

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 2021'¹

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'.

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 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