



New South Wales Government  
Independent Planning Commission

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# Redfern Mixed Use Co-living Housing Development

## SSD-32275057

### Statement of Reasons for Decision

Dr Sheridan Coakes (Chair)  
Dr Bronwyn Evans AM  
Richard Pearson

4 September 2024

## Executive Summary

EG Funds Management Pty Ltd (Applicant) has sought consent for the demolition of existing structures and construction of a six-storey mixed-use co-living development, known as Redfern Mixed Use Co-living Housing Development (SSD-32275057) (Project). The site (Site) is located at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern NSW in the City of Sydney Local Government Area (LGA).

With a capital investment value (CIV) of \$38 million, the Project is stated to support approximately 105 construction and 45 operational jobs.

The Application is State significant development (SSD) pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it satisfies the criteria under section 2.6(1) of the *State Environmental Planning Policy (Planning Systems) 2021* (SEPP Planning Systems), being development within the Redfern-Waterloo Sites with a CIV more than \$10 Million (item 20 to Schedule 2 of SEPP Planning Systems). The NSW Independent Planning Commission (Commission) is the consent authority for the Project as the City of Sydney Council (Council) objected to the proposal.

Commissioners Dr Sheridan Coakes (Chair), Dr Bronwyn Evans AM, and Richard Pearson were appointed to constitute the Commission Panel in determining the Application. As part of its determination process, the Commission met with representatives of the Applicant, the Department of Planning, Housing and Infrastructure (Department) and Council. The Commission also undertook a site inspection, viewed the Site from an adjoining residential property and received three (3) written submissions.

The Commission finds that the Project is strategically justified for its contribution to rental housing supply and diversity. The Site is in an advantageous location close to existing public transport networks, open spaces, tertiary institutions and precincts, employment opportunities, and a mix of community uses. The development of the Site for a mixed use co-living building is an orderly and economic use of the land which will contribute to activation of the public domain and provide additional economic and community uses for the locality, while also encouraging active transport.

In particular, the Commission has also found that the Project meets the aims of the Redfern-Waterloo Built Environment Plan (Stage One) 2006 (RWBEP) which has informed the land use controls which apply to the area. However, the Commission recommends that Department should, as a priority, investigate a potential revision of the land use controls applying to the area, noting the land-use mix and character of the locality has matured and evolved since the RWBEP, which is reflected in the pattern of development applications that are increasingly being lodged within the locality.

After careful consideration, the Commission has determined that consent should be granted to this State significant development application, subject to conditions.

The Commission has imposed conditions which seek to prevent, minimise, mitigate and/or offset adverse impacts of the Project and ensure appropriate monitoring and management of residual impacts. The Applicant will also be required to prepare a number of comprehensive management plans and strategies and report on mitigation and monitoring outcomes as well as demonstrate compliance with performance criteria.

Other conditions have been imposed to respond to concerns raised by the Council, community and other stakeholders. These conditions include, but are not limited to, requirements for the Applicant to:

- ensure mechanical ventilation systems are regularly monitored and maintained in good working order at all times;
- incorporate operable external privacy treatments for the courtyard-facing and lowest level co-living rooms facing the external perimeter of the Site to improve residential amenity;
- confirm final materials and finishes, including confirmation of the process and methods in arriving at the final choice for all materials and finishes. Evidence of consultation with an adjoining landowner with respect to the southern wall is also required;

- prepare appropriate documentation in relation to pre-construction dilapidation, construction environmental management, and construction noise and vibration management, including consulting or negotiating outcomes with affected residents and businesses where necessary;
- prepare an Operational Plan of Management (OPM) for the Project, which includes dedication of four (4) co-living units for priority occupation by First Nations students and/or First Nations community members. The OPM must also provide for use of the proposal's multi-purpose space by First Nations community groups, enterprises and/or service providers.

The Commission finds that the Project is consistent with the existing strategic planning framework and relevant statutory considerations. The Commission is also satisfied that the Project is in accordance with the Objects of the EP&A Act, that all environmental, social, land use and safety impacts are acceptable subject to the conditions of consent imposed by the Commission, and accordingly the Project is in the public interest.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons for Decision.

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## Defined Terms

| ABBREVIATION                     | DEFINITION  |
|----------------------------------|---|
| <b>Apartment Design Guide</b>    | The Apartment Design Guide, prepared by the NSW Department of Planning and Environment (July 2015) as referenced by <i>State Environmental Planning Policy (Housing) 2021</i> |
| <b>AHD</b>                       | Australian Height Datum   |
| <b>Applicant</b>                 | EG Funds Management Pty Ltd   |
| <b>Application</b>               | Redfern Mixed Use Co-living Housing Development, SSD-32275057   |
| <b>AR para</b>                   | Paragraph of the Department's Assessment Report   |
| <b>CBD</b>                       | Central Business District   |
| <b>CIV</b>                       | Capital Investment Value  |
| <b>Commission</b>                | Independent Planning Commission of NSW  |
| <b>Council</b>                   | City of Sydney Council  |
| <b>CPTED</b>                     | Crime Prevention Through Environmental Design   |
| <b>Department</b>                | Department of Planning, Housing and Infrastructure  |
| <b>Department's AR</b>           | Department's Assessment Report, dated July 2024   |
| <b>Eastern Harbour City SEPP</b> | State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021   |
| <b>EIS</b>                       | Environmental Impact Statement, dated 19 October 2022   |
| <b>EP&amp;A Act</b>              | <i>Environmental Planning and Assessment Act 1979</i>   |
| <b>EPI</b>                       | Environmental Planning Instrument   |
| <b>ESD</b>                       | Ecologically Sustainable Development  |
| <b>FSR</b>                       | Floor Space Ratio   |
| <b>GFA</b>                       | Gross Floor Area  |
| <b>Housing SEPP</b>              | <i>State Environmental Planning Policy (Housing) 2021</i>   |
| <b>LGA</b>                       | Local Government Area   |
| <b>Mandatory Considerations</b>  | Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act   |
| <b>Material</b>                  | The material set out in section 3.1   |
| <b>Minister</b>                  | NSW Minister for Planning and Public Spaces   |
| <b>NCC</b>                       | National Construction Code  |
| <b>Planning Systems SEPP</b>     | <i>State Environmental Planning Policy (Planning Systems) 2021</i>  |
| <b>Project</b>                   | Demolition of existing structures and construction of a six-storey mixed-use co-living development, known as Redfern Mixed Use Co-living Housing Development                  |
| <b>RFI response</b>              | The Applicant's response to the Commission's request for information, dated 22 August 2024  |
| <b>RL</b>                        | Reduced level   |
| <b>RWBEP</b>                     | Redfern-Waterloo Built Environment Plan (Stage One) 2006  |
| <b>RRtS</b>                      | Revised Response to Submissions, dated February 2024  |
| <b>RtS</b>                       | Response to Submissions, dated 9 August 2023  |
| <b>SDRP</b>                      | State Design Review Panel   |
| <b>Site</b>                      | The site as described in section 2.1 of this report   |
| <b>SSD</b>                       | State Significant Development   |

