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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-972073

INDEPENDENT PLANNING COMMISSION

MEETING WITH COUNCIL

**RE: STATE SIGNIFICANT DEVELOPMENT CONSENT 7064 FOR A MIXED-
USE DEVELOPMENT AT 175 TO 177 CLEVELAND STREET AND 1 TO 5
WOODBURN STREET, REDFERN**

PANEL: **STEVE O'CONNOR**
WENDY LEWIN

ASSISTING PANEL: **ANDREW McANESPIE**
DAN KEARY
BRENT DEVINE

COUNCIL: **SHANNON RICKERSEY**

LOCATION: **IPC OFFICE**
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES

DATE: **10.01 AM, WEDNESDAY, 5 DECEMBER 2018**

MR S. O'CONNOR: Good morning and welcome, everyone. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders, past, present and emerging. Welcome to the meeting today on the application to modify State Significant Development Consent 7064 for a mixed-use development at 175 to 177 Cleveland Street and 1 to 5 Woodburn Street, Redfern. The modification application seeks approval for internal changes to the approved development, including the following: an additional 280 square metres of retail and commercial ground floor space; layout changes to the approved retail and commercial tenancies; provision of a hotel reception area; and additional residential communal open space.

My name is Steve O'Connor. I am the chair of the IPC panel and joining me today on the panel is Wendy Lewin. The other attendees are at the end of the table, Andrew McAnespie from the Commission Secretariat, Dan Keary and Brent Devine from Keylan Consulting, who are assisting the Commission Secretariat on this project. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

The meeting is one of the Commission's decision-making processes. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the Commission will base its final decision. It is important for the Commissioners to ask questions of attendees to clarify issues whenever we consider it appropriate. If you are asked a question and are not in a position to answer, please, feel free to take the question on notice and provide any additional information in writing, which we will then put on our website. So, now that the formalities are out of the way, we can begin.

We might just start, if you don't mind, Shannon, with you saying who you are and where you're from, and then we will just go around the room. That helps the transcript.

MR S. RICKERSEY: Sure. So Shannon Rickersey from the City of Sydney, part of the major projects planning team.

MR O'CONNOR: Thanks, Shannon. Up to you, Andrew.

MR A. McANESPIE: Andrew McAnespie, Senior Planning Officer, Commission Secretariat.

MR B. DEVINE: Brent Devine, Keylan Consulting.

MR D. KEARY: Dan Keary, Keylan Consulting.

MS W. LEWIN: Wendy Lewin, IPC Commissioner.

MR O'CONNOR: And Steve O'Connor, IPC Commissioner, as well. So if we can hand over to you to just outline – we've had the opportunity to read the submissions, but if you just wouldn't mind summarising and - - -

5 MR RICKERSEY: Yes.

MR O'CONNOR: That would be great.

10 MR RICKERSEY: So, I guess, the submissions we've made in respect of the modification were along similar lines to the concerns that were raised in the original application - concerns that were raised by council. And the main aspects were the increased floor space above – first of all, above the FSR standard and, as part of the modification, above that that was approved. And then also as part of this
15 modification, in terms of objecting to the explanation – the applicant's explanation for the increased FSR. And now that we've had the chance – the opportunity to review the department's assessment, just some shortcomings that we feel there is in terms of the explanation for the increased FSR and also the adequacy of the justification in terms of the variations that have been proposed.

20 So just to detail those a little bit more, in terms of the objections to the increased FSR, we do note that the original application proposed an FSR of 3.35 to 1. That proposal was not supported by council and eventually was a refused application. The approved FSR was 3.25 to 1, and this proposed modification is now proposing an
25 FSR of 3.5 to 1, which is more than what was originally proposed as part of the application that was finally assessed. So there's concerns raised in terms of the increase that is being proposed, and the overall appropriateness of the approved building form if this additional 280 square metres of additional floor area can be added to the development within the approved envelope and the adequacy of the explanation in terms of where this area is coming from in terms of the – both the
30 applicant's explanation and the department's assessment.

