

## Part 3A Request for Minister's Declaration and Preliminary Environmental Assessment

### Corner Cleveland and Abercrombie Streets, Chippendale Mixed Use Development

Submitted to  
Department of Planning  
On Behalf of Hudson Square Pty Ltd

December 2007 ■ 07571

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This report has been prepared by Kim Bauer

*Signature*

*Date*

This report has been reviewed by Gordon Kirby

*Signature*

*Date*

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- A** Architectural Plans  
*Fortey + Grant Architecture*
- B** Preliminary Cost Plan  
*BMC & Associates*

## 1.0 Introduction

We are writing of behalf of Hudson Square Pty Ltd, the proponent for a mixed use development at 157 – 161 Cleveland and 136 -144 Abercrombie Streets, Chippendale.

The purpose of this letter is seek the Minister's opinion that the development proposal is a development of the kind described in Schedule 3 (State Significant Sites) of *State Environmental Planning Policy (Major Projects) 2005* (Major Projects SEPP) and therefore, is a 'major project' to be determined under Part 3A of the *Environmental Planning & Assessment Act 1979* (the EP&A Act).

Should the Minister form the necessary opinion, we request that the Director General issue the requirements as to the level and scope of the necessary documentation and assessment for the preparation of an Environmental Assessment to accompany a Project Application for the proposed development.

To support the request for the Director General's requirements relating to the Environmental Assessment, this Preliminary Environmental Assessment Report (PEAR) relating to the project has been prepared. The PEAR provides detail on the site location and an outline of the project, and identifies the key likely environmental and planning issues associated with the proposal.

The PEAR has been prepared on behalf of the applicant, Hudson Square Pty Ltd, by JBA Urban Planning Consultants Pty Ltd, and is based on information provided by Fortey + Grant Architecture at **Appendix A**.

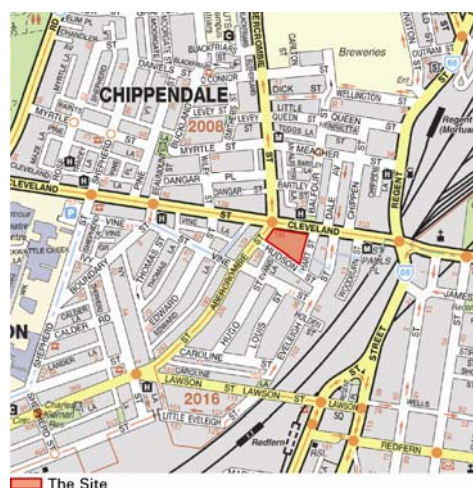
This preliminary assessment includes the following information relevant to the proposal:

- site description;
- a description of the project;
- existing planning provisions applying to the site;
- identification of the environmental issues associated with the project; and
- consultation with the relevant stakeholders.

## 2.0 Site and Locality

### 2.1 Subject Site

The subject site is located at the corner of Abercrombie and Cleveland Streets, Chippendale and has a legal property description of Lot 50 in DP826153, Lot 11 in DP 531788 and Lot 1 in DP 449699. It is a wedge-shaped site with an area of 3,354m<sup>2</sup>, a frontage of some 73.5m to Cleveland Street in the north, an approximately 20m frontage to Abercrombie Street in the west, an 88m southern frontage to Hudson Street and an approximately 58m frontage to Hart Street to the east. There is an existing splayed setback at the corner of Abercrombie and Cleveland Streets and Hart and Cleveland Streets. An underground sewer main runs from the south-eastern corner of the site to its north-western corner. A site location plan is provided at **Figure 1**.



**Figure 1 – Site Location Plan**

Existing on the western part of the site is a four-storey mixed use development with retail/commercial premises at the ground floor and three levels of residential above. A part-one/part-two storey industrial/commercial development which may have accommodated a bulky good retail use is located on driveways off Hudson Street (two for the eastern industrial/commercial building and one for the western mixed use building) provide vehicle access to the site.