# 1. Introduction

1. On 22 July 2024, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) Application SSD-32275057 (**Application**) from EG Funds Management Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Applicant seeks approval for the demolition of existing structures and construction of a six-storey mixed-use co-living development, known as Redfern Mixed Use Co-living Housing Development (the **Project**) located in the City of Sydney (**Council**) Local Government Area (**LGA**), under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. The Application constitutes SSD under section 4.36 of the EP&A Act as the Project satisfies the criteria under section 2.6(1) and Schedule 2 of *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), being development within the Redfern-Waterloo Sites with a capital investment value (**CIV**) of more than \$10 million.
4. In accordance with section 4.38 of the EP&A Act and section 2.7 of SEPP Planning Systems, the Commission is the consent authority as Council objected.
5. Andrew Mills, the Chair of the Commission, determined that Dr Sheridan Coakes (Chair), Dr Bronwyn Evans AM, and Richard Pearson would constitute the Commission for the purpose of exercising its functions with respect to the Application.
6. The Department concluded in its Assessment Report (**AR**) that the impacts of the Project are acceptable, the Site is suitable for the proposed development, and that the Application is in the public interest and is approvable, subject to its recommended conditions of consent.

## 2. The Application

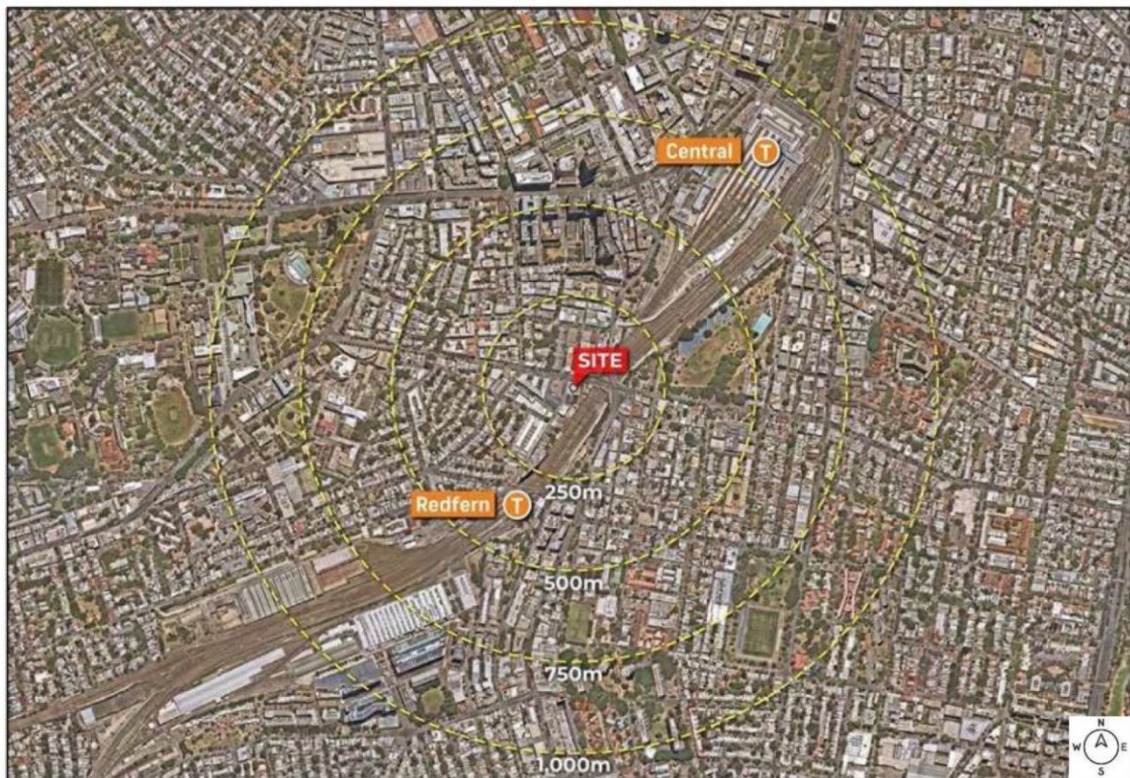
### 2.1 Site and Locality

7. The 'Site' is located at 175-177 Cleveland Street, 1-5 Woodburn Street and 6-8 Woodburn Street, Redfern, within the City of Sydney LGA (refer Figure 1). As noted at paragraph (**AR para**) 3 of the Department's AR, the Site sits between Eveleigh Street and Woodburn Street, with a primary frontage to Cleveland Street, and has a total area of 2,016.9 m<sup>2</sup>.
8. The Site is located at the south-western edge of the Sydney Central Business District (**CBD**), approximately 400m from the Redfern train station and 750m from Central train station. The Site is also within close proximity of several tertiary educational establishments (refer Figure 2) (**AR para** 5).
9. The surrounding area is generally characterised by a mixture of commercial / warehouse buildings and residential development (**AR para** 7). The Site is zoned 'Business Zone – Mixed Use' pursuant to *State Environmental Planning Policy (Precincts – Eastern Harbour City) (2021)* (**Eastern Harbour City SEPP**).

Figure 1 – Site location (AR Figure 2)



Figure 2 – Local context (AR Figure 1)



## 2.2 The Project

10. The Application is seeking approval for the demolition of existing structures and the construction of a six-storey mixed-use, co-living housing development. A summary of the Project is provided below in Table 1. The Project's physical layout and design is shown at Figure 9 to Figure 15 of the Department's AR.

