

Relevant Information for Local Planning Panel

FILE: D/2018/774 **DATE:** 8 April 2020

TO: Local Planning Panel Members

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 2 – Development Application: 589-591 Elizabeth Street, Redfern

Alternative Recommendation

It is resolved that consent be granted to Development Application No D/2018/774, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 15 April 2020, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(1) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 1.47:1. For the purposes of the calculation of FSR, the Gross Floor Area of approved development is ~~1,221.4sqm~~ **1221.4sqm**.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(11) WASTE/RECYCLING COLLECTION

~~Collection of the garbage and recycling must only occur within the basement of the subject development. Garbage and recycling must not be placed on the street.~~
Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

Background

On 16 March 2020, the City received correspondence from the applicant's planning consultant, Urbis, which raised concerns with three recommended conditions of consent. Urbis has requested that condition 2 is deleted and conditions 3 and 11 are amended prior to determination of the development application D/2018/774 (refer to Attachment A).

A response to the matters raised by Urbis is provided below:

Condition 2: Section 7.11 Contributions Payable – Contributions Towards Public Amenities – City of Sydney Development Contributions Plan 2015

Condition 2 requires the payment of a development contribution of \$537,432.32 in accordance with City of Sydney Development Contributions Plan 2015 ('the Contributions Plan') prior to the issue of a Construction Certificate.

Section 1.3 of the Contributions Plan sets out development which may be excluded from the need to pay a contribution if the type of development is identified in Table 2 'Development excluded from the need to pay a contribution'. Included in Table 2 at Item 8 is 'Mid-scale and below hotel and motel accommodation with an average of 45m² or less of gross floor area per key granted development consent before 30 June 2021¹

Average room size derived from Jones Lang LaSalle, *Sydney Hotels Supply & Demand Study* (2013). For the purposes of this exclusion, GFA includes all floor space linked to the hotel use, such as restaurants, conference facilities and indoor swimming pools, but doesn't include floor space not linked to the hotel use and is a separate tenancy in a mixed use development, such as retail premises. The term 'key' includes all bedrooms in the hotel 'room'.

It is noted that there is no definition for 'mid-scale and below hotel and motel accommodation' contained with the Contributions Plan or the City of Sydney Visitor Accommodation Action Plan (Hotels and Serviced Apartments). However, the Visitor Accommodation Action Plan (pg.10) states that 'Domestic visitors tend to stay in upscale accommodation (4 star and above) while international visitors have shown strong growth in standard scale accommodation'.

¹ Average room size derived from Jones Lang LaSalle, *Sydney Hotels Supply & Demand Study* (2013). For the purposes of this exclusion, GFA includes all floor space linked to the hotel use, such as restaurants, conference facilities and indoor swimming pools, but doesn't include floor space not linked to the hotel use and is a separate tenancy in a mixed use development, such as retail premises. The term 'key' includes all bedrooms in the hotel 'room'.

Section 1.3 of the Contributions Plan states:

Applicants should say how their development is consistent with the relevant exclusion in their development application. If Council is satisfied the development is consistent with the relevant exclusion, it will exclude the development from the need to pay a contribution.

Section 8.3 of the Statement of Environmental Effects (SEE) submitted with the Development Application states:

The proposal will provide a high-quality hotel offering in that responds directly to the City of Sydney's Visitor Accommodation Action Plan (Hotels and Serviced Apartments) by:

- *Providing additional accommodation in Redfern that is currently underserved, yet close to key social and transport infrastructure.*
- *Providing a boutique 4-star hotel on the city fringe – adding supply to the under catered affordable accommodation segment in central Sydney.*
- *Contributions will be made in accordance with Council's Development Contribution Plan 2015 as the development will result in a net population increase.*

The proposed development has an average GFA of approximately 21.8m² per key. While, it is acknowledged that the average GFA per key is less than 45m², Council officers are not satisfied that that the development is consistent with the relevant exclusion for the development to be 'mid-scale and below hotel and motel accommodation'. The SEE describes the hotel as a high-quality and 4-star hotel and that contributions will be made in accordance with the Development Contributions Plan. Based on this information, Council officers do not consider that the proposed hotel is 'mid-scale or below'. No further detailed information has been provided by the applicant to demonstrate that the proposed hotel is 'mid-scale or below'.

Given the above, at this time and based on the information submitted, Council officers consider that the development is subject to payment of contributions in accordance with the Contributions Plan. It is recommended that condition 2 remain in the recommended conditions of consent.

Condition 3: Floor Space Ratio

Condition 3 of the recommended conditions of consent currently states:

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 1.47:1. For the purposes of the calculation of FSR, the Gross Floor Area of approved development is 1,2221.4sqm.*
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.*

The condition contains a typographical error and the correct Gross Floor Area (GFA) for the development is **1221.4sqm**. It is recommended that the condition is amended to refer to the correct GFA.