### 2.2 Locality

The surrounding area is characterised by a range of uses including commercial, retail, residential and industrial premises. To the east of the site is a three to four storey residential flat building (RFB) fronting Cleveland Street with two-storey industrial buildings behind fronting Hudson Street. Across from the site on the northern side of Cleveland Street are two hotel, cafe and pub developments with frontages to a cul-de-sac roadway (Balfour Street) running perpendicular to (but not connecting with) Cleveland Street, as well as serviced apartments and terrace houses. A three storey RFB is located directly across from the site on the eastern side of Abercrombie Street. To the south of the site, on the other side of Hudson Street, are a number of industrial premises. The site is within a heritage conservation area and is located across the road from a local heritage item.

Photographs of the site and surrounds are provided at **Figures 2 to 7**



**Figure 2 – view of mixed-use development on subject site from the opposite corner of Cleveland and Abercrombie Streets**



**Figure 3 – view looking east up Cleveland Street showing both existing buildings on subject site and RFB to the east**



**Figure 4 – view of heritage-listed pub building (left) and serviced apartments opposite the site on Cleveland Street**



**Figure 5 – view of terraces and pub/café opposite the site on Cleveland Street**



**Figure 6 – view from site looking east along Hudson Street (industrial uses)**



**Figure 7 – view of adjoining RFB across from the site on the other side of Abercrombie Street**



### 3.0 Major Projects SEPP

Clause 6 of the Major Projects SEPP provides that development that in the opinion of the Minister is development of a kind referred to in that is described in Schedule 3 (of the Major Projects SEPP) is declared to be a project to which Part 3A of the EP&A Act applies.

Part 5 of Schedule 3 (State Significant Sites) of the Major Projects SEPP identifies certain sites within Redfern-Waterloo area as State Significant Sites; these are referred to as the Redfern-Waterloo Authority (RWA) Sites. The subject site is identified as one of the RWA Sites as shown in **Figure 8** below.



**Figure 8 – RWA Sites and Operational Area**

In accordance with Section 5 Part 5 of Schedule 3 of the Major Projects SEPP, development with a capital investment value of more than \$5 million on land within the RWA Sites is considered a Major Project for the purposes of Part 3A of the EP&A Act.

The proposed development will have a capital investment value of more than \$5 million and would thus be a project to which Part 3A of the EP&A Act applies. A preliminary Cost Plan was prepared for a preliminary design scheme (which is slightly different from the current proposal) which estimated the cost of the development to be approximately \$24 million. A copy of this report is attached at **Appendix B**.

Part 5 of Schedule 3 of the Major Projects SEPP also provides development controls for RWA Sites. Further detail is provided in Section 5 of this PEAR.



## 4.0 Project Description

A mixed use development is proposed on the subject site. It will accommodate a five storey retail and commercial building on the western portion of the site (referred to as **Building A**), and a five storey mixed use - retail and residential - building on the eastern portion of the site (referred to as **Building B**).

A three-level basement carpark is proposed servicing both buildings and accommodating approximately 202 parking spaces. A supermarket and storeroom is proposed at the upper-basement level with parking spaces provided in the eastern portion of the basement carpark at this level. Vehicular access to the carpark is to be provided off Hart Street.

Three lift cores are proposed providing access to all levels of the development.

A pedestrian walkway linking Hudson and Cleveland Streets (between Building A and B) with a ground floor courtyard fronting Hudson Street is also proposed. A sewer line which currently runs south-east to north-west across the centre of the site is to be relocated to the southern boundary and western portion of the site to accommodate the proposed carpark.

The proposed development is intended to form part of a mixed use precinct that may eventually encompass the industrial premises to the south and east of the site along Hudson Street.

The following building elements are proposed:

- A three-level underground carpark accommodating a total of 164 vehicle spaces at the lower two levels and 38 spaces at the upper level;
- A 996m<sup>2</sup> supermarket and 288m<sup>2</sup> supermarket storage at the upper basement level;
- Some 225m<sup>2</sup> of ground floor communal open space including courtyard fronting Hudson Street and pedestrian link between Cleveland and Hudson Streets
- **Building A**
  - 1,313m<sup>2</sup> of retail gross floor area (GFA) at ground floor across a number of tenancies with frontages to Abercrombie, Cleveland and Hudson Streets and the proposed pedestrian walkway;
  - 1,272m<sup>2</sup> of commercial GFA at the first floor;
  - 1,123m<sup>2</sup> of commercial GFA at the second floor;
  - 1,073m<sup>2</sup> of commercial GFA at the third floor;
  - 945m<sup>2</sup> of commercial GFA at the fourth floor; and
  - A single lift core providing access to all floors.
- **Building B**
  - 991m<sup>2</sup> of retail GFA at ground floor across a number of tenancies with frontage to Hart, Cleveland and Hudson Streets as well as the proposed pedestrian walkway;
  - Above the ground floor retail, Building B is split into two residential cores. The northern core accommodates 4 levels of residential