Table 1 – Key project details

| Component                             | Proposed Project   |
|---------------------------------------|--|
| <b>Demolition</b>                     | <ul style="list-style-type: none"> <li>• 175 Cleveland Street – two-storey industrial building supporting retail and commercial uses</li> <li>• 177 Cleveland Street – open hardstand carpark</li> <li>• 1-5 Woodburn Street – warehouse building containing commercial uses</li> <li>• 6-8 Woodburn Street – converted warehouse-style building, accommodating 22 residential units.</li> </ul> |
| <b>Height</b>                         | Six (6) storeys (maximum building height of reduced level (RL) 42.05 or approx. 22.45m)  |
| <b>Gross Floor Area (GFA)</b>         | Total GFA of 6,617.4m <sup>2</sup> comprising: <ul style="list-style-type: none"> <li>• residential GFA of 5,839m<sup>2</sup></li> <li>• non-residential GFA of 778.2m<sup>2</sup></li> </ul>  |
| <b>Communal Living Area</b>           | 526m <sup>2</sup>  |
| <b>Floor Space Ratio (FSR)</b>        | 2.9:1  |
| <b>Residential Mix</b>                | 200 co-living rooms comprising: <ul style="list-style-type: none"> <li>• 91 single room</li> <li>• 109 double rooms</li> </ul>   |
| <b>Other Land Uses</b>                | Ground and first floor co-working, commercial/retail and multi-purpose spaces  |
| <b>Public Domain</b>                  | <ul style="list-style-type: none"> <li>• Provision of a through-site link providing public access</li> <li>• Indigenous public art</li> </ul>  |
| <b>Landscaping and Open Space</b>     | 793.2m <sup>2</sup> of communal open space, including an internal courtyard, rooftop garden, and associated landscape works  |
| <b>Car Parking</b>                    | 15 spaces  |
| <b>Motorcycle Parking</b>             | 13 spaces  |
| <b>Bicycle Parking</b>                | 235 spaces   |
| <b>Servicing</b>                      | Extension and augmentation of related services and infrastructure to be undertaken   |
| <b>Jobs</b>                           | Approximately 105 construction jobs and 45 operational jobs  |
| <b>Co-living manager</b>              | 1 bedroom and office   |
| <b>Capital Investment Value (CIV)</b> | \$38,000,000   |



## 3. The Commission's Consideration

### 3.1 Material Considered by the Commission

11. In this determination, the Commission has considered the following material (**Material**):
- the Planning Secretary's Environmental Assessment Requirements issued by the Department, dated 9 December 2021;
  - the following information provided by the Applicant:
    - the Environmental Impact Statement (**EIS**) dated 19 October 2022 and its accompany appendices;
    - the Response to Submissions Report (**RtS**) dated 9 August 2023 and its accompany appendices;
    - the revised RtS (**RRtS**) dated February 2024 and its accompany appendices;
    - the response to the Commission's request for information (**RFI response**), dated 22 August 2024.
  - all public submissions on the EIS made to the Department during public exhibition;
  - all Government Agency advice to the Department;
  - the Department's AR, dated July 2024;
  - the Department's recommended conditions of consent, dated July 2024;
  - comments and presentation material at meetings with the Department, Applicant and Council, as referenced in Table 3 below;
  - all observations and material gathered at the Site Inspection and Neighbour Visit on 7 August 2024;
  - all written comments received by the Commission;
  - the Department's comment (dated 28 August 2024) on the feasibility, workability, and any potential unintended consequences of the proposed conditions.

### 3.2 Strategic Context

12. The Commission has considered the strategic planning framework relevant to the Site and the Project, including the following plans and strategies:
- Greater Sydney Regional Plan – A Metropolis of Three Cities, 2018;
  - Eastern City District Plan, 2018;
  - Redfern-Waterloo Built Environment Plan (Stage One) 2006
  - Future Transport Strategy 2056
  - Sydney's Cycling Future 2013
  - Better Placed – Government Architect NSW
  - Sustainable Sydney 2030-2050 – Continuing the Vision
  - Local Strategic Planning Statement – City Plan 2036
13. The Commission agrees with the Department's view that the Project is consistent with the applicable strategic planning framework (AR para 16), particularly the Local Strategic Planning Statement – City Plan 2036 which identifies the importance of a mix of housing within the Sydney LGA that meets the needs of a diverse community. The Project will deliver 200 co-living rooms in an advantageous location proximate to existing public transport networks, public open space, university precincts, employment opportunities, the Sydney CBD, a mix of community uses as well as goods and services.

- 14. In addition, the Project would generate benefits to the local community, including the provision of an estimated 105 construction jobs and 45 operational jobs, landscaping works, Indigenous public art, and a suite of co-working spaces and commercial/retail and multi-purpose spaces. Further, the proposed multi-purpose space is intended for priority use by the local First Nations community and First Nations enterprises.
- 15. The Project is consistent with the strategic aims of the Redfern-Waterloo Built Environment Plan (Stage One) 2006 (**RWBEP**) in supporting housing and employment at the locality (AR para 56), however the Project's proposed land use mix (being predominately residential with some commercial and community uses) and residential density is inconsistent with the RWBEP. The Commission notes that since adoption of the RWBEP the area has undergone significant change through the construction of numerous residential developments, with the land use character of the area subsequently primarily residential (AR para, 54 and 55). The residential development pattern of the area can be seen in Figure 3 below. The Commission has considered the RWBEP in further detail at section 5.1.

Figure 3 – surrounding residential development (the Site outlined in dashed red line).  
Source: Figure 16 of AR



### 3.3 Statutory Context

#### 3.3.1 State significant development

16. As described in paragraph 3 above, the Project constitutes SSD pursuant to section 4.36 of the EP&A Act as it is within the Redfern-Waterloo Sites and has a CIV of more than \$10 million, pursuant to section 2.6(1) and Schedule 2 of SEPP Planning Systems.

#### 3.3.2 Permissibility

17. As described in paragraph 9 above, the Site is zoned “Business Zone – Mixed Use” pursuant to the Eastern Harbour City SEPP. Development for the purposes of mixed use co-living housing development is permitted with consent within the zone (AR, Table 1).
18. Pursuant to section 67 of the *State Environment Planning Policy (Housing) 2021 (Housing SEPP)*, development for the purposes of ‘co-living housing’ may be carried out with consent on land in a zone in which co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument (EPI).

### 3.4 Mandatory Considerations

19. In determining this Application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the listed matters as are of relevance to the development the subject of the Application (**Mandatory Considerations**). The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the Material does not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

*Table 1 – Mandatory Considerations*

| Mandatory Considerations | Commission’s Comments  |
|--------------------------|--|
| Relevant EPIs            | <p>Appendix C of the Department’s AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> <li>• Planning Systems SEPP;</li> <li>• Housing SEPP;</li> <li>• Eastern Harbour City SEPP;</li> <li>• <i>State Environment Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)</i>;</li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i>;</li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>;</li> </ul> <p>The Commission agrees with the Department’s assessment of EPIs set out in Appendix C of the AR. The Commission therefore adopts the Department’s assessment.</p> |

