

Resolution of Local Planning Panel

4 September 2024

Item 3

Development Application: 375-387 Cleveland Street, Redfern - D/2023/682

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of Buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2023/682 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(6) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$75,855.46 <i>\$60,288.59</i>
Community Facilities	\$71,474.36 <i>\$56,806.57</i>
Traffic and Transport	\$11,891.53 <i>\$9,451.18</i>
Stormwater Drainage	\$0.00
Total	\$159,221.35 <i>\$126,546.34</i>

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 139.1 for the June 2024 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(12A)PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

Prior to a Construction Certificate being issued, an archival photographic recording of the existing development at the site (375-387 Cleveland Street Redfern) including existing artworks is to be prepared to Council's satisfaction. In particular the recording must include a record of the Fintan Magee artwork located on the Marriott Street frontage and street art on the southern elevation. The recording is to be in digital form, and submitted to Council, for filing in Council's Archives.

The form of recording is to be a photographic documentation of the site and its context, the building exteriors and existing artworks(s) photographed, where appropriate, using a camera/lens capable of 'perspective correction'.

The digital form of the recording is to be as follows:

- (i) The Development Application number and the Condition of Consent number must be noted.***

- (ii) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.**
- (iii) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process and avoid duplicate images.**
- (iv) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.**
- (v) The report can be submitted on a USB, or digital file transfer in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each location, image subject/description and date.**

Reason

To ensure appropriate archival documentation of the existing Fintan Magee artwork and existing street art on the southern elevation.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the objectives of the MU1 Mixed Use zone of the Sydney Local Environmental Plan 2012.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 'Height of Buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney Local Environmental Plan 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the 'Height of Buildings' development standard.
- (C) The proposed development complies with the maximum Floor Space Ratio development standard contained in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development exhibits design excellence in accordance with the requirements contained in Clause 6.21C of the Sydney Local Environmental Plan 2012.

- (E) The proposed development, as amended, has a height, scale and form suitable for the site and its context, and is appropriate in the streetscape context and setting of the Waterloo and Redfern (Cleveland Street) Special Character Area.
- (F) The development provides an appropriate response to the significance and character of the Baptist Street heritage conservation area and does not result in any detrimental impacts on the heritage significance of contributory buildings or nearby local heritage items.
- (G) The development maintains an acceptable level of direct sunlight to the James Street Reserve Community Garden does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain, and broader locality, subject to recommended conditions.
- (H) The proposal is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (I) Condition 6 was amended to reflect credits for existing worker population on the site.
- (J) Condition 12(A) was added to ensure appropriate archival documentation of existing street art.

Carried unanimously.

D/2023/682