accommodation with a floor plate of 474m<sup>2</sup> and 6 two-bedroom units per floor. The southern core accommodates 4 levels of residential accommodation with a floor plate of 469m<sup>2</sup> and 6 two-bedroom units per floor; and

- Lift access to all levels is provided via two lift cores – one in the north and one in the south.

A total GFA of 11,485m<sup>2</sup>, including 3,772m<sup>2</sup> of residential GFA is proposed. In accordance with the definition for GFA in the *Standard Instrument – Principal Local Environmental Plan* the floor area of the supermarket is included in the total GFA being 'habitable rooms in a basement'. However, in accordance with the definition, the store room and parking areas are not calculated as GFA.

Preliminary Architectural Plans for the development are attached at **Appendix A**.

## 5.0 Environmental Assessment

### 5.1 Overview of Planning Instruments Applying to the site

The following planning instruments and policy documents are of key relevance to the proposed development:

- Redfern-Waterloo Authority Act 2004 (RWA Act);
- Major Projects SEPP;
- State Environmental Planning Policy 10 – Retention of Low Cost Rental Accommodation (SEPP 10)
- State Environmental Planning Policy 11 – Traffic Generating Development (SEPP 11)
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX);

The following instruments are referenced in the RWA Act:

- Redfern-Waterloo Built Environment Plan (Stage One) 2006 (Built Environment Plan)
- Redfern Waterloo Contributions Plan 2006 & Redfern-Waterloo Affordable Housing Contributions Plan 2006 (Contributions Plan and Affordable Housing Contributions Plan)

**Table 1 – Key Development Controls and Planning Instruments**

Instruments/ Guidelines	Standard/Development Control
<b>RWA Act</b>	The RWA Act provides a planning framework for the RWA Sites and surrounds (referred to as the Operational Area and identified in Figure 8 above). It provides for the development of the RWA Sites in accordance with the Built Environment Plan, and the levying of contributions within the Operational Area in accordance with the relevant contributions plans.
<b>Major Projects SEPP</b>	
Zoning	The subject site is identified as Business Zone-Mixed Use under the zoning map for the RWA sites in Schedule 5 of SEPP. Multi-unit residential development, and retail and commercial uses are permissible in the zone.
Height	Maximum 5 storeys permitted
Floor Space Ratio	A maximum floor space ratio (FSR) of 3:1 is permitted on the site with the maximum FSR for residential development limited to 1:1.
Design Excellence	In assessing development applications (DAs) RWA sites the Minister must consider whether the proposal achieves design excellence.
<b>SEPP 10</b>	DAs that will result in the loss of 'low-rental dwellings' require concurrence from the Director General of the Department. Criteria such as the level of reduction in 'low-rental dwelling' stock must be considered by the Director General. It has not been determined whether this SEPP would apply to the existing residential development on the site and the Minister. However, development

	within the Operational Area operates under the Redfern-Waterloo affordable housing framework; a contribution towards affordable housing is required under the Affordable Housing Contributions Plan.
<b>SEPP 11</b>	The proposed development is of a type identified in Schedule 1 of SEPP 11 and referral to the Roads and Traffic Authority (RTA) will be required.
<b>SEPP 55</b>	Requires a consent authority to consider whether or not land is contaminated/requires remediation/is suitable in its contaminated state for the development proposed.
<b>SEPP 65</b>	Requires consideration of the design in terms of the 10 design quality principles and
<b>SEPP BASIX</b>	BASIX certificates, demonstrating compliance with the relevant and water saving targets, are required to be submitted for the residential component of the development.
<b>Built Environmental Plan</b>	The Built Environment Plan provides a strategic planning framework to facilitate revitalisation of the Redfern-Waterloo area. The site is identified as part of the Eveleigh Street Strategic Site D under the Plan. The FSR, height and land use controls for the subject site identified in the Built Environment Plan are the same as those detailed in the Major Projects SEPP.
<b>Contributions Plan and Affordable Housing Contributions Plan</b>	The Contributions Plan enables the Minister to impose a condition of consent on DAs on RWA sites requiring the payment of a development levy (2% of the proposed cost of carrying out the development), for the provision of public facilities and amenities within the RWA's Operational Area. The Affordable Housing Contributions Plan enables the RWA to impose a condition of consent requiring the payment of an affordable housing contribution for the provision of affordable housing within the RWA's Operational Area.

