

**397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre
(Approx. 170 dwellings and 250 jobs)**

Proposal Title :	397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre (Approx. 170 dwellings and 250 jobs)		
Proposal Summary :	The planning proposal seeks to increase building height, include a new site specific clause to allow design excellence for additional building height only, exclude 4.6 variations and remove the site from the Baptist Street Heritage Conservation Area.		
PP Number :	PP_2017_SYDNE_005_00	Dop File No :	17/05347

Proposal Details

Date Planning Proposal Received :	03-Apr-2017	LGA covered :	Sydney
Region :	Metro(CBD)	RPA :	Council of the City of Sydney
State Electorate :	SYDNEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	397-399 Cleveland Street		
Suburb :	Redfern	City :	Sydney
Land Parcel :	Lot 1 DP 72567 and Lot 2 DP 112938		
Street :	399A Cleveland Street		
Suburb :	Redfern	City :	Sydney
Land Parcel :	Lot 31 DP 1223099		
Street :	2-38 Baptist Street		
Suburb :	Redfern	City :	Sydney
Land Parcel :	Lot 1 DP 1107252		

DoP Planning Officer Contact Details

Contact Name : **Mary Su**
Contact Number : **93732807**
Contact Email : **mary.su@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Christina Heathers**
Contact Number : **92885945**
Contact Email : **cheather@cityofsydney.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 170 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 250

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The site is located in Redfern in the City of Sydney Local Government Area. Redfern and Central stations are about 1.2 kilometres west and north-west of the site. The future South East Light Rail Line will include a stop at the corner of Devonshire and Marlborough Streets, about 500 metres to the north of the site. The site is also located about one kilometre to the east of Prince Alfred Park and about 500 metres to the west of Moore Park.**

The site is irregular in shape and has a total area of about 12,244 square metres. Existing development on the site consists of a single-storey building, with a total gross floor area of

397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre
(Approx. 170 dwellings and 250 jobs)

about 5,385 square metres of retail and non-retail uses. This comprises a Coles supermarket of about 3,100 square metres of gross floor area, various specialty retail shops with a combined 1,800 square metres of gross floor area and non-retail uses of about 485 square metres of gross floor area. Pedestrian access into the building is via Cleveland Street, Baptist Street and the car park area.

The site is within the Baptist Street Heritage Conservation Area and contains a local heritage item located on the corner of Baptist and Cleveland Streets. It comprises a two-storey Federation building previously occupied by the former Bank of NSW.

The surrounding context varies in land use and built form. The NSW Police Force Stables is to the east and is a local heritage item. Two storey terrace housing fronting Baptist and Boronia Streets adjoin the site at its southern boundary. The western side of Marriott Street is lined with single storey residential terraces. Cleveland Street contains a mixture of retail, business and residential uses in two to three-storey buildings.

External Supporting
Notes :

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate as the matter is of local significance.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The statement of objectives states that the planning proposal will enable the redevelopment of 397-399 Cleveland Street and 2-38 Baptist Street, Redfern so that:

- an appropriate mix of residential, retail and commercial uses can achieve the maximum floor space permitted under existing controls and meet the B2 Local Centre zone objectives;
- an appropriate transition in building height, bulk and scale can be achieved across the site that responds the heritage conservation area characteristics and existing residential surrounding the site;
- the existing maximum floor space ratio of 2:1 permitted on the site can be better accommodated so impacts on surrounding uses are reduced and maintained within acceptable levels;
- the delivery of market housing is facilitated in an area with good access to public transport, social infrastructure, employment opportunities, goods and services;
- new buildings achieve design excellence and improve the amenity and existing contribution of the site to the surrounding area;
- new development responds appropriately to the surrounding built form context and provides an appropriate transition between existing lower-scale development surrounding the site;
- new public through-site links can be created to increase permeability through and around the site; and
- existing neighbouring properties receive adequate solar access.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

To achieve the intended outcomes, this planning proposal seeks to amend Sydney Local Environmental Plan 2012 as follows:

**397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre
(Approx. 170 dwellings and 250 jobs)**

- amend the Height of Buildings Map Sheet 16 to change the building height control from 15 metres to a maximum 22 metres along Cleveland Street, 25 metres along Baptist Street, and 18 metres along Marriott Street. The building height on the south-west corner of the site will be reduced from 12 metres to three metres.
- amend Division 5 Site Specific Provisions to include a site-specific clause specifying that a building demonstrating design excellence on the site is eligible for an increase to the maximum building height under clause 6.21, but not an increase to the maximum floor space ratio.
- amend clause 4.6(8) so that the maximum floor space ratio for the site cannot be varied.
- amend Division 5 Site Specific Provisions to insert a new clause linking the award of additional height as an incentive for design excellence with achieving a BASIX energy score that exceeds the State-mandated minimum target by 5 points.
- amend the Heritage Map Sheet 16 to change the boundary of the Baptist Street Heritage Conservation Area to omit the site.

The planning proposal includes an example clause. The final drafting of the clause will be subject to Parliamentary Counsel Opinion.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**
- 5.10 Implementation of Regional Plans**

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

- SEPP No 55—Remediation of Land**
- SEPP No 65—Design Quality of Residential Flat Development**
- SEPP (Building Sustainability Index: BASIX) 2004**
- SEPP (Exempt and Complying Development Codes) 2008**
- SEPP (Housing for Seniors or People with a Disability) 2004**
- SEPP (Infrastructure) 2007**
- SEPP (Affordable Rental Housing) 2009**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal provides justification for the inconsistency with S.117 Direction 2.3 Heritage conservation.

The site is located within the Baptist Street Heritage Conservation Area. The planning proposal seeks to remove the site from the Heritage Conservation Area but retain the local heritage item on site. It does this because the proposed height and scale of

397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre
(Approx. 170 dwellings and 250 jobs)

development enabled by the planning proposal are not consistent with the conservation area's character and established streetscape.

The planning proposal will ensure ongoing protection of surrounding heritage listed properties and also the redevelopment of the site will be designed so it is sympathetic towards the character and built form of the conservation area.

The Secretary can be satisfied that the inconsistency is of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided is considered adequate for the purposes of public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days and this is considered acceptable.

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of December 2017. The Department considers a 12 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : The Sydney LEP 2012 was gazetted in December 2012.

Assessment Criteria

Need for planning proposal : The planning proposal is not a result of any strategic study or report. The proposal allows for the redevelopment of Surry Hills Shopping Centre with increases to new residential dwellings and commercial and retail space.

A planning proposal is the best way to achieve the intended outcomes and objectives.

Consistency with strategic planning framework : The planning proposal is consistent with goals and objectives of A Plan for Growing Sydney and the draft Central District Plan.

Environmental social economic impacts : **ENVIRONMENT**
The subject site is located in an urbanised area and does not contain any known critical habitat or threatened species, populations, ecological communities or habitats.

HERITAGE

The site has a local heritage item identified under the LEP located on the corner of Baptist and Cleveland Street. The local heritage item is proposed to be retained. It comprises of a two-storey Federation building previously occupied by the former Bank of NSW. The site is also within the Baptist Street Heritage Conservation Area.

The draft DCP controls ensure the existing heritage item on the site will be given an appropriate visual and physical setting that retains its significance. The proposed development concept with a floor space ratio of 2:1 will ensure the new building along Baptist Street will be separated from the existing heritage item by approximately 10.8 metres at ground level.

The development has also been designed so it will not encroach upon the heritage item or its airspace above along Cleveland Street. The proposed increased building height allows floor space to be distributed to other less sensitive parts of the site so the characteristics of the heritage building, conservation area and locality are conserved.

The planning proposal proposes amending the Heritage Conservation Area's boundary to omit the site. This is considered an unusual approach as it removes the consistency of the HCA and its mapping. The Department suggest consultation with the Office of Environment and Heritage as a condition of Gateway.

TRAFFIC & TRANSPORT

The site is located in an area that is well serviced by public transport. Frequent bus services are located within walking distance of the site. These public transport services provide access to various destinations in the Sydney metropolitan area, including Redfern and Central train stations and beyond. The new South East Light Rail Line, currently under construction, will include a stop close to the site on Devonshire Street.

