applicant's revised architectural plans)

In response to submissions and following further discussions with Council and the Department, the applicant has amended the proposal to:

- delete a seventh storey of the residential component to Woodburn Street (**Figure 11**);
- increased the sixth storey setback of the hotel component to Eveleigh Street (**Figure 12**);
- changed the residential component to provide two storey apartments on the ground floor (**Figure 20**); and
- reduced the bulk of a lift overrun on the hotel component of the roof.

The applicant's SEPP 1 objections in support of the height and GFA non-compliance in relation to the revised proposal are considered in detail in **Appendix C** and **D**. The applicant justifies that the exceedance of the planning controls has merit for the following reasons:

- the proposed sixth storey at the Eveleigh and Woodburn Street frontages are set back and therefore appear as five storeys when viewed from the street;



Figure 11: View of the Woodburn Street frontage. DA as lodged (left) and revised RtS (right), showing design changes and comparison to complying scheme. (Source: Applicant's revised architectural plans)

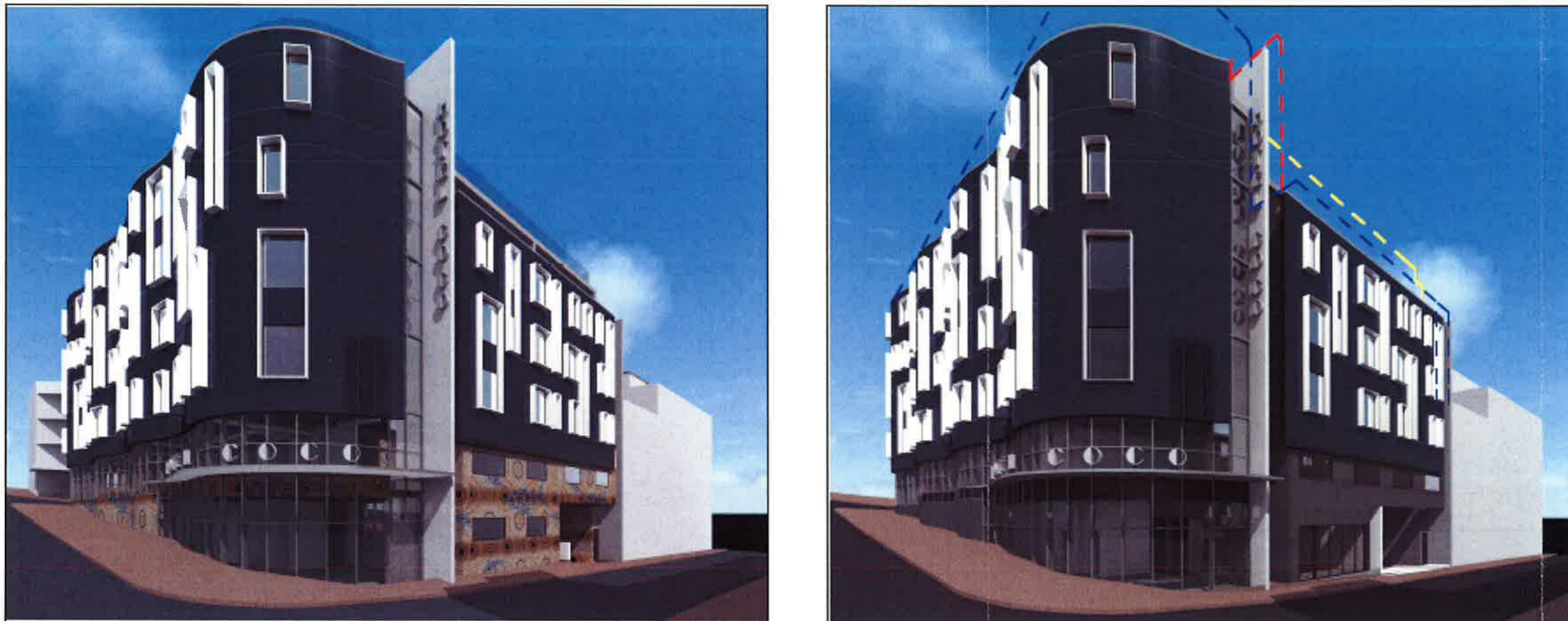


Figure 12: View of the Eveleigh Street frontage. DA as lodged (left) and revised RtS (right), showing design changes and comparison to approved development SSD 5397. (Source: Applicant's revised architectural plans)

- the additional bulk does not impact on useable areas of neighbouring properties in terms of solar access;
- the apartments within the proposal achieve a high level of residential amenity;
- the proposal is in a location well served by public transport and local infrastructure that can support the development; and
- the proposed density meets a demand for increased hotel accommodation in the Sydney CBD.

Notwithstanding, Council maintains its objection to the proposed height and FSR on the basis that they exceed development standards.

The Department has carefully considered the building form, including the proposed height and FSR exceedance in light of the concerns raised by Council and in public submissions, together with the amendments and justification provided by the applicant. The key issues in the Department's consideration of built form are:

- visual impact and consistency with the desired character of the area;
- overshadowing / solar access; and
- design excellence.

#### 5.3.1. Visual and streetscape impacts

A key assessment issue is the proposal's suitability and contextual fit with its setting. The Department has considered this in terms of the proposal's consistency with the existing and desired future character of the area.

The proposal presents a five storey street wall height at each elevation, however this graduates to six storeys at the corner of Cleveland and Eveleigh Streets due to the fall of the land at this point. The proposed building is built to each of the three street boundaries, except for the top floor of the Eveleigh and Woodburn Street elevations, which are set back 2.5 and 3 metres from the respective street frontages.

Cleveland Street is in a process of transition from lower intensity light industrial buildings to larger residential and commercial buildings. The Department therefore considers the consistency with the future desired built form character of the area, as currently reflected in the SSP SEPP (i.e. five storey height control), is an important streetscape consideration. This character is a five storey building form to street elevations.

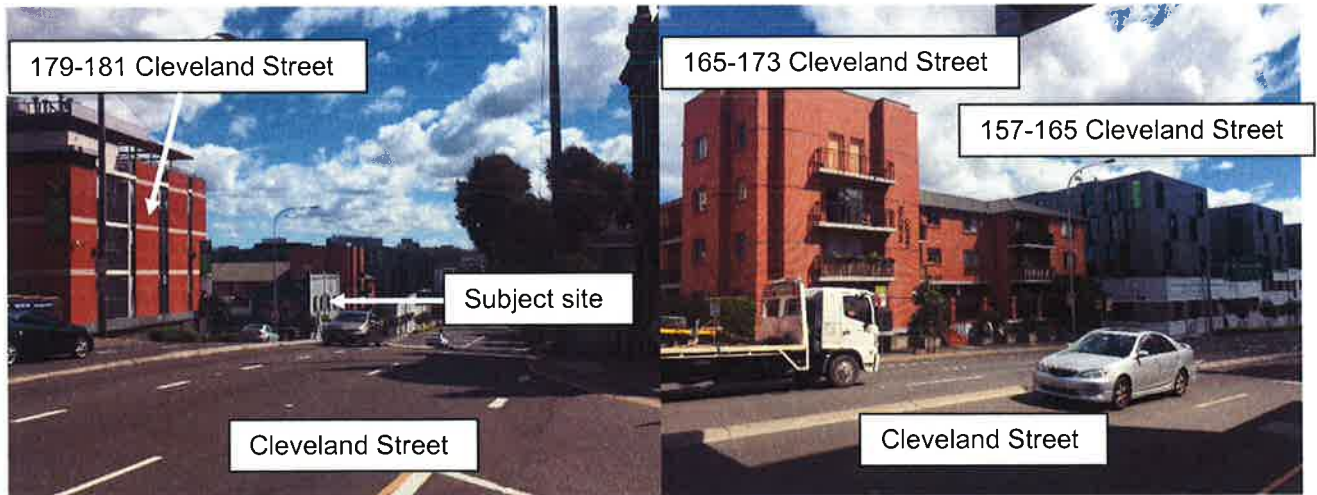
Neighbouring buildings on the southern side of Cleveland Street vary in height between three and five storeys (**Figure 13**). Buildings on the northern side of Cleveland Street are a mix of two to four storey buildings. Neighbouring buildings to the south on Eveleigh and Woodburn Streets are three to four storeys in height. 6-8 Woodburn Street, which adjoins the site to the south, is three storeys at the boundary with the subject site, and rises to five storeys over other parts of its site.

Buildings to the street boundaries are common in the area, at least on lower levels. The Department considers the five storey street wall on all elevations appropriate for the existing streetscape given the varied built form surrounding the site.