Part 5 of Schedule 3 of the Major Projects SEPP states that all other EPIs do not apply to the RWA Sites except for other SEPPs. However, the following local EPIs have been considered in the design development to ensure an appropriate development occurs on the site that integrates with the character of the surrounding area:

- South Sydney Local Environmental Plan 1998 (SSLEP)
- City of Sydney Heritage Development Control Plan 2006 (Heritage DCP)
- South Sydney Development Control Plan 11 – Transport Guidelines for Development 1996 (DCP 11)
- City of Sydney Access Development Control Plan 2004 (Access DCP)

## 6.0 Key Environmental Considerations

The information below has been prepared to assist the Director General in identifying the general requirements and key project-specific environmental issues to be addressed in an Environmental Assessment Report for the Project Application. The key environmental considerations associated with the proposed development are as follows:

- site suitability;
- consistency with planning controls;
- transport and access;
- built form and visual impact;
- stormwater management and infrastructure;
- geotechnical and contamination;
- social and economic benefits;
- mobility and access;
- energy efficiency;
- acoustic impacts;
- internal amenity;
- heritage issues;
- construction management; and
- BCA compliance.

### 6.1 Site suitability

The site is situated within an area zoned for mixed use development; the surrounding area characterised by a mix of residential, commercial and retail development. Sites to the south of the subject site are currently used for light industrial purposes. However, consistent with the vision for the Eveleigh Street Strategic Site (as expressed in the Built Environment Plan) the proposed development will initiate the transition of the Strategic Site to mixed use development and commercial, retail and residential land uses consistent with the surrounding locality. This will encourage employment growth and a sustainable residential community in the area.

### 6.2 Consistency with Planning Controls

The proposed development is consistent with all relevant planning controls apart from the FSR control. A total FSR of 3.4:1 is proposed on the site, including a FSR for the residential component of the development of 1.1:1. The overall permissible FSR on the site will be exceeded by 0.4:1 and the residential component will exceed the 1:1 ratio by 0.1. A *State Environmental Planning Policy 1 – Development Standards* (SEPP 1) objection will be submitted with the Project Application seeking to vary this control. Consistency with the Design Excellence requirements of Part 5 Schedule 3 of the Major Projects SEPP, as well as the 10 SEPP 65 Design Principles will be demonstrated.

### 6.3 Transport and access

No specific parking requirements apply to the subject site under the Major Projects SEPP. Some 202 parking spaces are proposed which are considered appropriate to accommodate the parking requirements for all components of the development.

Furthermore, the site is located in proximity to a number of public transport nodes including Redfern and Central Stations. Frequent bus services run along Abercrombie and Cleveland Streets.

The proposed development will result in an overall reduction in the number of vehicle accesses to the site with a single vehicle access to be provided off Hart Street. The development is identified within Schedule 1 of SEPP 11 as a project for which referral to the RTA is required. A Traffic, Access and Parking Assessment will be submitted with the Project Application and any comments from the RTA will be taken into consideration.

### 6.4 Built environment and visual impact

The site currently accommodates bulky and visually unattractive buildings. The proposed development will replace existing run-down buildings with a well-designed mixed use development suitable to the locality.

The visual bulk of the proposed development has been minimised by allowing for the topmost floor of the commercial/retail Building A to be set back with a reduced floor plate. Additionally, the residential component of the development is separated into two towers allowing for a visual corridor to be maintained.

The Design Excellence provisions of Part 5 Schedule 3 of the Major projects SEPP will be taken into consideration, as well as the SEPP 65 design quality principles.