A traffic and transport assessment was conducted by TTM consultants. The report concluded that traffic changes can be accommodated within the existing street system without intersection upgrades, access for modes of transport other than cars is excellent and design for parking is satisfactory. Total traffic generation by cars is expected to increase during peak times. The Department suggests consultation with Roads and Maritime Services as a condition of Gateway.

CONTAMINATION

A preliminary contamination test was conducted for the subject site. The results of the site contamination assessment indicate that the site was historically owned by Wunderlich, responsible for manufacturing architectural elements such as asbestos cement sheets and slates. The report concluded that due to the historical activities carried out on site there is a high risk that asbestos containing material remain on-site in the form of factory wastes or demolition materials in fill. The preliminary site investigation recommended for a detailed site investigation to be undertaken to assess potential ground contamination. This can be undertaken at the development application stage.

FLOODING

The south western portion of the site bounded by Baptist Lane, existing residential housing and the existing open space is prone to flooding. A preliminary flood study was included with the planning proposal. The report indicated that in a 1% Annual Exceedance Probability event runoff is conveyed overland from Marriott Street (West of the development site) towards Boronia Street. Increased flood levels were observed at low point at the intersection of Marriot and Boronia Street. The proposed development on site will need to comply with Council's Interim Floodplain Management Policy. The proposed increase in height provides flexibility to accommodate flood planning levels.

SOCIAL & ECONOMIC

The planning proposal will facilitate redevelopment of the site. The proposed concept design will introduce residential development and increase the worker population

397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre
(Approx. 170 dwellings and 250 jobs)

compared to the existing development. Redevelopment of the site will offer a range of social and economic benefits including improving the amenity, public access to services, public domain and vitality of the area. It will also increase consumer choice, provide additional employment opportunities and increase housing choice.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
 Period :

Timeframe to make **12 months** Delegation : **RPA**
 LEP :

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **All utility services including electricity, telecommunications, water, sewer and stormwater are currently available on the site. If the site is redeveloped it is expected the developer will upgrade these services to support the proposed development.**

Documents

Document File Name	DocumentType Name	Is Public
Request for Gateway Determination - 397-399 Cleveland Street and 2-38 Baptist Street, Redfern.pdf	Proposal Covering Letter	Yes
Planning Proposal - 2-38 Baptist St and 397-399 Cleveland St, Redfern.pdf	Proposal	Yes
Urban Design Report part 1.pdf	Study	Yes
Urban Design Report part 2.pdf	Study	Yes
ESD Report by EMF Griffiths.pdf	Study	Yes
Heritage Assessment by NBRIS.pdf	Study	Yes
Traffic and Transport Assessment by TTM.pdf	Study	Yes
Economics Analysis by Urbis.pdf	Study	Yes
Preliminary Contamination and Geotechnical Site by Coffey.pdf	Study	Yes
Acoustic Report by Acoustic Logic.pdf	Study	Yes
Community Consultation Report by JBA.pdf	Study	Yes

397-399 Cleveland Street and 2-38 Baptist Street Redfern - Surry Hills Shopping Centre
(Approx. 170 dwellings and 250 jobs)

Flood Report by Diversi Consulting.pdf	Study	Yes
Waste Management Plan by Waste Audit.pdf	Study	Yes
Arboricultural Constraints Report, Landscape Concepts and Public Art Strategy.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

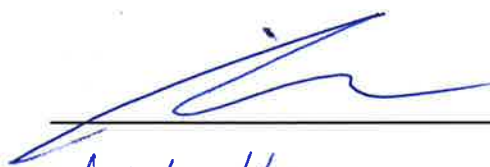
- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney
- 5.10 Implementation of Regional Plans

Additional Information : **It is recommended that the planning proposal proceed, subject to the following conditions:**

1. The planning proposal be publicly exhibited for a period of not less than 28 days.
2. Council is to consult with:
 - Office of Environment and Heritage
 - Roads and Maritime Services
3. A public hearing is not required.
4. The planning proposal is to be finalised within 12 months from the date of the gateway determination.

Supporting Reasons : **The planning proposal is supported because it enables the redevelopment of Surry Hills Shopping Centre by increasing commercial and retail space and the supply of new residential dwellings.**

Signature:



Printed Name:

W. Williamson

Date:

01/05/2017