

RELEVANT INFORMATION FOR COUNCIL

FILE: X003324 **DATE:** 7 December 2017
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.5 - Post Exhibition - 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, Surry Hills Shopping Village - Planning Proposal, Sydney Development Control Plan 2012 Amendment and Planning Agreement - At Council - 11 December 2017

Alternative Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition and public authority consultation of *Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, Sydney Development Control Plan 2012 – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern*, and draft planning agreement, as shown at Attachment F to the subject report;
- (B) Council approve *Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern*, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) Council approve the revised *Sydney Development Control Plan 2012 – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern*, as shown at Attachment B to the subject report, **subject to the following revisions**, specifying the date of publication of the subject Local Environmental Plan as the date the approved Development Control Plan comes into effect, in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*:
- (i) Insert after existing provision (27):
- The location of vehicle access for non-residential car parking is to minimise impact on the local street network and residential amenity of areas to the west of the site;***
- (ii) Insert after existing provision (31):
- A variation to the entertainment noise limits in Table 1 may be considered to balance retail noise impacts and residential amenity where a master plan noise assessment satisfies Council and that:***

- (a) ***establishes evidence based day, evening and night cumulative internal (and private outdoor space, eg, balconies) noise level criteria for residences and noise sensitive commercial premises with windows and doors open and closed and are suitable for the urban characteristics of the precinct; and***
 - (b) ***predicts day, evening and night equivalent average levels (and repeatable 1-hour noise levels) in addition to rating background noise levels at noise sensitive locations within and outside of the precinct. Future entertainment noise must not be dominant above ambient environmental noise levels with regard to the above; and***
 - (c) ***translates the above internal criteria to day, evening and night external criteria which apply to individual retail tenancies; and***
 - (d) ***ensures cumulative retail tenancy noise limits are not exceeded by establishing lower individual retail tenancy noise limits; and***
 - (e) ***predicts noise levels for residences and retail tenancies based on assumed patron numbers, location of retail uses and typical noise generation for retail tenancies; and***
 - (f) ***recommends fit for architectural and urban design features that mitigate noise; and***
 - (g) ***demonstrates predicted noise levels from retail operations during busy and noise sensitive trading hours will comply with proposed criteria; and***
 - (h) ***sets amplified noise limits for each retail tenancy and demonstrates how these noise levels will be maintained and not cause patrons to speak above music and exceed criteria; and***
 - (i) ***considers any other relevant methodology consideration which becomes apparent to the City as part of generating this masterplan;***
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to *Planning Proposal: Sydney Local Environmental Plan – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern* and *Sydney Development Control Plan 2012 – 397-399 Cleveland Street and 2-38 Baptist Street, Redfern* to correct drafting errors **and reflect the revisions described in clause (C)** prior to finalisation of the local environmental plan;
- (E) Council note that the Planning Agreement, as shown at Attachment C to the subject report, is to be executed by the Chief Executive Officer on behalf of Council with the landowner, in accordance with the *Environmental Planning and Assessment Act 1979*; and
- (F) Council note that the local environmental plan will not be made until the Planning Agreement, as shown at Attachment C, has been entered into by the Council and the relevant proponents, and registered on title of the relevant properties.

Purpose

To address concerns relating to traffic and vehicular access and entertainment noise controls raised by the Planning and Development Committee at its meeting on 27 November 2017.

Background

At the meeting of the Planning and Development Committee on 27 November 2017, it was requested that further consideration be given to traffic and vehicular access along Marriott and Cooper Streets and the entertainment noise controls.

Traffic and Vehicular Access to Marriott and Cooper Streets

The planning proposal limits and separates certain types of traffic entering the site from the east (Baptist Street) or west (Cooper Street). The existing mid-Marriott Street driveway will be removed. All delivery and waste removal trucks for the retail component will be removed from Cooper and Marriott Streets, which is particularly important as these include after hour movements. The majority of traffic flows along Baptist Street. The exhibited draft DCP, however, does not restrict access or give guidance for retail parking to either Marriott or Baptist Streets and retail vehicle access is to be determined following competition, through a detailed assessment at DA stage.

The City recommends that guidance be inserted in the DCP so that the location of non-residential car parking access minimises impacts on the local area. Further assessment will be needed at DA stage and the application will need to demonstrate that impacts are minimised. This guidance combined with restricting the number of retail car parking spaces, ensures the development is designed and constructed to manage traffic impacts to Marriott Street and to and from Cooper Street.

Noise Criteria

The proponent, TOGA, has raised concerns that the proposed noise controls will negatively impact the vibrancy of the retail laneway, restrict outdoor dining and that the controls are inconsistent with those applied to similar mixed use developments.

The City strongly supports the activation of the site. It is important that residential amenity in and around the Surry Hills Shopping Village is balanced with retail vibrancy and associated noise impacts. To achieve this balance, buildings should be designed and constructed with in-built environmental noise mitigation measures, which allow a reasonable degree of retail vibrancy while having minimal noise impact on residences.

The control is a new approach which requires both the retail and the residential to be designed and built to manage noise. This approach is possible in master planned precincts such as this. Similar approaches have been used for renewal sites such as Barangaroo and Darling Quarter, Haymarket where a certain level of activity and vibrancy is desired and residential amenity can be reasonably protected with appropriate design from the earliest stages.

The proponent has raised concern that the noise criteria may be too strict and limiting. To address the concern, it is proposed to insert a new control. This control will give the proponent the opportunity to address the noise emissions as part of a master planning process. It will require establishing evidence based entertainment noise limits, seating plans and population capacities that consider the cumulative impact on surrounding noise sensitive land uses and identifying design solutions to manage the noise.

Prepared by: Christina Heather, Specialist Planner

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Approved

A handwritten signature in black ink, appearing to read 'G. Jahn', written over a vertical line.

**Graham Jahn, AM, Director City Planning,
Development and Transport**