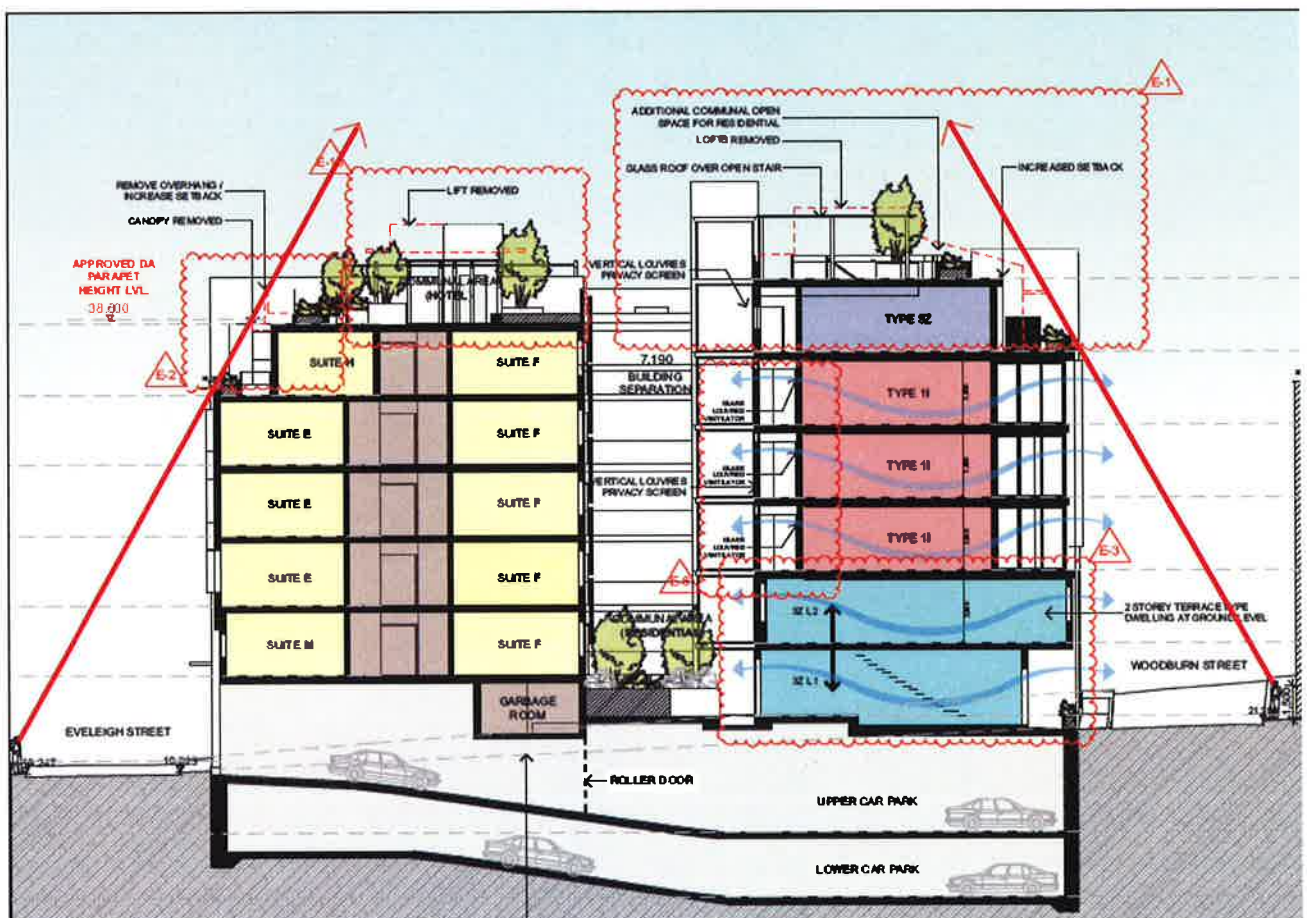
The sixth storey proposed on part of the Cleveland Street component (**Figure 6**) and sixth storey set back from the Woodburn and Eveleigh Street elevations (**Figure 7** and **Figure 8**) exceed the five storey height control for the site.

The applicant justifies the non-compliance by noting:

- the proposed six storey proposed elevation fronting Cleveland Street is lower in metres than the five storey elevation approved for the site (SSD 5397); and
- the Woodburn and Eveleigh Street elevations appear as five storeys when viewed from the public domain due to their setback.



**Figure 13:** Built form context on the southern side of Cleveland Street. Image on the left is to the east of the site, and image on the right is west of the site.



**Figure 14:** Section showing the sixth storey will not be readily visible from Eveleigh and Woodburn Streets. View lines of a person standing on the street are marked in red. (Source: Applicant's architectural plans)

The Department has considered Council's objection and concerns raised in public submissions, together with the applicant's justification of the non-compliance. The Department considers the proposal results in a minimal visual impact as a result of the building height non-compliance, for the following reasons.

The maximum height in metres of the six storey Cleveland Street elevation is 18.6 m above ground level (or RL 38.7). While the Department notes the building height control is expressed in storeys rather than metres, the actual height is lower than a five storey commercial building. While this is a hypothetical consideration, a five storey commercial building with a typical 4 m floor to floor height would be approximately 20 m high. The six storey component of the proposal is therefore approximately 1.4 m lower than a possible five storey commercial building.

This is further illustrated by comparing the proposal to the approved building (SSD 5397), which complies with the five storey control at this location but has an elevation height of RL 40.1. Despite having a partial additional storey, the proposal is 1.4 m lower than the existing approval. The current proposal accommodates the sixth storey within the approved five storey envelope by adding a lower ground level and slightly reducing the floor to ceiling heights to reflect the change from a residential use (student accommodation) to a commercial use (hotel). In addition, the design combines the fall of the site along the Cleveland Street frontage with the level roof line to present a strong but subtle sculpted architectural corner element in the streetscape. The Department therefore considers the six storey element is a positive design response for this corner of the site.

The eastern and western sides of the building are set back 3 m from the Woodburn Street elevation and 2.5 m from the Eveleigh Street elevation (**Figure 14**). The Department is satisfied the non-complying sixth storey will not be visible from the Woodburn and Eveleigh Streets and the proposal's streetscape impact is consistent with the five storey built form anticipated by the SSP SEPP height control and previously approved for SSD 5397.

The Department considers the building height non-compliance acceptable in this regard.

### 5.3.2. Overshadowing / solar access

Council objects to the proposal noting it will overshadow the residential apartments of 165-173 Cleveland Street, to the west of the site on the opposite side of Eveleigh Street. One public submission raises concern that the proposal will overshadow the roof deck and northern boundary windows of 6-8 Woodburn Street to the south of the site.

The Department notes the departure from the height and FSR controls and has carefully considered the proposed built form in relation to potential overshadowing / solar access impacts on the surrounding properties. The Department's analysis has had regard to submissions and compared the proposal to the approved scheme (which is a compliant scheme in respect of the height and overall FSR, which determine the building envelope).

#### *Overshadowing to 165-173 Cleveland Street*

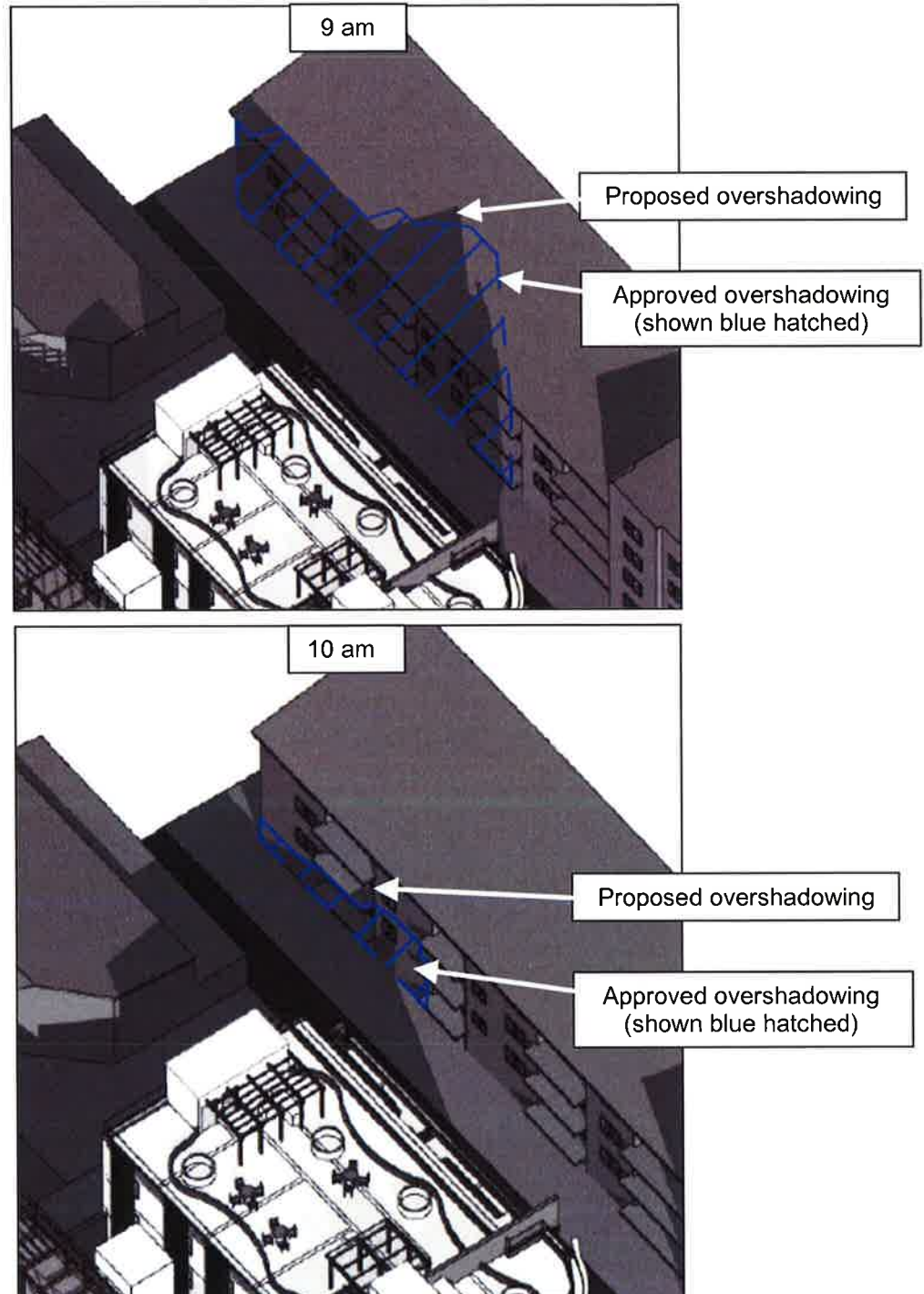
The applicant's overshadowing analysis of the identified residential apartments indicates nine apartments will be overshadowed at 9 am and two apartments would be overshadowed at 10 am. The proposal will cease to result in any overshadowing impact to 165-173 Cleveland Street shortly after 10 am (**Figure 15**). The applicant concludes the proposal's impact is acceptable as it is likely that 70 per cent of apartments will receive over two hours' solar access in midwinter.