|  |   |
|--|---|
| <b>Relevant DCPs</b>                           | Section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD. The Commission does not consider any development control plans to be relevant to the determination of the Application.   |
| <b>Likely Impacts of the Development</b>       | The likely impacts of the Application have been considered in section 5 of this Statement of Reasons.   |
| <b>Suitability of the Site for Development</b> | <p>The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• the proposed use is permissible with consent;</li> <li>• the Project will provide diverse housing options in the form of co-living housing;</li> <li>• the Project meets the objectives of the Business Zone – Mixed Use under the Eastern Harbour City SEPP;</li> <li>• the Project is consistent with the strategic aims of the RWBEP in delivering housing and employment and its variation to the RWBEP’s intended land uses, and residential density is considered appropriate in view of the area’s emerging and transforming residential land use character since the RWBEP was developed almost 20 years ago;</li> <li>• the Project is in an advantageous location close to existing public transport networks, open spaces, university precincts, employment opportunities, the Sydney CBD, a mix of community uses as well as goods and services;</li> <li>• the Project is an orderly and economic use of the land;</li> <li>• the Project will contribute to activation of the public domain and provide additional economic and community uses for the locality;</li> <li>• the Project seeks to encourage active transport through the provision of bicycle parking spaces and end of trip facilities, whilst limiting the provision of on-site car parking;</li> <li>• the Site can physically accommodate the proposal development without significant environmental impacts arising; and</li> <li>• impacts on surrounding land uses have been minimised where possible and are capable of being further mitigated through conditions of consent.</li> </ul> |
| <b>Objects of the EP&amp;A Act</b>             | The Commission is satisfied that the Application is consistent with the Objects of the EP&A Act.  |
| <b>Ecologically Sustainable Development</b>    | The Commission finds that the development is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.  |
| <b>The Public Interest</b>                     | <p>The Commission has considered whether the grant of conditional consent to the Application is in the public interest. In doing so, the Commission has evaluated the likely impacts of the Application.</p> <p>The Commission’s consideration of the public interest has also been informed by consideration of the principles of ESD.</p> <p>The Commission has concluded that approval of the Project is in the public interest and merits the grant of consent, subject to conditions.</p>  |

### 3.5 Additional Considerations

20. In determining the Application, the Commission has also considered:

- Apartment Design Guide (prepared by the NSW Department of Planning and Environment (July 2015), as referenced by the Housing SEPP) (**Apartment Design Guide**)
- Interim Construction Noise Guideline (NSW Government, 2009);
- Social Impact Assessment Guideline for State Significant Projects (NSW Government, 2021); and
- Development near Rail Corridors and Busy Road—Interim Guidelines (NSW Government, 2008).

## 4. Community participation & public submissions

### 4.1 Site Inspection

21. On 7 August 2024, the Commission Panel conducted an inspection of the Site with the Applicant. Following the site inspection and in accordance with the Commission’s *Site Inspection and Locality Tour Guidelines*, the Commission Panel also viewed the Site from the adjoining residential property at 9 Woodburn Street, Redfern, to better understand potential impacts of the Project on proximal neighbours. The Commission subsequently published site inspection and neighbouring site visit notes on its website, as indicated in Table 3 below.

### 4.2 The Commission’s Meetings

22. As part of the determination process, the Commission met with various persons as set out in Table 3. All meeting and site inspection notes were made available on the Commission’s website.

Table 2 – Commission’s Meetings

| Meeting                 | Date          | Transcript/Notes Available on |
|-------------------------|---------------|-------------------------------|
| Department              | 2 August 2024 | 5 August 2024                 |
| Council                 | 2 August 2024 | 5 August 2024                 |
| Applicant               | 7 August 2024 | 8 August 2024                 |
| Site Inspection         | 7 August 2024 | 12 August 2024                |
| Neighbouring Site Visit | 7 August 2024 | 12 August 2024                |

### 4.3 Public Submissions

23. As part of the Commission’s consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5:00pm, 7 August 2024. The Commission received a total of two (2) written submissions on the Application through its website and one (1) via email. Submissions received comprised:
- One (1) submission from Council, outlining its suggested changes to the Department’s recommended conditions of consent should the Project be approved; and
  - Two (2) submissions from a landowner whose property adjoins the Site.

24. For the reasons set out in sections 5 and 6 of this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the granting of development consent and that the matters can be satisfactorily addressed by the conditions of consent imposed by the Commission. The Commission has outlined below the key points raised in the three submissions received.

#### *Council's submission*

25. Council's submission provided its recommendations for changes to the proposed conditions (in the event of the Project's approval, noting that Council has maintained its objection to the Project). These recommendations relate to the proposed conditions for privacy treatments and glazing, waste management and loading, public domain, landscaping, public art, and compliance reporting. The Commission has closely considered the recommendations and sought to incorporate them to the extent that they were found to be feasible and appropriate to mitigate the impacts of the Project and ensure an orderly use of the land. Council's recommendations are addressed in section 5 below.

#### *Adjoining landowner's submissions*

26. An adjoining landowner made two (2) submissions to the Commission, one (1) maintaining and reiterating their prior objection to the Project made through the Department's engagement on the EIS. This submission included a copy of the prior submission to the Department. The second submission provided additional comments intended to supplement observations and material gathered by the Commission during the neighbouring site visit.
27. Key issues raised in the two (2) submissions include compliance with the applicable land use controls, amenity impacts, inconsistency with the surrounding built form character, design excellence and materials, constructability and demolition impacts, overshadowing, setbacks, potential property damage and boundary wall impacts. These issues are addressed in section 5 below.

## 5. Key Issues

### 5.1 Land Use

28. The Applicant seeks to exceed the maximum residential floor space ratio (**FSR**) permitted under the Eastern Harbour City SEPP of 1.3:1, with the Project proposing a total residential/co-living FSR of 2.9:1 (AR para 46-48). This exceedance is a key element of Council's objection to the Project and was also raised in other submissions to the Department and the Commission. As noted by the Department, Council considered that:
- the proposal fails to limit residential development within the Business Zone – Mixed-Use zone, contrary to the underlying purpose of the FSR development standard; and
  - the departure from the residential FSR development standard results in amenity issues and piecemeal commercial floor space, as well as reducing employment capacity as envisaged for the Site under the controls (AR para 50-51).

29. The Applicant's position is that the maximum residential FSR applying to the Site is no longer appropriate, given it was established under the RWBEP and in view of the transformed and emerging character of the locality since the RWBEP was developed. In its Clause 16A Variation Request dated March 2024 (prepared as part of the RRtS), the Applicant notes that the Project's proposed land use mix is a "direct response to current market conditions which render a predominate (sic) commercial development unviable, as has been demonstrated for the [S]ite in the past" (page 2), and that the variation is justified as co-living housing because the Project:
- is different from standard market residential accommodation;
  - is intended to operate more similarly to a commercial use or serviced apartments;
  - is consistent with the objectives of the Business Zone – Mixed Use Zone under the Eastern Harbour City SEPP; and
  - complements the surrounding student accommodation and shop top housing developments whilst still contributing to the locality's existing and desired commercial character (page 2, 26).
30. Council reiterated its objection to the Project's non-compliance with the FSR development standard in its submission on the RRtS (dated 8 March 2024), stating that "[n]o genuine effort has been made to rebalance the residential component of the overall development" and that this results in amenity issues and a reduction of the employment capacity envisaged for the Site and broader locality (page 2). In its meeting with the Commission, Council noted its concerns regarding the cumulative loss of commercial floorspace in the locality, in view of the number of recently completed developments proximate to the Site which have exceeded the residential FSR development standard (refer Transcript of Meeting, 2 August 2024).