78 square metres has been described as being part of the retail area, as part of the decking area that was to be deleted in terms of the conditions of consent. This 78 square metres forms only a small portion of the overall 280 square metre increase.
35 There's infilling of voids and other spaces that are not adequately explained by the applicant or the department's assessment report. And the City's position is that if these areas are no longer required then the overall massing of the development should be reduced rather than being infilled. The wine bar has been increased dramatically in size from approximately 100 square metres to 254 square metres.
40 There is no assessment of this impact within the department's assessment report. There is - - -

MR O'CONNOR: Could you just give me those figures again, please. It's increasing from and to - - -

45

MR RICKERSEY: Roughly 100 square metres in the original approval. I think it was a bit less than that.

MR O'CONNOR: Yes.

MR RICKERSEY: To – I think the plan is 254 square metres.

5 MR O'CONNOR: Thanks.

MR RICKERSEY: We would also submit that there is not a rigorous explanation or the assessment of the variation of the FSR development standard akin to that for a SEPP 1 variation or a clause 4.6 variation. And whilst we note in the assessment
10 report it has noted that this is not required for a modification application, we think that, given the not insubstantial increases to floor space, it would be considered best practice to include a similar assessment of the proposed variation, given the history of the approval and the fact that this is not only undoing elements of the approved development but going beyond the FSR that was originally proposed. And, in effect,
15 it's effectively circumventing the whole variation process.

Two other comments I would just make in terms of the recommended conditions. Condition A13 should be updated to reflect the updated value of the project and the modifications. And there's also an error in condition A12 in that it should refer to
20 condition B8 rather than B5. And this would be an opportunity to correct that minor error.

MR O'CONNOR: Can you go back and do that one again for me?

25 MR RICKERSEY: Yeah, sure. So condition A12, which is - - -

MR O'CONNOR: Yeah.

MR RICKERSEY: - - - the contribution condition as well, it refers to condition B8
30 rather than referring to condition B5.

MR O'CONNOR: Thanks.

MR RICKERSEY: So it should refer to condition - - -
35

MS LEWIN: Should be - - -

MR RICKERSEY: - - - B8 rather than E5. Yeah. So those are the main points I just wanted to put forward in terms of our objections to the proposed modifications.
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MR O'CONNOR: Thank you. I guess, Wendy, any comments or questions you would like to make?

MS LEWIN: Well, we've been investigating the plans in relation to compliance issues and so on. I'm sure that's been considered by council as well at this early stage. Primarily BCA requirement says you start to investigate the modified proposal. But with that, we would just like to understand, if you're able to explain to
45

us, how does council organise the commercial waste to contractors to pick up and remove waste? For example, this new – there seems to be an issue with the proposed relationship of the waste store being directly accessible from a fire isolated corridor, and the frequency of – how would that be organised by council?

5

MR RICKERSEY: So council does residential pickups. Commercial are arranged by whoever the operator is.

MS LEWIN: Right.

10

MR RICKERSEY: From council's point of view, we prefer onsite collection where it's possible, and for the vehicle to be able to enter and exit - - -

MS LEWIN: Yes.

15

MR RICKERSEY: - - - in a forward direction and for them to do all of the loading and unloading within the site. So that's our first preference. Obviously, there's locations in the city, etcetera, where that's not possible, but I think – I mean, I haven't read our submissions, if we made submissions on that originally. It's not something that we raise now. But – yeah. That would be kind of our point of view on those things.

20

MS LEWIN: Yeah. There may be two issues related to that. One, of course, is safety in terms of egress and fire risk. The other is to do with the residential amenity. Of course, that – that would be addressed or would have to be addressed by the private contractor, I suppose, but we're just wondering about the movement of commercial waste and the consideration of BCA requirements. Have there been any other submissions that you're aware of that haven't been formalised to do with the increased area in the wine bar from a public amenities point of view?

30

MR RICKERSEY: Submissions to council from the

MS LEWIN: Has it – yes.

35

MR RICKERSEY: Not that I'm aware of.

MS LEWIN: Not that you're aware of. Right.