Further, the applicant's comparative shadowing analysis demonstrates the proposal's shadow will largely fall within the shadow cast by the already approved building (being a reference for a compliant development) (**Figure 15**). This means that the overshadowing impacts of the proposal on 165-173 Cleveland Street is consistent with the intensity and impacts of the development anticipated by the SSP SEPP.

The comparative analysis between the overshadowing impacts as a result of the approved / compliant building envelope and the proposal shows the proposal increasing the overshadowing of part of one apartment balcony but reducing the overshadowing of two others. This results in a marginal reduction in overshadowing to 165-173 Cleveland Street.

The Department considers the proposal's overshadowing of 165-173 Cleveland Street acceptable. While there are impacts to apartments within the building, they are short-lived (i.e. will last slightly more than one hour) and consistent (if not marginally less) with those caused by the approved / compliant scheme. This is an acceptable outcome that balances the reasonable amenity expectations of an inner urban area with opportunities for further renewal of the area.





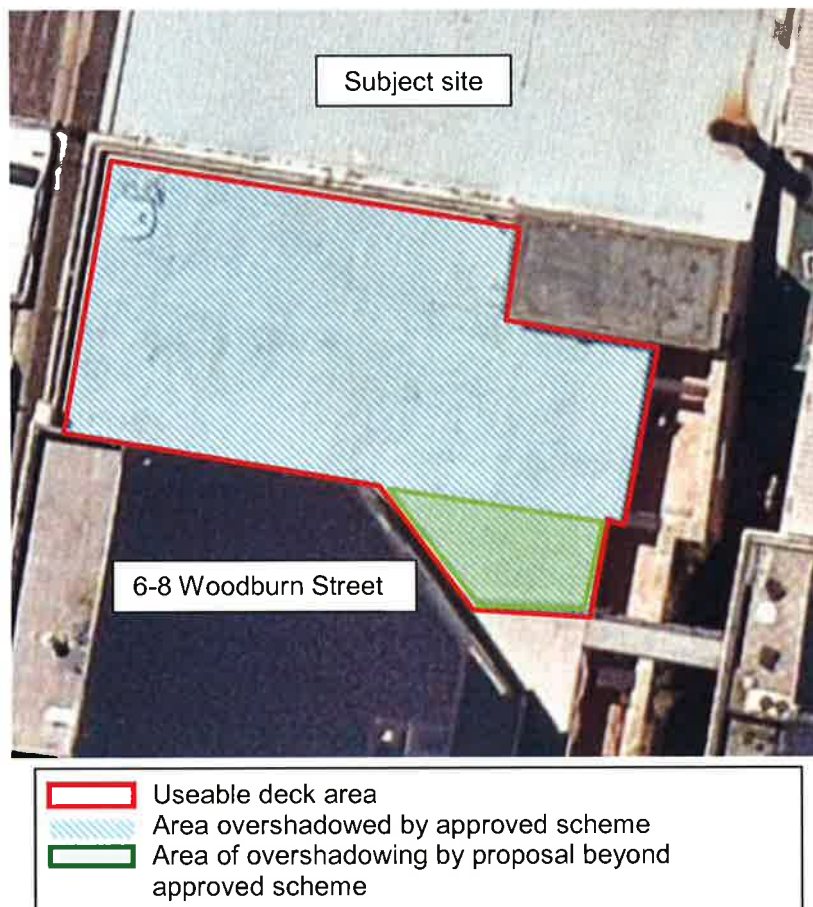
**Figure 15:** Overshadowing of 165-173 Cleveland Street at 9 am (top) and 10 am (middle) comparing approved and proposed overshadowing.

*Overshadowing to 6-8 Woodburn Street deck area*

A public submission has raised concern the proposal would overshadow the communal open space / roof deck of the adjacent building at 6-8 Woodburn Street, located directly to the south of the site. The roof deck is located on the third floor of 6-8 Woodburn Street and has a useable area of approximately 120m<sup>2</sup> (**Figure 16**).

The applicant's shadow analysis indicates the proposal is likely to almost entirely overshadow the communal open space / roof deck between 9 am and 3 pm. It also indicates the proposal will result in additional overshadowing beyond that of the approved / complying development between 10 am and 2 pm (**Figure 16**).

The applicant contends the additional overshadowing will have little impact on solar access to the predominant usable areas of the roof terrace.



**Figure 16:** Roof deck / communal open space of 6-8 Woodburn Street (Source: Nearthmaps)

The ADG recommends solar access is maintained to at least 50 per cent of communal open space of neighbouring buildings between 9 am and 3 pm at midwinter. Where this is already not achieved, development should not reduce solar access by more than 20 per cent.

The Department has measured the likely overshadowing impact of the proposal and the approved / compliant building. The approved / compliant scheme would, on average between 9 am and 3 pm, retain solar access to 21 per cent of the deck. The proposal would, on average between 9 am and 3 pm, provide solar access to approximately 13 per cent of the deck area. This solar access would fall on different parts of the deck across the day.

Given the siting and location of the open space area, the Department acknowledges it is not reasonable to expect this area to remain free of overshadowing when considering the development controls and building typologies in the locality. Noting this, the Department accepts the overshadowing impacts resulting from the approved / compliant scheme, as this reflects the impacts anticipated by the planning controls and a balance between residential amenity and broader strategic objectives for urban renewal that are promoted through the development controls.

However, the Department does not support the additional overshadowing to the deck area caused by the proposal. The Department's comparative overshadowing analysis indicates this arises from non-compliant height and FSR, in particular the sixth storey element located on the southern boundary of the site at the Eveleigh Street frontage. This additional overshadowing is not considered to be a reasonable impact and the Department therefore recommends 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.

#### Overshadowing to 6-8 Woodburn Street boundary windows

A public submission has raised concern that the Eveleigh Street component of the proposal will block two north-facing windows on the common boundary between the adjacent residential property (6-8 Woodburn Street) and the subject site. These windows serve an apartment located on the second level (above a partial basement) (Figure 17) and provide solar access and outlook to the living and kitchen area of the apartment.



Figure 17: Image showing window of 6-8 Woodburn Street on boundary of subject site.

The proposed building is designed to provide a zero setback to this boundary and will therefore abut the adjoining wall and windows. The Department acknowledges that the proposal would impact this apartment as it would block outlook and solar access to these windows. In considering this impact the Department noted:

- this apartment has generously proportioned windows / balcony doors on the street facing (western) which alternatively provides the living area in excess of two hours solar access between midday and 3pm at midwinter;
- the solar access and outlook provided by the windows is borrowed amenity, in that it relies upon the underdeveloped nature of the subject site;
- the position of the apartment on a low level makes solar access difficult to preserve when considering the typical building setbacks and development that can be reasonably provided under the current planning controls for the site; and
- a design solution such as a light well adjacent to the windows would not provide any genuine mitigation given no outlook would be preserved and the necessary depth of the light well (2-3 storeys) would not provide substantial solar access to this apartment.

The Department considers that whilst there is some impact to the apartment, this amenity is difficult to maintain. Further it would be unreasonable to effectively mitigate this impact, as it would require a substantial amendment or refusal of the application, which would be both a disproportionate response to the moderate impact it will create and inconsistent with the strategic planning objectives for the area.

The Department therefore supports this aspect of the proposal.

### 5.3.3. Design Excellence

Council's initial objection raised concerns in relation to the design of the building, including the division between the hotel and residential components, visual privacy for lower level hotel rooms, a blade wall encroaching onto the footpath and the lack of equitable access to the residential apartments due to the stairs on the Woodburn Street footpath. Most of these issues have been resolved in the RfS, but Council maintains its concerns that the hotel and residential components should be separated and requested further details of the visual privacy measures.

The SSP SEPP requires the Department consider whether the proposal exhibits design excellence in terms of:

- architectural design, materials and detailing;
- form and external appearance of the building enhancing the public domain; and
- sustainable design principles.

The Department's consideration of the issues raised in submissions and whether the proposal exhibits design excellence is set out below.

#### *Architectural design, materials, detailing and arrangement of uses*

The Department considers the building achieves a high standard of architectural design, materials and detailing, which responds to the building's setting. The design and modulation of the building is influenced by the side by side arrangement of the hotel and residential components.

Council recommended the hotel and residential components be separated horizontally rather than vertically. Council argues this would improve residential amenity by increasing the separation between the site's different uses.

The applicant justifies the design approach to site planning (i.e. the division between the different uses) through the desire to provide a clear and legible addresses for the different functions. The intent of the hotel elevation is to reflect the commercial nature of the hotel use through the use of a solid façade, while the intent of the residential elevation is for a more finely-grained design that breaks the façade into three distinct components.