### *Commission's findings*

31. The Commission agrees with the Department's assessment of the FSR variation request at section 6.1 and Appendix E of the AR, particularly its argument that since the adoption of the RWBEP the area surrounding the Site has undergone significant transformation and recent residential developments have shifted the emerging land-use character of the area towards being predominantly residential. Further, the Commission agrees that the proposed variation to the FSR standard would enable the Project to provide additional dwellings in a highly accessible location, as well as improve street activation, local services, and increased employment opportunities, compared to the existing development (AR para 54-56).
32. Per section 3.1.3 of the RRtS, the Commission also notes that the Project as revised by the Applicant following submissions on the EIS has considerably reduced the extent of variation of the FSR standard and now accords with the 'total' maximum FSR control for the Site pursuant to the Eastern Harbour City SEPP.
33. The Commission acknowledges Council's concerns about future impacts on commercial floorspace in the locality. However, the Commission has found that the Department should, as a priority, investigate a potential revision of the land use controls applying to the area, noting the land-use mix and character of the locality has matured and evolved since the RWBEP, which is reflected in the pattern of development applications that are increasingly being lodged within the locality.

## 5.2 Built Form

### 5.2.1 Building height

34. The Applicant also seeks to exceed the maximum height limit standard of five (5) storeys applying to the Site per the Eastern Harbour City SEPP. The Applicant originally sought approval for a seven (7) storey building, however reduced the height of the Project from seven (7) to six (6) storeys in response to concerns raised in submissions (AR para 59-60).
35. In its Clause 16A Variation Request dated March 2024 (prepared as part of the RRtS), the Applicant notes that the Project “has been designed to present predominantly as being five storeys when viewed from the public domain” (page 2), and that the variation is justified as:
- the proposed additional height acts to appropriately redistribute compliant GFA afforded under the Housing SEPP;
  - the Site has an uneven topography which contributes to the variation to the development standard;
  - the additional storey is recessed behind the building’s parapet and has minimal visibility when viewed from the surrounding streetscape;
  - the variation does not give rise to any unacceptable amenity impacts to the future residents of the Project or existing surrounding developments (page 26).
36. In its submission on the RRtS, Council argued that the six-storey scheme still does not relate well contextually to surrounding and adjacent development and creates amenity issues.
37. The adjoining landowner argued in one of its submissions to the Commission that the proposed exceedance of the maximum height limit control will impose amenity impacts on neighbouring properties and the wider neighbourhood, and that the Applicant’s Clause 16A Variation Request does not satisfactorily address the criteria for exceptions to development standards at section 16A, clause 3 of Part 3 of the Eastern Harbour City SEPP.

#### *Commission’s findings*

38. The Commission agrees with the Department’s assessment of the building height variation request at section 6.2 and Appendix E of the AR. The Commission finds that the proposed departure from the maximum height limit standard is acceptable, as it would enable a more even distribution of compliant total floor space whilst still achieving acceptable residential amenity outcomes for both future residents of the Project as well as proximal neighbours. There are no excessive overshadowing, adverse privacy or amenity impacts as a result of the extra storey.
39. The Commission also agrees that the Project’s height of six-storeys (with a recessed upper level) is compatible with surrounding developments in the area (AR para 63).



### 5.2.2 Bulk, scale, and adjoining interfaces

40. Council's concern about the proposed exceedance of the Site's maximum height limit control is allied to its concern about the Project's proposed bulk and scale, and particularly how these influence its interfaces with adjoining buildings.
41. In its meeting with the Commission on 2 August 2024, Council reiterated its concern about the Project's bulk, scale and contextual fit with the surrounding built form character. Council argued that the Project could relate better to the existing adjoining built form pattern and streetscape character through, for example, incorporating more setbacks at certain upper level locations (Transcript of Meeting, pages 14-15).
42. Buildings adjoining the Site comprise a five (5) storey, adaptive reuse mixed-use development to the south at 13-31 Eveleigh Street, Redfern and three (3) two (2) storey residential terraces at 9-11 Woodburn Street, Redfern. No submissions on the Project were made by any of the residents or businesses at 13-31 Eveleigh Street, Redfern. As noted at section 4.1 above, the Commission met with the landowner of 9 Woodburn Street, Redfern and viewed the Site from this property. In their submission to the Commission, the landowner raised concern regarding impacts to the existing brick wall at the boundary between the Site and the residential terraces, requesting that the Applicant explore retaining this existing brick wall to minimise amenity and construction impacts.
43. Through its RRtS and Presentation to the Commission on 7 August 2024, the Applicant has outlined measures that it considers have contributed to a reduced bulk and scale, including:
- the reduction of the building's height from seven (7) to six (6) storeys;
  - recessing of the sixth storey from the building parapet to create a stepped form;
  - positioning of the sixth storey so that the building's bulk and scale from sensitive vantage points is minimised; and
  - lighter weight materials and a landscaped edge to reduce the sixth storey's visual prominence, particularly to the private open spaces of the adjoining terraces.

#### *Commission's findings*

44. Further to its findings at section 5.2.1, the Commission agrees with the Department that the Project's design maintains a five (5) storey appearance along its primary street frontages, and that its recessed sixth storey ensures that the building will not create excessive visual bulk or other external impacts to the streetscape and adjoining developments (AR para 62).
45. The Commission is also satisfied that the Project's design, materials and landscaping will present an appropriate interface to adjoining buildings, particularly the adjoining terraces to the south of the Site. Detailed consideration of amenity and design impacts, including materials, is provided at section 5.3 below.

## 5.3 Amenity and Design

### 5.3.1 Design excellence, privacy, and ventilation

46. In its meeting with the Commission, Council reiterated its concern about the Project's achievement of design excellence, which it sees as interconnected with residential amenity impacts. Council argued that the Project's provision of amenity is inconsistent with the Eastern Harbour City SEPP's sustainable design principles and the Housing SEPP's standards for co-living (refer Transcript of Meeting).