### 6.5 Stormwater management and infrastructure

The existing site accommodates mixed use development; existing utilities can accommodate the proposed use. The proposed development will not result in any increase in the amount of non-permeable area on the site. Relocation of an existing sewer main will be required to accommodate the proposed basement carpark and discussions will be undertaken with Sydney Water regarding this proposed relocation. Stormwater drainage plans will be submitted with the project application.

### 6.6 Geotechnical and contamination

Contamination on the site is unlikely as existing uses comprise commercial and residential activities. However, a geotechnical report and preliminary site investigation report will be prepared prior to excavation.

### 6.7 Social and economic impacts

The proposed development will revitalise the area by providing an attractive development at this prominent corner site. The through pedestrian link between



Hudson and Cleveland Streets, as well as the south-facing courtyard fronting Hudson Street will provide an attractive and versatile public space. Additionally, ground floor retail premises will activate the streetscape and improve casual street surveillance in the area.

## 6.8 Mobility and access

Disabled access can be provided throughout the development particularly to the ground floor retail units and the supermarket. Disabled parking spaces can be provided within the basement carpark.

## 6.9 Energy efficiency

Energy performance measures will be included to comply with the relevant provisions of the BCA and BASIX certificates will be submitted for the residential component of the development.

## 6.10 Acoustic impacts

Retail uses are proposed at the ground floor of Building B with residential uses located one storey above street level. Appropriate acoustic measures will be incorporated into the development to ensure an adequate level of residential amenity is maintained.

## 6.11 Internal amenity

The principles of SEPP 65 will be addressed in an architectural design statement to be submitted with the project application. General compliance with the Rules-of-Thumb in the *Residential Flat Design Code* can be achieved by the proposed residential component of the development. Only a limited number of the proposed units are south facing, with most of the units able to be cross-ventilated.

## 6.12 Heritage Issue

The site is located across the road from a local heritage item known as Strickland Building – a three storey Federation Arts and Crafts style residential flat building built around 1914 that currently accommodates a hotel/pub/café use. The site is also located within Darlington Conservation Area identified under the SSLEP and the existing industrial/commercial building on the eastern part of the site is identified as a contributory item, whilst the four-storey mixed use development on the western portion is identified as detracting item. The provisions of the SSLEP do not strictly apply to the proposal. However, the proposal will result in an attractive development on this corner site, providing a significant improvement over the existing rundown buildings. This will improve the quality of the conservation area and will provide an appropriate interface to the heritage item on the other side of Cleveland Street.

## 6.13 Construction Management

A preliminary construction management plan will be submitted with the Project Application to minimise potential impacts on the surrounding area during construction.

## 6.14 BCA compliance

The proposed development will be a mixed BCA class building. A BCA report will be submitted with the project applications to demonstrate compliance with the deemed-to-satisfy provisions of the BCA.

## 7.0 Consultation

A meeting was held with the urban design and planning team at the RWA on 13 December 2007. The preliminary concept for the redevelopment of the site was discussed with the RWA and the preliminary architectural plan (attached at **Appendix A**) were presented.

The RWA has asked that, given the prominence and landmark quality of the site, careful consideration should be given to responding to the context of the surrounding area. This includes responding to the heritage character of the conservation area and providing for retail frontage to Cleveland and Abercrombie Streets that activate the streetscape. The RWA has also requested that the design allow for appropriate residential amenity to the proposed units.

At this stage the design is in its preliminary stages, and all comments and recommendations from relevant government agencies will be taken into account.

## 8.0 Conclusion

The information contained in this preliminary assessment is to assist the Director General in determining the level and scope of any requirements for an environmental assessment to accompany the lodgement of a Project Application under Part 3A of the EP&A Act

The proposed development is a permissible development within the location and is consistent with the vision for the location, providing a mix of employment generating activities and residential accommodation. It is generally consistent with the relevant planning controls; a SEPP 1 objection will be submitted to vary the FSR control.

Having regard to the above and in accordance with provisions in Part 3A of the EP&A Act, it is requested that the Minister confirm his opinion that the development is of a type and scale to which Part 3A of the EP&A Act applies, and the Director General issue the environmental assessment requirements for the Project Application.