The Department considers the proposed 'vertical split' / side-by-side arrangement of the uses provides a better design and amenity outcome than a horizontal split because it:

- allows for the hotel and residential land uses to be independent;
- allows for different façade details that respond to the different contexts of the adjoining streets; and
- allows for a more sensible arrangement of land uses with the hotel use on the busier road frontage and the residential use addressing the quieter side street (although some habitable rooms would need acoustic glazing to meet relevant acoustic amenity standards).

In terms of amenity, the Department considers the eastern side of the building the most appropriate location for residential apartments because it provides a quieter residential context and the proposed orientation meets relevant solar access requirements, and would also receive Sydney's prevailing sea breezes in summer.

The Department is satisfied that, on balance, the side-by-side configuration of the hotel and residential components is acceptable. The facade treatment and design is discussed below.

The hotel has frontages to the northern (Cleveland Street) (**Figure 18**) and western (Eveleigh Street) (**Figure 19**) boundaries of the site. At the upper levels, the façade is clad with Alucobond in Steel Blue colour (navy blue) and has an irregular window pattern. The Cleveland Street façade is curved and the Eveleigh Street facade presents as a flat street wall.

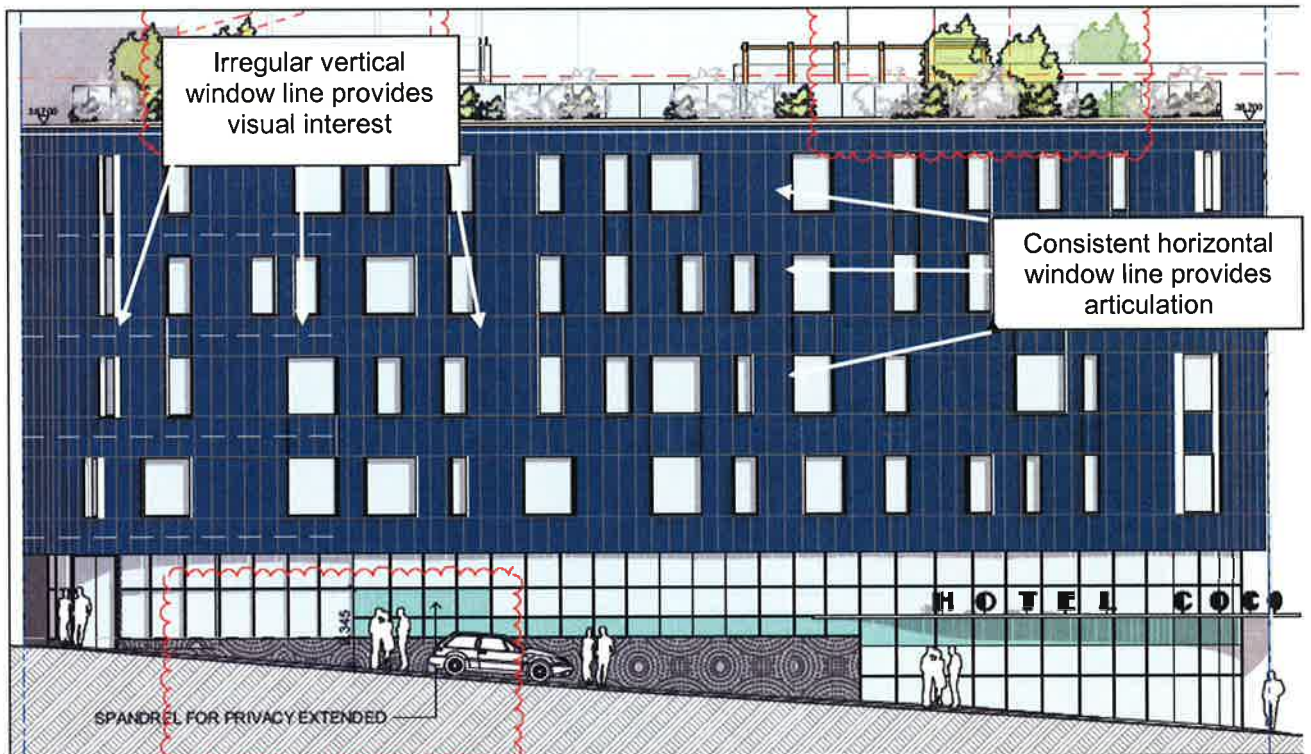


Figure 18: Cleveland Street elevation (Source: Applicant's architectural plans)



Figure 19: Eveleigh Street elevation (Source: Applicant's architectural plans)

The hotel design presents a solid façade to Cleveland Street and two visually distinct building elements (ground / first floor and upper levels) with an interesting variety of materials to Eveleigh Street. The solid façade is appropriate to the hotel use, as it does not typically include balconies, and provides acoustic and visual privacy for hotel guests. The regular horizontal window arrangement and curved building line of the Cleveland Street elevation provide horizontal articulation while the irregular vertical arrangement of windows provides contrast.

The ground and first floor of the Cleveland Street elevation and part of the Eveleigh Street elevation are glazed (note the fall across the site results in a storey difference between the east and west of the site), with an Aboriginal artwork painted on the building base. The predominantly glazed finish is appropriate for the proposed commercial, retail and hotel lobby functions of the ground floor, and activates the street.

The first floor contains hotel rooms at the western two-thirds of the Cleveland Street elevation, behind the fully glazed section of the façade. In response to privacy concerns for occupants of those rooms, the applicant has included an opaque spandrel for privacy along these rooms' windows. This spandrel is double height at the eastern end of the façade, as, due to the fall of the site, it would be possible for pedestrians to look into those rooms if there were no privacy measures in place.

The residential façade fronts Woodburn Street (**Figure 20**). This façade is divided into three components:

- the central spine containing the residential entry, painted with the same Aboriginal artwork as the Cleveland Street façade;
- the two storey townhouse forms, with painted render on the ground floor and Dark Walnut timber cladding on the first floor; and
- the upper levels, clad in Alcobond Street White cladding with a slightly irregular fenestration pattern.

The different components articulate the façade, break down the scale and clearly identify the townhouse apartments and the building entry. The Department considers this façade is acceptable as its design and materials are appropriate for its function and location.



Figure 20: Woodburn Street elevation (Source: Applicant's architectural plans)

*Form and external appearance of the building enhances the public domain*

The Department considers the form and external appearance of the building will positively enhance the quality and amenity of the public domain for the following reasons:

- the proposed building provides a predominantly glazed ground floor with three commercial uses to activate Cleveland and Eveleigh Streets;
- direct entry to ground floor apartments will activate Woodburn Street;
- the configuration of the building respects the street hierarchy by placing the most active uses on the primary street (Cleveland Street) and the less active residential uses and building access on secondary streets;
- the roof decks and windows provide passive surveillance into the public domain; and
- the proposal is of high architectural quality and the curved Cleveland Street building line will provide visual interest to the streetscape.

#### *Sustainable design principles*

The proposal incorporates sustainable design achieving minimum BASIX requirements, and includes:

- indigenous and low water use plant species in the proposed landscaping;
- alternative water supply for non-potable uses;
- 3 and 4 star taps and fittings;
- solar access in accordance with Apartment Design Guide recommendations; and
- cross-ventilation in accordance with ADG recommendations.

The design of the building promotes sustainable design measures through the location of apartments on the eastern side of the building. This shields these apartments from Cleveland Street traffic noise and provides for cross-ventilation, as larger windows and balcony doors are oriented to cooling summer breezes.

In consideration of the above, the Department is satisfied the proposal achieves design excellence in accordance with the SSP SEPP.

#### 5.3.4. Conclusion

The Department has carefully considered the built form impacts of the proposed development, and in particular the proposed height and FSR exceedance. The Department acknowledges that the proposal exceeds the height control by one storey across approximately half of the site and the FSR control by 23 per cent.

The key issues associated with the built form are the streetscape and overshadowing impacts associated with the height and FSR non-compliance. The proposal presents as a five storey building from the public domain, and will therefore have no greater a streetscape impact than a compliant scheme. As the proposal will overshadow the roof deck at 6-8 Woodburn Street, the Department recommends a condition to require the building be amended to ensure this overshadowing is no greater than that caused by a compliant scheme.

The Department considers the proposal exhibits design excellence through its varied façade designs, engagement with the public domain, and delivery of sustainable design principles.

#### **5.4. Residential Amenity**

*State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65)* seeks to improve the design quality of residential developments. The associated Apartment Design Guide (ADG) sets out guidelines for the design of residential developments.

The Department has considered the residential amenity of the proposal against the ADG criteria (**Appendix B**), which demonstrates the development as a whole provides an acceptable level of amenity. However, there are departures from the guidelines in the ADG in relation to:

- building separation (apartments and hotel use);
- private open space (three apartments);
- apartment width and depth (four apartments);
- storage; and
- deep soil landscaping.

In addition, Council's objection raises concern about the cross-ventilation of the apartments. The variations and Council's concerns about cross-ventilation are discussed below.