47. Section 22(2)(c) of Part 3 of the Eastern Harbour City SEPP requires the consent authority to consider whether a proposed development meets sustainable design principles in terms of natural ventilation and visual and acoustic privacy, in addition to other matters.
48. The Site is in a particularly sensitive acoustic location, being adjacent to Cleveland Street to the north and a rail corridor abutting the eastern side of Woodburn Street. The Applicant proposes to implement a hybrid natural and mechanical ventilation system to address potential acoustic impacts from Cleveland Street and the layout of rooms surrounding an internal courtyard (AR para 75). Council maintains its objection to this proposed system and would prefer to see natural ventilation provided to all rooms, noting that 88 (44%) of the total of 200 co-living rooms will rely on the proposed hybrid system (refer Transcript of Meeting).
49. As noted in its meeting with the Commission, the Applicant elected to utilise the proposed hybrid system after conducting an analysis of four different ventilation strategies (refer Transcript of Meeting and Presentation to Commission). The RRTs identifies the justification for this system over other options as follows:  
*“Following further review of the proposal, it has been determined that the provision of cross flow natural ventilation as previously proposed is unable to always provide acceptable internal acoustic conditions within the rooms. [...] The primary source of ventilation to the rooms will be mechanical ventilation delivered to each room via a ducted reticulation system. The air delivered to the rooms will be filtered and delivered at a rate suitable to achieve compliance with the requirements of AS-1668.2 and the National Construction Code (NCC). [...] In addition to the primary mechanical ventilation system described above, the rooms will also be provided with access to single sided natural ventilation via openable windows and doors. The hybrid approach proposed will provide residents with the ability to take advantage of natural ventilation when ambient temperatures, background noise levels, wind speed and wind direction are suitable for their individual comfortable requirement.” (pp.44-45).*
50. Section 69(2) of Part 3 of the Housing SEPP requires the consent authority to consider (for co-living housing of more than three (3) storeys) whether the proposed development will comply with the minimum building separation distances specified in the Apartment Design Guide. The Apartment Design Guide recommends 12m between habitable rooms/balconies in order to achieve an appropriate level of visual privacy.
51. In response to Council’s concerns, the Applicant revised the Project through removal of several rooms adjoining the internal courtyard and void to ensure that the Project complies with the Apartment Design Guide’s recommendation, and has also incorporated other measures to minimise potential privacy impacts, including removal of juliette balconies, landscaping along internal corridors, screening to break-out spaces, and angling of internal rooms to avoid direct facing between rooms and maintain privacy (AR para 70-71).
52. In its meeting with the Commission, Council reiterated its concerns regarding privacy outcomes, particularly for courtyard-facing rooms and lower level rooms facing the external perimeter of the Site, in view of the high degree of visual permeability from neighbouring public interfaces that these rooms will likely experience (refer Transcript of Meeting).

### *Commission's findings*

53. In relation to design excellence, the Commission notes that the Project was presented to the State Design Review Panel (**SDRP**) twice, and that the SDRP supported the consolidation of 175-177 Cleveland Street and 6-8 Woodburn Street into a single commercial and affordable housing development as well as the Project's design, subject to some refinements which the Applicant has since made through its RtS (AR para 105-107). The Commission is satisfied that the Project achieves appropriate design excellence in accordance with the Eastern Harbour City SEPP through its provision of a high quality architectural design, ground floor activation, and appropriate and distributed landscaping on all floors including the roof terrace and communal and open spaces.
54. Regarding ventilation, the Commission acknowledges Council's preference that the Project provide natural ventilation to all co-living rooms, but ultimately considers that the proposed hybrid ventilation system is the most practical approach to the inherent constraints presented by the Site's location, noting the Applicant's justification and its investigation of different options. The Commission agrees with the Department that one of the benefits of the hybrid ventilation system is that it will allow residents to take advantage of natural ventilation when background noise levels are suitable while maintaining mechanical ventilation when noise levels impact internal comfort (AR para 78). To address Council's concerns and ensure that the ventilation system's functioning is appropriately maintained and monitored throughout the life of the development, the Commission has imposed condition E39 requiring the mechanical ventilation system to be monitored and maintained in good working order at all times.
55. With respect to separation and privacy, the Commission considers that the Project as revised by the Applicant through its RtS and RRtS would provide an acceptable level of privacy and amenity for future residents, subject to the imposed conditions of consent. The Commission agrees with the Department that the Applicant's revisions and improvements achieve a balance between maintaining visual privacy, allowing for appropriate ventilation and enhancing views from co-living rooms to the expanded internal courtyard (AR para 72). The Commission is therefore satisfied that the Project appropriately addresses the relevant requirements and guidance within the Housing SEPP and the Apartment Design Guide, respectively.
56. Noting Council's concerns and to ensure that impacted co-living residents are allowed a greater level of autonomy over their privacy and amenity, the Commission has imposed condition B3 requiring the Applicant to include operable external privacy treatments for the courtyard-facing and lowest level co-living rooms facing the external perimeter of the Site.
57. The Commission also considers that the fact that the Project's rooms and spaces will be managed by a single, specialist accommodation provider and its appointed live-in manager (as noted in the Applicant's EIS), means that any amenity issues that arise in the life of the development have the potential to be resolved efficiently and beneficially.

#### **5.3.2 Overshadowing and solar access**

58. The Apartment Design Guide recommends a minimum of 70% of apartments' living rooms and private open spaces should receive two hours of direct sunlight between 9 am and 3 pm at midwinter, and that overshadowing of neighbouring properties should be minimised during midwinter (AR para 81-82).

59. Figures 21 and 22 of the AR illustrate the Project's overshadowing impacts following the Applicant's abovementioned reduction of the building height from seven to six-storeys and recessing of the upper level. As the Department notes, the Project's overshadowing impacts of surrounding developments now comprise:
- overshadowing of 2-8 Eveleigh Street between 9am and 10am, during midwinter, with the affected development maintaining acceptable levels of solar access for the remainder of the day;
  - additional overshadowing of the rooftop communal open space of 13-31 Eveleigh Street, however the affected area still maintains in excess of two hours of solar access to over 50% of the area; and
  - overshadowing impacts on 9-11 Woodburn Street which are materially the same as that cast by the existing four-storey building currently on the Site (AR para 86-87).

### *Commission's findings*

60. Having viewed the Site and surrounds, the Commission finds that solar access for the adjoining properties at 9-11 Woodburn Street, Redfern is already highly constrained by their location and orientation, as well as the recent development of 13-31 Eveleigh Street, Redfern. The Commission agrees with the Department that the Project would not unreasonably overshadow the adjoining residential developments, consistent with the Apartment Design Guide's requirements (AR para 88).

### **5.3.3 Materials and Construction**

61. The submissions from the adjoining landowner at 9 Woodburn Street raised concern about the Project's proposed materials and finishes, particularly in relation to the southern wall. The landowner argued that the render finish selected for this southern wall will too easily deteriorate and that a face brick wall would achieve better longevity. The landowner also felt that a lighter, more neutral paint colour on this southern wall would better reflect daylight and therefore ensure a better amenity outcome than the proposed dark paint colour.
62. In its meeting with the Commission, Council noted its satisfaction with the proposed materials palette. Council acknowledged the work the Applicant had done to refine the Project's materials in response to submissions and ensure that it was more sympathetic to the surrounding area's character.
63. Following the stakeholder meetings, site inspection, and neighbouring site visit, the Commission sought further clarification from the Applicant regarding the proposed materials and finishes for the southern wall as well as the details of any related consultation with the landowners of 9-11 Woodburn or 13-31 Eveleigh Street, Redfern. The Applicant's RFI response noted that:
- "[T]he proposed materials and finishes for the southern wall include face brick recycled bricks for the interface with the terraces at 9-11 Woodburn Street. The remaining southern elevation includes warm grey paint finish at ground level and fire rated glass block walls with horizontal bands of dark bronze paint finish. Dark bronze metal cladding will be used for Level 5."* (page 1)
64. Per the Applicant's updated Architectural Plans (dated December 2023) submitted as part of the RRtS, the Commission understands that certain elements of the finishes for this southern wall have been selected in accordance with NCC requirements for energy efficiency, acoustics, and fire safety.