40

MR O'CONNOR: I've just got a question around car parking, which doesn't seem to have been raised by council or the department, but there is additional retail floor space proposed in this modification, which presumably will have a traffic generating aspect to it. Yet there doesn't seem to be any mention about additional car parking being provided.

45

MR RICKERSEY: Council's controls are maximums for car parking, so we wouldn't necessarily require an increase if they're not proposing additional commercial spaces. That's probably not something we would have an objection to.

MR O'CONNOR: But they are proposing additional commercial space.

MR RICKERSEY: No, no. Additional car parking space.

5 MR O'CONNOR: Right. Okay.

MR RICKERSEY: Yes. Sorry. Yeah.

10 MR O'CONNOR: So you would probably object if there was additional car parking being proposed?

MR RICKERSEY: Only if it was – only if it was above the maximums in our controls.

15 MR O'CONNOR: Right.

MR RICKERSEY: Yeah.

20 MR O'CONNOR: Okay. Thanks. Are there any questions down that end of the table, Andrew, Dan or Brent?

MR KEARY: Yes.

25 MR O'CONNOR: Thank you.

MR KEARY: I have a question. Shannon, you mentioned that even though it's a modification that doesn't require a SEPP 1 or a clause 4.6, you would like to see a similar level of assessment. I'm just wondering how that would be carried out, given there's actually no objectives for the floor space control in the instrument.

30 MR RICKERSEY: Yeah. So I think in our previous – in our previous submission, whilst we did note that there's no - - -

35 MR KEARY: Yeah.

MR RICKERSEY: - - - particular objectives for the FSR in those – in that particular instrument, we think it can be inferred based on similar other instruments that contain FSR standards.

40 MR KEARY: Right.

MR RICKERSEY: And, you know, general bulk and scale type things as well as infrastructure delivery.

45 MR KEARY: Yes. Yes.

MR RICKERSEY: Those are all things that can kind of be considered as part of an FSR assessment.

5 MR KEARY: And the concerns raised by council largely seem to be sort of procedural issues. Are there particular merit concerns you have with the additional GFA in terms of amenity impacts? I mean, Steve mentioned car parking and traffic, which you've responded to. I mean, there's no impacts on the external built form of the building. Are there particular merit concerns with that additional GFA that council has?

10 MR RICKERSEY: So, I mean, going back to our original submissions with the original application, we were obviously objecting to the FSR that was above the control, which resulted in that increased building form.

15 MR KEARY: Yeah.

MR RICKERSEY: Concern is now that effectively this has been circumvented by the infilling of some of these areas, which is – has not been adequately explained in the application, and so as you say, we are concerned to some degree from a
20 procedural point of view, because it feels as if this is circumventing the previous consideration of the application, and now it's – I think it's – the lack of adequacy of some of the justification and then assessment of these increased FSR in terms of what impacts they may have – I think a lot of that assessment has been glossed over. There has been a focus on the additional detail area, which is – has seen to be
25 addressing the impacts in terms of the impacts to residential above - - -

MR KEARY: Yeah.

MR RICKERSEY: - - - from this area that's been deleted, but the other increased
30 areas which are actually larger have not been discussed or assessed in detail.

MR O'CONNOR: And you think that's the case both in the submission that supported the modification and in the department's assessment report.

35 MR RICKERSEY: Correct, yeah.

MR O'CONNOR: So, in effect, you have a concern this is perhaps a backdoor way of trying to get additional floor space.

40 MR RICKERSEY: Effectively.

MR O'CONNOR: When you're not successful the first time around.

MR RICKERSEY: Effectively, yeah.

45 MR O'CONNOR: Yeah. Okay. That satisfy your - - -

MR KEARY: Yeah, thanks.

MR O'CONNOR: - - - questions, Dan?

5 MR KEARY: Yeah.

MR O'CONNOR: I don't think there's anything else - - -

MS LEWIN: No.

10

MR O'CONNOR: - - - that we have, thanks, Shannon, unless you've got any questions of us.

MR RICKERSEY: That's all I have.

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MR O'CONNOR: Okay. Well, in that case, I thank you for your attendance and formally close this part of the meeting. Thank you.

20 **MEETING CONCLUDED**

[10.17 am]