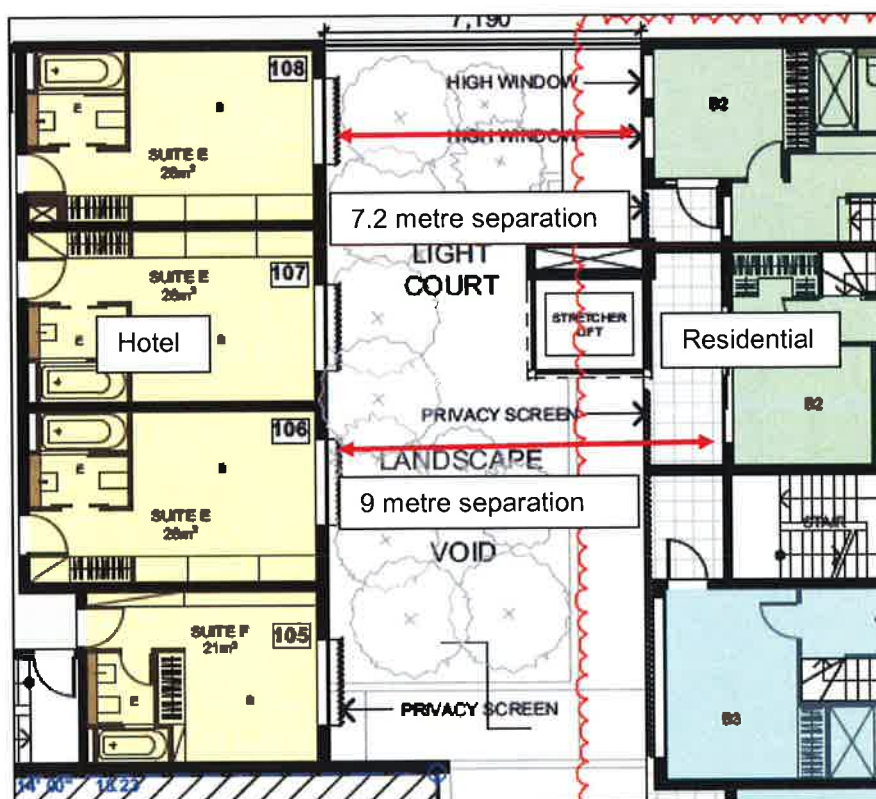
#### 5.4.1. Building separation

##### *Building separation within the site*

Council's objection raises concerns about the internal building separation between the residential and hotel use and suggests a design change to the hotel component in order to increase the separation distance.

The ADG requires a building separation distance of 12 metres for buildings up to four storeys and 18 metres above four storeys. The proposed building separation, ranging from 7.2 m to 9 m between the residential and hotel components of the proposal (**Figure 21**), does not meet this requirement.

The ADG's building separation requirement is primarily a visual privacy measure. It is typically applied to separate developments that are not usually designed and developed together on one site. However, it does not take into account the finer-grained solution and treatment required for a constrained site. Nevertheless, the Department notes the separation requirement also applies to apartments on the same site, and has accordingly considered this requirement.



**Figure 21:** Internal building separation (Source: Applicant's amended RtS architectural plans)

The rooms at which the non-compliance occurs are bedrooms in the residential apartments and hotel suites. The internal courtyard primarily functions as a lightwell, and apartments do not rely on this space for their primary outlook as they also front Woodburn Street. The Department notes the design of the building mitigates visual impacts by:

- providing predominantly dual aspect apartments, so the rooms facing the hotel room are infrequently used bedrooms (i.e. primary living areas will not be overlooked);
- floor levels are offset by between 1.4 and 1.7 m, which restricts direct window-to-window sightlines between the residential and hotel components; and
- providing fixed privacy screens on all internal facing hotel suites, and a combination of operable louvres and high windows in the residential apartments to mitigate residual impact.

The Department considers these design and screening measures an acceptable approach to avoiding and mitigating visual amenity impacts given the constraints of the small site.



The Department notes Council's concern about the privacy measures not being shown on the architectural plans. The Department concurs with this concern and recommends a condition requiring details of the privacy screens to be provided for the Secretary's approval.

**Separation to other buildings**

The separation distance between the proposed residential component and hotel building on Woodburn Street is 10.5 metres, which is 1.5 metres less than the ADG recommendation of 12 metres.

The Department notes the site is located in an existing urban area where reduced building separation distances are common, as this separation distance is informed by street widths that are often narrow and residential developments are built to the street edge (with no setback).

Given this minor exceedance and the urban environment and relatively narrow street, the Department considers the minor variation is acceptable.

**5.4.2. Private Open Space**

The ADG recommends minimum private open space (POS) areas and depths to enhance the amenity and indoor/outdoor lifestyle for residents (**Table 6**).

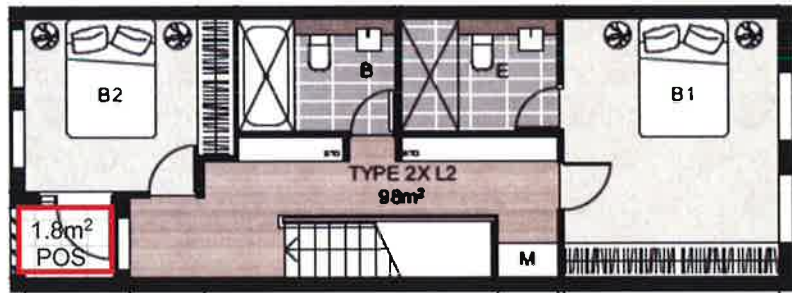
The proposal provides POS to all apartments in the form of balconies or private gardens, and 16 of the 19 proposed apartments (84%) comply with the minimum area and depth for balconies / courtyards. The three apartments that do not comply are all on the ground floor and detailed in **Figures 22 to 24** and **Table 6**.

**Table 6:** Minimum private open space areas

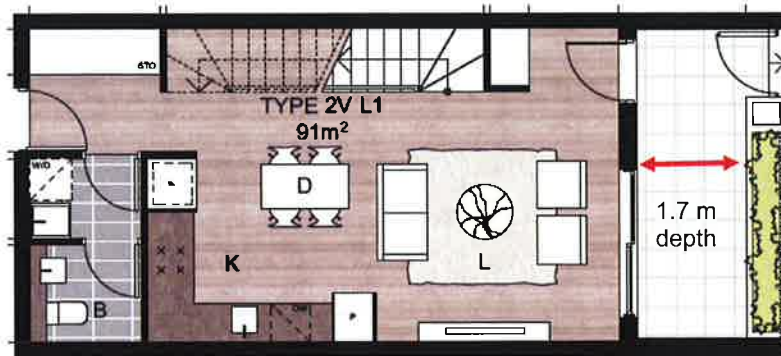
Apartment	Type	POS area required	POS area provided	POS depth required	POS depth provided
G.1 ( <b>Figure 22</b> )	2 bedroom	15 m <sup>2</sup>	9.5 m <sup>2</sup>	3 m (or 2 m if located above ground floor)	1.7 m
G.2 ( <b>Figure 23</b> )	2 bedroom	15 m <sup>2</sup>	complies	3 m (or 2 m if located above ground floor)	1.7 m
G.3 ( <b>Figure 24</b> )	3 bedroom	15 m <sup>2</sup>	14.7 m <sup>2</sup>	3 m (or 2.4 m if located above ground floor)	1.5 m

The Department notes the ground floor apartments do not meet the minimum depth guidelines of 2 m and 2.4 m (for two and three bedroom apartments) that would otherwise apply if they were to be located above ground level. The minimum 2 m depth is important to provide a functional outdoor space, as this is the minimum depth required to provide typical outdoor furniture settings. The Department therefore recommends a condition requiring these units are redesigned to provide POS with a minimum depth of at least 2 m for two bedroom apartments and 2.4 metres for three bedroom apartments.

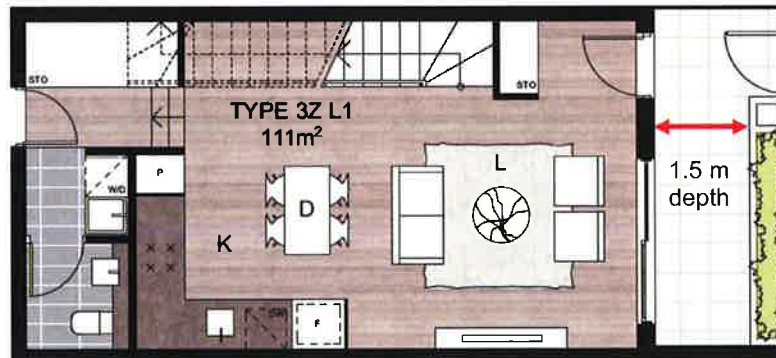




**Figure 22:** Layout of Apartment G.1 ground floor showing private open space. (Source: applicant's amended RtS plans)



**Figure 23:** Layout of Apartment G.2 ground floor showing private open space depth. (Source: applicant's amended RtS plans)



**Figure 24:** Layout of Apartment G.3 ground floor showing private open space depth (Source: applicant's amended RtS plans)

#### 5.4.3. Apartment width and depth

The ADG recommends a maximum depth of 8 m for open plan living and dining rooms, and a minimum living room width of 3.6 m for studio and one bedroom apartments and 4 m for two and three bedroom apartments.

Two of the proposed 19 apartments exceed the building depth guideline (G.1 and 4.1) and four apartments do not meet the width guideline (G.1, G.2, G.4 and 5.1) (**Table 7**). The Department has considered the width of the ground floor apartments' living rooms exclusive of the stairs, as this reflects the effective useable floor space.