65. The Applicant's RFI response also referenced its Consultation Outcomes Report (dated 27 September 2022) prepared as part of the EIS, which included engagement with the landowners of 9-11 Woodburn and 13-31 Everleigh Street, Redfern via letterbox drop and/or email correspondence, as well as its responses to concerns raised in submissions through its RtS and RRtS. The Applicant noted that the colour of the face bricks was changed in response to submissions and design development, but that this "does not impact on the structural integrity of the wall" (page 2). The Applicant also considered that other concerns raised in submissions by the directly adjoining landowner at 9 Woodburn Street Redfern will be addressed through a Detailed Construction Management Plan and its mitigation measures for dust suppression, construction waste, excavated material, and soil and vegetation disturbance.
66. In addition, the RFI response outlined that the construction of the southern wall is required to be undertaken from within the Site boundary, and will utilise materials and finishes that do not require access to neighbouring properties to construct nor will lead to any encroachment.

### *Commission's findings*

67. The Commission agrees with the Department that the proposed materials and finishes will be of a high quality and contribute to the Project's demonstration of design excellence in its architectural expression (AR para 129). Noting the concerns raised by the adjoining landowner, particularly regarding the southern wall, the Commission has imposed conditions in relation to the final finishes and consultation which it considers will ensure that a beneficial outcome can be reached between all parties. This includes condition B2 requiring the Applicant to submit confirmation of final materials and finishes, including confirmation of the process and methods in arriving at the final choice for all materials and finishes, and evidence of consultation with the landowner of 9 Woodburn Street, Redfern with respect to the southern wall.

#### **5.3.4 Public domain and through-site link**

68. The Project proposes a number of ground floor uses which seek to provide activation and amenity, including commercial tenancies at the Site's street frontages, a multi-purpose room for community uses, communal spaces (public and private), an internal courtyard, and a publicly accessible pedestrian link from Everleigh Street to Woodburn Street (refer Figure 23 of the AR). The courtyard and pedestrian link are proposed to be available for passage by the public seven days a week, between 7am and 9pm (AR para 99).
69. In its meeting with the Commission, Council reiterated its concerns about the pedestrian link, noting that it does not consider it to be a "genuine public through-site" link but rather "an additional access point to the building courtyard" (Transcript of Meeting, page 11). Council also raised concern in relation to the design, legibility and securitisation of the pedestrian link.
70. In response, the Applicant clarified to the Commission that the central publicly accessible space and accompanying pedestrian link were incorporated into the Project as a result of advice from the SDRP, and that the pedestrian link is more intended to provide a broad community benefit, achieve greater permeability within the Site, and create further activation, interaction and refuge for the users of the ground floor spaces. The Applicant conceded that the naming of the pedestrian link as a "through-site link" in its documentation had most likely contributed to some confusion surrounding its purpose (refer Transcript of Meeting).

71. The Department has additionally noted that there is no statutory requirement for the provision of a pedestrian link as part of the Project, and that the time restricted nature of its public accessibility is necessary to achieve consistency with relevant Crime Prevention Through Environmental Design (**CPTED**) principles, particularly passive surveillance, territorial reinforcement, access control, and space / activity management (refer Transcript of Meeting and AR para 100).

### *Commission's findings*

72. The Commission is satisfied with the design of the Project's public domain, including the pedestrian link, and agrees with the Department that whilst the pedestrian link will not connect the general public between destinations in the way that a genuine through-site link would, it would nevertheless successfully contribute to the activation and amenity of the proposed ground floor commercial and community uses (AR para 101).
73. The Commission acknowledges Council's concerns regarding the pedestrian link's design, legibility, and associated security matters, but considers that the Applicant has made sufficient efforts to improve the link's accessibility and integration with the ground floor uses through its revisions to the Project. Further, the Commission accepts that a certain level of security is required to ensure an appropriate balance between public access and safety for residents. The need to provide a place of refuge within the building was a key recommendation emerging out of consultation with First Nations groups (refer Applicant's Connecting with Country Report submitted as part of the EIS, dated September 2022).
74. Finally, having discussed the pedestrian link's entries at Woodburn and Eveleigh Streets in more detail with the Applicant at the Site Inspection, the Commission is satisfied that these entries are of adequate height, width and presentation and that they will be sufficiently welcoming to passersby during daylight hours.

## **5.4 Traffic, Parking and Servicing**

75. The Project includes a total provision of 15 car parking spaces, 13 motorcycle spaces and 235 bicycle spaces. Per the Housing SEPP, the statutory requirement for the Project's number of co-living rooms is 40 car parking spaces. The Commission notes that both Council and the Department support the proposed reduction of car parking spaces, due to the Site's advantageous location close to existing public transport networks and high level of accessibility to services, open space, and other conveniences. Further, the proposed bicycle parking provision is in accordance with Council's current DCP requirements (refer AR para 114-118).
76. A key issue maintained throughout Council's objection to the Project is the proposed waste collection strategy. In response to concerns raised in submissions on the EIS, the Applicant changed the proposal from servicing by Council waste collection to servicing by a private waste contractor 3 times per week (Applicant RRtS, page 31). Council does not support this arrangement and would prefer that the Applicant had more extensively explored alternative options for accommodating Council's waste truck (Submission on RRtS, page 3).
77. In its meeting with the Commission on 7 August 2024, the Applicant noted its previous consultation with Council on this issue and its investigation of different options for public waste collection. Ultimately, the Applicant considered that the Site's constraints combined with design solutions to accommodate Council's waste truck would result in a loss of commercial floorspace and reduced street activation on Eveleigh Street (Transcript of Meeting, page 16). The Applicant considers that private waste collection is appropriate for the Project in view of:

- its consistency with Council's current DCP as well as the City of Sydney Boarding Houses DCP 2004;
- its use for comparable approved developments in the locality such as 90-116 Regent Street, Redfern; and
- the co-living housing will be privately managed by a single entity, and in this way is not dissimilar to commercial uses like offices, serviced apartments and hotel accommodation, which typically utilise private waste collection (Applicant Presentation to Commission, 7 August 2024).