Condition 11: Waste/Recycling Collection

Condition 11 of the recommended conditions of consent currently states:

Collection of the garbage and recycling must only occur within the basement of the subject development. Garbage and recycling must not be placed on the street.

The condition was imposed in error as kerbside collection has been assessed as acceptable as detailed in the Local Planning Panel report (pg. 37). It is recommended that City's following standard condition is imposed instead:

Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

Prepared by: Tahlia Alexander, Specialist Planner

Attachment A. Applicant's Response to Recommended Conditions of Consent

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport

Attachment A

**Applicant's Response to Recommended
Conditions of Consent**

Tahlia Alexander

From: Edward Green [REDACTED]
Sent: Monday, 16 March 2020 9:57 AM
To: Tahlia Alexander; Nicola Reeve
Cc: Andrew Harvey; Theo Krallis; Alex XIAO; Viola Lee
Subject: D/2018/774 (589-591 Elizabeth St, Redfern) - Draft Conditions

Importance: High

Hi Tahlia and Nicola,

I trust you are well. We were hoping to urgently pull your attention towards three Draft Conditions for D/2018/774 (589-591 Elizabeth St, Redfern), which we believe are errors.

We obviously don't want to *'throw a spanner in the works'* at this late stage, however the conditions (as drafted) have major implications for our client & we were seeking your help in resolving this matter prior to the LPP.

See summary below:

Draft Condition (2) – Section 7.11 Contributions

- The proposal is excluded from the payment of contributions levies, per p. 3 of the City of Sydney Development Contributions Plan 2015 (see excerpt below):
https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0004/256999/City-of-Sydney-Development-Contributions-Plan-2015.pdf
- Page 3, Table 2, line item 8 states the following development is excluded from the need to pay a contribution: *"Mid-scale and below hotel and motel accommodation with an average of 45 m² or less of gross floor area per key granted development consent before 30 June 2021"*.

1. Subdivision of land that does not involve building work
2. Development where a contribution has previously been paid for the same development at the subdivision stage under a predecessor plan
3. Alterations and additions to an existing attached dwelling, dual occupancy or dwelling house
4. Demolition of an existing dwelling and construction of a replacement dwelling that will not result in a net increase in the number of rooms capable of being used as a bedroom
5. Places of public worship and child care centres by or on behalf of a charity or not-for-profit organisation ⁸
6. Emergency services facilities
7. Affordable housing or social housing by a social housing provider ⁹
8. Mid-scale and below hotel and motel accommodation with an average of 45 m ² or less of gross floor area per key granted development consent before 30 June 2021 ¹⁰
9. Government schools ¹¹
10. Development undertaken by or on behalf of Council, including works listed in the works program in Appendix F of this plan
11. Development excluded from section 94 contributions by a Ministerial direction under section 94E of the <i>Environmental Planning and Assessment Act 1979</i> . ¹²

We therefore seek the condition to be amended to be consistent with the City of Sydney Development Contributions Plan 2015 (i.e. no levy payable).

Draft Condition (11) – Waste/Recycle Collection

- The draft condition states *"Collection of the garbage and recycling must only occur within the basement of the subject development. Garbage and recycling must not be placed on the street"*.
- This is despite the proposal seeking kerbside collection, associated with the ground floor waste holding room. The Council Officer Report (p. 37, see excerpt below) acknowledges that basement collection is unreasonable in the circumstances of the case.

Waste collection

Waste collection is proposed to occur from Elizabeth Lane. A waste holding room is located at ground level within the building which is also accessible directly from Elizabeth Lane. The submitted Waste Management Plan outlines that bins will be wheeled out directly to the waste collection vehicle and then returned immediately to the holding room so no bins are left on the kerb. The Waste Management Plan estimates that the proposed development will require waste to be collected twice per week.

Due to extent of the street tree's structural root zone within the site, the footprint of the basement is relatively constrained. If on-site waste collection was required, much of the basement would be required for a ramp and a larger turning circle. Given the above, in accordance with Section 3.11.13, it is considered that waste collection from the basement is unreasonable in this particular case and the proposed collection from Elizabeth Lane is supported.

We therefore seek the condition to be amended to reflect the intended/approved waste collection arrangements.

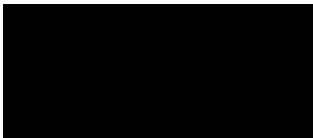
Draft Condition 3 – Floor Space Ratio

- The draft condition states the approved FSR is 1,2221.4sqm (the actual FSR is 1,221.4sqm).

Given the urgency, it would be most sincerely appreciated if you could look into this as a priority. If you need anything from us – please reach out to Andrew and I & we would be happy to assist.

Kind regards,

EDWARD GREEN
SENIOR CONSULTANT



**SHAPING
CITIES AND
COMMUNITIES**



ANGEL PLACE, LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000, AUSTRALIA

Urbis recognises the traditional owners of the land on which we work.
Learn more about our [Reconciliation Action Plan](#).

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