**Table 7:** Apartment depths and widths

Apartment	Type	Maximum depth	Depth provided	Minimum width	Width provided
G.1	2 bedroom	8 m	9 m	4 m	3.5 m
G.2	2 bedroom	8 m	complies	4 m	3.9 m
G.4	3 bedroom	8 m	complies	4 m	3.6 m
4.1	accessible studio	8 m	9.5 m	3.6 m	complies
5.1	2 bedroom	8 m	complies	4 m	3.9 m

The apartment depth and width guidelines operate together to encourage good levels of natural light, airflow and the functionality of the apartment layout.

The Department notes, with the exception of apartment G.1, no apartment fails to comply with both the width and depth guidelines, and units comfortably comply with the minimum apartment size guidelines (in some cases, such as the studio, by more than 10m<sup>2</sup>). Requiring a reduction in the apartment depth would reduce the area of these apartments, which in turn would reduce their amenity and functionality.

Two of the four apartments that do not meet the width requirement do so by only 0.1 m. The Department considers these variations minor and acceptable. Whilst Apartment G.4 has a width of 3.6 m rather than 4 m, it is provided with full height windows at both ends of the open plan living and dining room, and would therefore receive good solar access.

However, Apartment G.1 is both 3.5 m wide (rather than 4 m) and 9 m long (rather than 8 m). The Department's review of the proposed layout notes the 3.5 m width is exclusive of the stair case, which would provide light and air flow. The ground floor layout of that unit also demonstrates it can comfortably accommodate furniture and circulation space despite not meeting the recommended width.

The Department considers that the depth and width of the proposed apartments acceptable, notwithstanding their departure from the ADG requirements.

#### 5.4.4. Ceiling height

The ADG recommends ground floor units in mixed use areas have a floor to ceiling height of 3.3 m to allow for future potential commercial or retail conversion. All ground floor units have floor to ceiling heights of 2.7 m, which is the standard for residential developments.

The City of Sydney recommends the ground floor ceiling heights are raised to 3.3 m

Despite the inconsistency with the ADG recommendations, the Department considers the ground floor ceiling height acceptable as the narrow width and laneway character of Woodburn Street and the relatively narrow townhouse typology of the ground floor units means it is unlikely there will future demand for retail units on this elevation or the practical ability to convert those units, notwithstanding the ceiling height. The Department notes the proposal includes two retail/commercial units on Cleveland and Eveleigh Streets, which is likely to meet demand for these uses on the site.

#### 5.4.5. Storage

The ADG recommends the following storage for apartments:

**Table 8:** ADG storage recommendations

Dwelling type	Minimum volume	Minimum volume inside apartment
Studio	4 m <sup>3</sup>	2 m <sup>3</sup>
1 bedroom	6 m <sup>3</sup>	3 m <sup>3</sup>
2 bedroom	8 m <sup>3</sup>	4 m <sup>3</sup>
3+ bedroom	10 m <sup>3</sup>	5 m <sup>3</sup>

The proposal complies with the minimum storage required in apartments, but the amount of storage for each unit in the basement cages is not shown on the plans. The Department recommends a condition requiring amended basement plans that showing that each unit has a minimum storage area of half the ADG requirement (as the other half is provided within apartments).

#### 5.4.6. Deep Soil Landscaping

The ADG recommends that deep soil zones should be provided equivalent to 7% of the overall site area. However, no deep soil zones are proposed.

Council recommends a deep soil zone of 74m<sup>2</sup> (7% of the site area) within the courtyard at the courtyard area of the site.

The Department notes the ADG states that variation to the deep soil zone requirement is possible where a site is located within an urban centre, the ground floor is predominately non-residential and alternative planting is provided.

The Department considers the proposal is acceptable in this regard as:

- the development is located in a dense urban area and it is typical for buildings in such locations to occupy the entire site;
- the site currently has no deep soil zone, so the proposal will not remove any potential for large trees;
- the development includes extensive soft landscaping in the internal courtyard and on the roof deck;
- the ground floor uses are predominantly non-residential; and
- the hydrological impacts of the 100% site coverage will be mitigated by existing and proposed stormwater infrastructure.

#### 5.4.7. Natural ventilation

The ADG recommends:

- all habitable rooms are naturally ventilated with unobstructed windows equivalent to five per cent of the floor area (consistent with the Building Code of Australia);
- single aspect apartments have limited depths and are supplemented with plenums (i.e. chambers within the ceiling cavity that allow air movement in and out of apartments) and light wells; and
- at least 60 per cent of apartments have natural cross-ventilation.

Council considers 57 per cent of apartments are genuinely cross-ventilated, due to restricted air flow paths in four apartments and privacy screens reducing effective window areas.

The applicant contends all of the apartments are cross-ventilated, with 15 of the 19 apartments (79 %) naturally cross-ventilated and the other four cross-ventilated through the use of a plenum.

The Department has considered the views of Council and the applicant and considers 79% of the apartments are genuinely cross-ventilated, as the layout of the apartments provides airflow paths consistent with the indicative paths in the ADG. The Department considers the apartment ventilation appropriate as the cross-ventilation rate comfortably exceeds the ADG requirement.

#### 5.4.8. Conclusion

The Department has carefully considered the internal layout of the proposed development and the resulting residential amenity afforded to future residents.

The Department acknowledges the constraints posed by the site's small size and location in an existing urban area. The proposal meets or exceeds many of the core amenity recommendations in the ADG, including:

- apartment size;
- solar access;
- cross ventilation; and
- communal open space.

The Department acknowledges the proposal does not meet building separation and deep soil planting guidelines, and some apartments do not meet private open space and apartment width and depth guidelines. The proposal meets the visual privacy intent of the building separation guideline through apartment configuration, offsetting opposing floor levels and appropriate screening. The apartment widths and depths allow appropriate light, ventilation, and flexibility of living areas. The POS for Apartments G.1, G.2 and G.3 is not deep enough to be functionally used, and the

Department recommends a condition requiring those apartments' private open spaces are redesigned to meet ADG depth requirements for upper level apartments.

On balance, subject to the condition to improve the ground floor apartments' private open space, the Department considers the proposal is consistent with the intent of the ADG and provides an acceptable level of residential amenity.

### **5.5. Contributions and Public Benefit**

The Redfern-Waterloo Authority Contributions Plan 2006 requires a development contribution of 2% of the cost of the development (CIV) including GST. The CIV for the project is \$17,852,120 (including GST), which equates to a required contribution of \$357,042.40. The Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006 requires an affordable housing contribution of \$82.30 per/m<sup>2</sup> of GFA (indexed annually). As the project proposes 3,923m<sup>2</sup> GFA, the required affordable housing contribution is \$322,862.90 (noting this will be reduced given recommended conditions that reduce the approved GFA).

In addition to these contributions, the applicant has made a public benefit offer to UGDC through a voluntary planning agreement (VPA) of \$327,483.95 to fund public facilities identified in the Works Schedule of the Redfern-Waterloo Authority Contributions Plan 2006. This offer is based on a rate of \$275 per m<sup>2</sup> of non-residential floorspace and \$475 per m<sup>2</sup> of residential floorspace above the maximum FSR for the site. The Department notes the GFA has been reduced from 3.87:1 to 3.7:1 by the RtS, and the conditions requiring a further reduction of the sixth floor and additional POS would further reduce the overall approved GFA. The Department recommends a condition requiring the applicant to enter into a VPA with UGDC on the basis of the above terms at a per square metre rate.

Council's submission to the revised RtS raised concern about the VPA in relation to the GFA non-compliance would set a precedent for future development. The Department notes additional public benefit contributions are commonly used in these circumstances to provide for additional infrastructure demands of the proposed development above that envisaged by the planning controls. The Department notes the *Sydney LEP 2012* allows increased FSRs on certain sites at Green Square if the applicant provides additional development contributions towards community infrastructure by allowing a density bonus above the base FSR. The applicant's offer is based on the monetary rates included in Council's *Development Guidelines – Providing Community Infrastructure in Green Square*.

The Department is satisfied the proposed contributions are in accordance with the relevant contributions plans, and together with the proposed VPA, are supported by UGDC. Conditions are accordingly recommended.

### **5.6. Traffic, Parking and Servicing**

The Department considers traffic, parking and servicing requirements are key considerations for the assessment of the proposal.

Council raises concerns about the ability of local transport infrastructure to accommodate the non-compliant height and FSR, having regard to the possibility that future developments may result in cumulative non-compliant impacts. Council also raise concern in relation to the proposal's waste facilities and collection arrangements.

The application includes a Traffic and Parking Assessment Report, which assesses the likely traffic generation and parking demands of the proposal.

Having considered the application and issues raised in submissions, the Department considers the key transport and servicing issues are:

- car parking rates;
- bicycle parking rates;
- traffic generation; and

- servicing and waste collection.

### 5.6.1. Car Parking

The proposal provides 26 car parking spaces within the basement. 13 are intended for use by the residential apartments and 13 for the hotel and retail uses. The car park is accessed from Eveleigh Street, which is one-way northbound at the access location. Vehicles would therefore approach the site from the south and depart to the north.

The SSP SEPP does not set a required car parking rate for Redfern-Waterloo projects. The Department has therefore considered the requirements of the ADG for the residential component of the project. The ADG defers to the minimum parking requirements in the *Guide to Traffic Generating Developments* or the car parking provisions of the local council, whichever is the lesser. For completeness, the Department has considered the proposal against both the *Guide to Traffic Generating Developments* and the Sydney LEP in assessing the adequacy of the commercial parking.