### *Commission's findings*

78. The Commission is satisfied with the Project's potential traffic impacts and its proposed car, motorcycle and bicycle parking provision. The Commission has imposed condition B17 to ensure the six (6) employee bicycle spaces comply with relevant Australian Standards as well as condition E36 requiring the Applicant to prepare a Green Travel Plan. The Commission also notes and supports the Project's inclusion of electric vehicle (EV) charging facilities. A condition of consent imposed by the Commission will ensure charging facilities are provided in accordance with the NCC.
79. To ensure pedestrian and bicycle accessibility is maximised through the Project, the Commission has also imposed condition B12 requiring the Applicant's public domain upgrade works surrounding the Site to be consistent with Council's approved public domain concept plan and to include, but not be limited to, a contraflow cycleway, continuous footpath treatments, and kerb realignment on Eveleigh Street.
80. The Commission acknowledges Council's concerns in relation to waste management, including bulky waste being presented at street level for collection and that Council will still have to levy a charge per dwelling for residential waste collection regardless of whether the Project utilises public or private waste collection (Transcript of Meeting, 2 August 2024). As the Applicant advised, they accept this levy and have already factored it into the Project's development feasibility. Further, the Applicant confirmed that all bins will only be stored and collected from the development's basement, therefore avoiding potential amenity issues from street-kerb collection (Transcript of Meeting, 7 August 2024). Noting this, the Commission agrees with the Department that the Project is suitable and appropriate to be serviced by a private waste contractor (AR para 124).
81. The Commission has imposed conditions B16, E27, and E29 in relation to waste collection and management. E29 requires the Applicant to set out adequate provisions within the premises for the storage, collection and disposal of waste and recyclable materials to ensure bins are not left on the street, and confirm the location of waste collection and establish appropriate routes to the collection point.

## **5.5 Social and Cultural**

82. The Project has certain social and cultural impacts, including its replacement of 22 existing dwellings with 200 co-living rooms, impacts during construction on neighbouring residents and businesses, and the relocation of publicly accessible street art murals. The adjoining landowner also raised concerns in one of its submissions to the Commission about the quality of its engagement with the Applicant.
83. At the same time, the Project also has the potential to facilitate several social and cultural benefits, including its provision of:
- diverse rental housing in an advantageous urban location;

- an affordable housing contribution in accordance with the Redfern-Waterloo Affordable Housing Contributions Plan 2006;
- a multipurpose community space intended for use by First Nation groups and the local community; and
- public art opportunities at internal and external locations across the Site which incorporate Connecting with Country principles.

### *Commission's findings*

84. The Commission accepts the Department's assessment of the Project's impacts on housing and agrees that the Project will not reduce the availability of affordable housing in the area (AR Table 10).
85. Per the Applicant's response to the Department's request for additional information (dated 18 June 2024), the Commission notes that approximately 55% of the Project's co-living rooms are capable of being affordable housing for certain income bands under section 1 of the Housing SEPP. Considering the dilapidated state of the existing residential development on the Site, the Commission finds that the development will positively contribute to the supply of rental housing in the locality and enhance affordable housing options.
86. In relation to construction impacts, the Commission is satisfied that these can be appropriately managed, subject to the imposed conditions of consent. Noting the adjoining landowner's concerns, the Commission has imposed a number of conditions which require the Applicant to, for example, communicate with residents and businesses directly impacted by the Project, demonstrate evidence of its consultation with the landowners of 9-11 Woodburn Street, Redfern and prepare plans or reports in relation to pre-construction dilapidation, construction environmental management, and construction noise and vibration management.
87. The Commission supports the provision of the multipurpose community space intended for use by First Nations groups and the local community as well as the proposed public art relocations and installations, and acknowledges the consultation undertaken by the Applicant through its Connecting with Country and Aboriginal Design Principles Reports (submitted as part of the EIS) that have informed these measures. The Commission has imposed condition E27(c) requiring priority for use of the multipurpose space to be given for local community uses, including First Nations groups and service providers. In addition, the Commission has imposed condition B25 requiring the Public Art Strategy to be implemented in accordance with the Applicant's EIS commitments.
88. Recognising the social and cultural significance of Redfern for First Nations communities as well as its existing First Nations population, the Commission has also imposed condition E27(d) requiring the Applicant to prepare an Operational Plan of Management for the Project which includes dedication of four (4) co-living units for priority occupation by First Nations students and/or First Nations community members.

## **5.6 Other Issues**

89. The Commission agrees with the Department's assessment of other issues at Table 7 of the AR (constructability and demolition, Aboriginal cultural heritage, landscaping, projections over road, CPTED, Woodburn Street stairs, and contributions). Subject to the imposed conditions relevant to each of these issues, the Commission is satisfied that the Project's impacts are capable of being appropriately managed and mitigated.



## 6. The Commission's Findings and Determination

90. The views of Council and the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), The Commission carefully considered all of these views in making its decision.
91. The Commission has carefully considered the Material before it as set out in section 3.1 and has weighed the broader strategic and social benefit of the provision of a mixed use co-living development on the Site. Based on its consideration of the Material, the Commission finds that the Project should be approved subject to conditions of consent for the following reasons:
- the proposed use is permissible with consent and meets the objectives of the Business Zone – Mixed Use pursuant to the Eastern Harbour City SEPP;
  - the Project is generally consistent with the relevant State and local planning framework, including the Housing SEPP, Eastern Harbour City SEPP, Eastern City District Plan, and Apartment Design Guide;
  - the Project is consistent with the strategic aims of the RWBEP in delivering housing and employment and its variation to the RWBEP's intended land uses and residential density is considered appropriate in view of the area's emerging and transforming residential land use character since the RWBEP was developed almost 20 years ago;
  - the Project will provide diverse housing options in the form of co-living housing;
  - the Project is in an advantageous location close to existing public transport networks, open spaces, university precincts, employment opportunities, and a mix of community uses;
  - the Project is an orderly and economic use of the land;
  - the Project will contribute to activation of the public domain and provide additional economic and community uses for the locality;
  - the project results in positive social impacts, particularly through the provision of four (4) co-living units that are to be prioritised for First Nations students and/or community members, as well as a multipurpose space for First Nations students and/or community members to utilise;
  - the Project seeks to encourage active transport through the provision of bicycle parking spaces and end of trip facilities, whilst limiting the provision of on-site car parking;
  - impacts on surrounding land uses have been minimised where possible and are capable of being further mitigated through conditions of consent.
92. For the reasons set out in paragraph 91 above, the Commission has determined that development consent should be granted subject to conditions. These conditions are designed to:
- prevent, minimise and/or offset adverse environmental and social and safety impacts;
  - set standards and performance measures for acceptable environmental and safety performance;
  - require regular monitoring and reporting; and
  - provide for the on-going environmental management of the development.

93. The reasons for the Decision are given in the Statement of Reasons for Decision dated 4 September 2024.



Dr Sheridan Coakes (Chair)  
Member of the Commission



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Member of the Commission



Richard Pearson  
Member of the Commission



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