Table 9: Car parking rates

Building component	Required car parking spaces		Proposed
	Guide to Traffic Generating Developments (minimum)	Sydney LEP 2012 (maximum)	
Residential	11 (residents)	10.4 (residents)	13
	3 (visitors)	3.2 (visitors)	
	<b>14</b>	<b>14</b>	
Commercial / Retail	18 (hotel)	18 (hotel)	13
	0.4 (commercial)	1.4 (commercial)	
	<b>18.4</b>	<b>19.4</b>	
<b>Total</b>	<b>32.4</b>	<b>33.4</b>	<b>26</b>

The proposed residential parking rate is marginally non-compliant with the ADG, as it is one space below the minimum rate in the *Guide to Traffic Generating Development*. However, the Department notes it complies with the Sydney LEP maximum. The proposed commercial rate is also less than the *Guide* minimum but is below the Sydney LEP maximum.

The site is located in close proximity to Redfern Railway Station (400m), Central Railway Station and Broadway bus services (700m) and bus services on adjoining and nearby roads. The Department has an established approach to rationalise the provision of car parking in areas well served by public transport and other services. Therefore, the Department considers a lower parking provision is appropriate for the site as it is close to rail and bus services, and education and employment opportunities.

### 5.6.2. Bicycle Parking

The proposal provides 86 bicycle spaces within the two level basement. The proposal complies with the bicycle parking requirements in the *Sydney Development Control Plan 2012*, and the recommendations of Transport for NSW, which require 30 spaces.

The Department supports the high level of bicycle parking to encourage future residents and visitors to use sustainable transport.

### 5.6.3. Traffic Impacts

The Traffic and Parking Assessment Report considered the proposal's likely traffic generation. The traffic, based on the originally submitted proposal (i.e. 29 apartments, 76 hotel rooms and one 73m<sup>2</sup> commercial tenancy). It found that the proposal would generate approximately 18.5 peak hour vehicle trips and concluded this would have an acceptable traffic impact.

The proposal has been revised and now comprises 19 apartments, 76 hotel rooms, one 69m<sup>2</sup> commercial tenancy and one 55m<sup>2</sup> retail tenancy. This equates to 17 vehicle trips per peak hour.

The Traffic and Parking Assessment Report contends the low volume of peak hour vehicle movements would have little impact on the surrounding road network.

The Department concurs with this view. The 17 vehicle trips equates to one trip every 3.5 minutes. This volume of traffic would not cause an appreciable impact on the surrounding local or State road network. The Department notes RMS, the Cleveland Street road operator, has not raised operational traffic matters in its submission.

#### 5.6.4. Access and Servicing

The proposal includes one loading space to be shared between the residential and hotel components of the site. The *Guide to Traffic Generating Developments* specifies one space for the residential component of the site and notes that an appropriate amount of servicing space should be provided for the hotel component.

The Department notes the hotel use does not include food and drink options that would require frequent restocking. The servicing needs are not likely to be frequent and the shared space is considered sufficient to serve the hotel and residential use.

Council noted waste collection facilities are not consistent with Council's waste design guidelines. These include not providing a waste chute, which Council recommends for buildings greater than three storeys, and the travel distance from the waste room to the street-side collection point exceeds 10 metres.

The Department has considered these concerns and notes that the purpose of a waste chute is to prevent congestion and mess in lifts. The proposal has 19 apartments (three or four apartments per floor) which could be expected to generate two waste disposal trips per apartment per day, for a total of 38 waste disposal trips. The combination of one waste disposal trip with another journey (e.g. to work) would result in a small number of waste disposal trips. The Department therefore considers the proposed design will not place undue demands on the lift and is acceptable.

The distance from the external door of the residential bin room to the street collection point is ten metres. This complies with Council's *Waste Minimisation Policy 2005*. The floor of the bin room is above street level, necessitating a ramp to provide access from the bin storage room to the external door. This ramp is located within the bin storage room which adds five metres between the street collection point and the bin storage room. The Department notes the full travel distance of 15 metres is inconsistent with Council's standards.

However, the small size of the residential scheme means there are likely to be a smaller number of bins. It is therefore considered reasonable to move these bins between the bin room and the collection point should the need arise. The Department notes the small size of the scheme and the competing needs to activate street frontages and to allow vehicular access to the basement restrict the ability to relocate the bin room. The waste disposal and collection facilities are therefore considered to be acceptable.

#### 5.6.5. Conclusion

The Department is satisfied the site is appropriately served by off-street parking spaces given the site's CBD fringe location and ready access to rail and bus transport. The relatively low traffic generation anticipated by the project will not significantly impact on traffic in the surrounding area.

The Department acknowledges the proposed service area design does not strictly comply with Council's waste collection policy in terms of waste chutes and distance from waste room to the street. However, the modest size of the proposal would allow waste distribution and collection to occur without significant amenity impact on the building or the surrounding area. The Department considers the proposal's waste servicing acceptable.

### **5.7. Other Issues**

<b>Issue</b>	<b>Department's Comment</b>
<b>Noise – Residential Amenity</b>	The proposal is located adjacent to a State road (Cleveland Street) and is 25m from a rail corridor. In accordance with the <i>State Environmental Planning Policy (Infrastructure) 2007</i> , the consent authority must not grant consent for residential development unless it is satisfied that appropriate measures will be taken to ensure noise levels will not exceed

	<p>35 decibels (dB) in any bedroom at any time between 10.00pm and 7.00am, and 40 dB in any other habitable room at any time.</p> <p>The applicant's acoustic report noted all residential apartments will meet the requirement subject to the provision of appropriate acoustic glazing. Bedrooms facing the internal courtyard will meet the requirement with windows open, but rooms facing Woodburn Street will need to have windows closed to meet the noise criteria and may require supplementary mechanical ventilation.</p> <p>The Department has considered the recommendations of the noise report in relation to potential noise impacts from Cleveland Street on the residential amenity of the apartments. The Department notes the planning controls envisage residential uses on the site, and these are located to front Woodburn Street away from Cleveland Street in order to minimise any noise impacts to apartments. Nevertheless, consistent with the recommendations of the noise report, the Department recommends a condition requiring the provision of acoustic glazing and mechanical ventilation for the bedrooms facing Woodburn Street. This will provide residents with the opportunity to close windows and/or doors for acoustic privacy or keep them open for ventilation should residents wish.</p>
<b>Noise – Mechanical Plant</b>	<p>The acoustic report also outlines <i>Industrial Noise Policy</i> and City of Sydney requirements from mechanical noise generated by the proposed development on neighbouring buildings (e.g. air conditioning and car park ventilation.) The acoustic report does not assess the proposal against these requirements as specific plant items have not been specified. The Department considers the risk of significant mechanical noise impacts to be low. The Department recommends a condition limiting plant noise to background plus three decibels.</p>
<b>Noise – Roof Deck</b>	<p>One public submission raised concern about noise impacts of the roof deck, particularly if it is used for functions and events.</p> <p>The Department has addressed noise from the roof deck by recommending a limit to the hours of use, noting there are limited other means of controlling human voice noise in an open area. The applicant's Plan of Management for the hotel use proposes limiting hours of use for the deck to 8am to 10pm on Sundays to Thursdays and 8am to 12am on Fridays and Saturdays. The Department considers use of the deck until 12am as excessive given the proximity to residential receivers and recommends a condition limiting the use of the roof deck to 8am to 10pm daily. The Department also recommends conditions prohibiting the use of amplified music or PA systems on the roof deck, and limiting its use to residents or guests of the hotel and apartments.</p>
<b>Heritage</b>	<p>The proposal was accompanied by a heritage impact statement (HIS) and an historical archaeological impact assessment (HAIS).</p> <p>The HIS noted that there are no State or local heritage items located on the site. It assessed the buildings on the site in accordance with <i>Burra Charter</i> criteria and found there is no heritage significance of these buildings.</p> <p>The HAIS concludes there are areas of moderate local archaeological potential on the site, associated with structures present on the site prior to the current buildings. The Department recommends conditions requiring appropriate archaeological monitoring consistent with HAIS and Heritage Division recommendations.</p>
<b>Aboriginal Heritage</b>	<p>The application includes an Aboriginal cultural heritage assessment that concludes there are unlikely to be any Aboriginal objects on the site and a low risk of harming Aboriginal objects.</p> <p>OEH raised concerns about the evidence presented for the low expectation of Aboriginal objects, and the lack of consultation with relevant Aboriginal stakeholders.</p> <p>The applicant responded to this concern by noting excavation would occur under monitoring recommended by the Heritage Division for historic archaeology.</p> <p>The Department has reviewed the Aboriginal cultural heritage assessment and the historical archaeological impact assessment to understand previous land uses on the</p>



	<p>site. The Department is satisfied previous land uses included excavation or soil fill that would remove remnant Aboriginal objects, and considers the Aboriginal heritage impacts are acceptable, subject to the assessment's recommended conditions relating to procedures in the event of finding unexpected Aboriginal objects.</p>
<b>Contamination</b>	<p>A Phase 2 Contamination Assessment was undertaken by Geo-Environmental Engineering. The report concludes there is some localised soil contamination on site, including heavy metal (lead), carcinogenic PAHs and organochloride pesticides. The assessment concludes the contamination can be sufficiently remediated for the proposed residential use.</p> <p>A remediation action plan (RAP) was submitted with the RtS.</p> <p>Council requested that a stage 1 Site Audit Statement or Letter of Interim Advice from an EPA-accredited site auditor was provided.</p> <p>The revised RtS included the Letter of Interim Advice and Council considers this issue resolved. The Department is satisfied the site can be made suitable for the proposed development and recommends conditions related to remediation and validation.</p>
<b>Construction Impacts</b>	<p>The EIS includes a Construction Management Plan. This contains high-level consideration of construction impacts including noise and vibration, air and dust management, stormwater and sediment control, waste, and traffic management.</p> <p>The Department recommends conditions of consent controlling construction hours and noise levels, and requiring a Construction Environmental Management Plan, Construction Traffic Management Plan and Construction Noise and Vibration Management Plan.</p>
<b>Landscaping</b>	<p>The proposal includes a landscaping plan. The plan includes appropriate species for the differing light conditions on site. A continuous irrigation system will be installed.</p> <p>The Department considers the landscaping appropriate, however, the landscaping plans depict the originally lodged application (i.e. they have not been updated to reflect the building design changes). The Department therefore recommends a condition requiring the landscaping plan to be updated to reflect the approved building design.</p>

## 5.8. Consideration of key issues raised in submissions from Council and the public

Table 10 presents the key issues raised in the public and Council submissions (as summarised in Section 4), and how the Department has considered each issue.

**Table 10:** Consideration of key issues raised in submissions from Council and the public

Concerns raised	Department comments
<p>Exceedance of height and FSR controls</p> <p>(Council submission)</p>	<ul style="list-style-type: none"> <li>• The Department considers that whilst the proposal varies from the height and FSR controls, it provides an appropriate design noting that: <ul style="list-style-type: none"> <li>○ the part of the building that exceeds the height control is either set back or will not be visible from the street;</li> <li>○ when viewed from the street, the proposed building size and design is consistent with the desired future character of the area, as expressed in the height and FSR controls (i.e. the building predominantly appears as a five storey building); and</li> <li>○ the additional height and floor space does not adversely impact on the amenity of surrounding land uses, subject to a condition requiring amendments to the sixth storey to reduce overshadowing impacts to an adjacent deck area. <b>(Section 5.3)</b>.</li> </ul> </li> </ul>
<p>Residential FSR non-compliance</p> <p>(Council submission)</p>	<ul style="list-style-type: none"> <li>• The Department notes the proposal seeks additional FSR to that allowed by the controls, however accepts the proposed land use mix is consistent with zone objectives in the SSP SEPP and the ratio of residential to non-residential land uses is also consistent with that SEPP. <b>(Section 5.2)</b>.</li> </ul>

<p>Overshadowing of neighbouring properties</p> <p>(Council and one public submission)</p>	<ul style="list-style-type: none"> <li>• The Department considers that while the proposal will overshadow parts of the neighbouring apartment building at 167-173 Cleveland Street (to the west of the site), the impacts to apartments are short-lived (i.e. will last slightly more than one hour) and consistent (if not marginally less) with those caused by the approved / compliant scheme. <b>(Section 5.3)</b>.</li> <li>• The Department does not support the proposal's overshadowing impact on 6-8 Woodburn Street as this exceeds the impacts envisaged by the planning controls for the site. The Department recommends a condition to reduce the bulk of this building to minimise the overshadowing impact. <b>(Section 5.3)</b></li> </ul>
<p>Proposal will block boundary windows of neighbouring apartment</p> <p>(Council and one public submission)</p>	<ul style="list-style-type: none"> <li>• The Department considers the proposal acceptable despite blocking two windows in the residential building at 6-8 Woodburn Street because: <ul style="list-style-type: none"> <li>○ the apartment has generously proportioned alternative windows / balcony doors that provide more than two hours' direct sunlight in midwinter;</li> <li>○ the location of the windows on the boundary with no setback makes them reliant on borrowed amenity and vulnerable to loss of this amenity; and</li> <li>○ potential mitigation solutions, such as a lightwell, would not be effective as the depth of the lightwell (2-3 storeys) would not preserve the outlook or provide substantial solar access. <b>(Section 5.3)</b></li> </ul> </li> </ul>
<p>Compliance with ADG requirements</p> <p>(Council submission)</p>	<ul style="list-style-type: none"> <li>• The Department considers the proposal is consistent with the key guidelines in the ADG despite Council's concerns about compliance with building separation, cross-ventilation and private open space.</li> <li>• Whilst the proposal varies from the building separation guideline, this separation is provided across an internal courtyard space and the building has been designed to appropriately mitigate privacy impacts by: <ul style="list-style-type: none"> <li>○ providing privacy screens and treatments for the windows facing into the courtyard; and</li> <li>○ orientating the living areas of the apartments away from the internal courtyard toward the street-facing elevations.</li> </ul> </li> <li>• The Department's assessment has found the proposal provides cross-ventilation in excess of ADG guidelines, and recommends a condition to increase the size of some ground floor apartments' private open space. <b>(Section 5.4)</b></li> </ul>
<p>Voluntary Planning Agreement for additional floor space</p> <p>(Council submission)</p>	<ul style="list-style-type: none"> <li>• The Department considers the offer to enter into a VPA is an appropriate mechanism to provide infrastructure to support additional population despite Council's concern about accepting a public benefit offer in return for allowing a breach of development standards. <b>(Section 5.5)</b></li> <li>• The Department notes the monetary contributions provided through the VPA will fund public facilities identified in the Works Schedule of the Redfern-Waterloo Authority Contributions Plan 2006.</li> <li>• The Department's assessment demonstrates the proposed height and FSR are acceptable (or can be made so subject to conditions), notwithstanding the inconsistency with development standards. VPAs are commonly used mechanisms to transparently provide additional contributions for infrastructure.</li> </ul>
<p>Use of roof deck may cause noise impact</p> <p>(Public submission)</p>	<ul style="list-style-type: none"> <li>• A public submission considered the proposed late night (to midnight) use of the residential and hotel roof decks may cause excess noise.</li> <li>• The Department has considered the noise impacts and required mitigation of this impact though conditions limiting use of the deck to 10 pm and prohibiting use of amplified music or loudspeakers and restricting access to the rooftop to apartment residents and hotel guests. <b>(Section 5.7)</b></li> </ul>

## 6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied the impacts have been satisfactorily addressed within the applicant's EIS, RtS and the Department's recommended conditions.

The proposal has been amended twice, following discussions with the Department and Council. Changes to the originally proposed development include the deletion of a seventh storey on the Woodburn Street elevation, increased sixth storey setbacks to the Woodburn and Eveleigh Street elevations, and ground level changes to improve the building's relationship to the public domain.

Despite a number of issues being resolved through this process, Council maintains its objection to the revised proposal, citing key issues as non-compliance with (residential and total) FSR and height requirements, separation between the residential and hotel components of the building, and consistency with the ADG. Department has given careful regard to these issues and also the concerns raised in the two public submissions that objected to the proposal on grounds of amenity impacts.

The key issues considered in the Department's assessment are the quantum of the residential component, the impacts associated the proposed height, bulk and scale; urban design; and residential amenity for future occupants of the building.

The Department considers the quantum of residential floorspace (FSR 1.35:1) allows for a predominantly non-residential mixed use development and remains consistent with the objectives of the zone. Therefore this amount of residential floorspace is considered to be acceptable despite exceeding the maximum residential land use FSR of 1:1 provided in the SSP SEPP.

Whilst noting the proposal exceeds the height (5 storey) and FSR (3:1) controls, the Department considers the proposal has been carefully designed to sit comfortably within the character of the area. The six storey corner element to Cleveland Street is a positive design response for the site as it presents a strong sculpted architectural corner element to the streetscape. Importantly the building will present as a five storey building when viewed from the public domain at ground level on Eveleigh and Woodburn Streets.

The proposal also exhibits a high quality of architectural design, including building facades that respond to the building's setting and different functions, articulate the bulk of the building, and add visual interest to the streetscape. The introduction of glazed shopfronts and three active uses at ground level integrates the building with the public domain. The proposal therefore reflects the desired future bulk and scale character of the streetscape as reflected in the controls.

The Department's analysis of the overshadowing impacts to adjoining properties caused by the proposal has identified that further reduction/setback of the proposed upper/sixth floor is required to reduce the impacts to the roof-top deck area on the adjoining property, and has recommended a condition accordingly.

The proposal is consistent with Apartment Design Guide requirements and meets or exceeds apartment size, solar access and cross ventilation guidelines which are key determinants for residential amenity for future occupants. The Department also recommends a condition to increase the private open space of three apartments. The Department notes Council's concern that the proposed internal courtyard does not meet building separation distances. The Department's analysis identifies the residential apartments' floor levels are offset from the hotel rooms and are oriented toward the streetscape, and is satisfied the proposal has appropriate measures to mitigate privacy impacts.

The Department's assessment has found the proposal is consistent with the strategic intent for the renewal of the Redfern-Waterloo area and is an appropriate development. The Department recommends the application be approved, subject to conditions.

## 7. RECOMMENDATION

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It is RECOMMENDED that the Planning Assessment Commission:

- **consider** the findings and recommendations of this report;
- **form the opinion** that the objections under *State Environmental Planning Policy No 1 (Development Standards)* to the maximum height and floor space ratio standards, under the *State Environmental Planning Policy (Major Development) 2005* are well founded and that strict compliance with the development standards is unreasonable and unnecessary in the circumstances; and
- **approve** the development application subject to conditions in accordance with section 89E of the *Environmental Planning and Assessment Act 1979*.

Prepared by Alexander Scott

Endorsed by



Ben Lusher  
Director  
Key Sites Assessments

Endorsed by



Anthea Sargeant  
Executive Director  
Key Sites and Industry Assessments