

Department of Planning, Housing and Infrastructure

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# Redfern Mixed Use Co-Living Housing Development

State Significant Development Assessment Report (SSD 32275057)

July 2024





# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Assessment Report

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# Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's assessment and evaluation of the State significant development application for the Redfern Mixed Use Co-Living Housing Development, located at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern and lodged by EG Funds Management Pty Ltd.

This report includes:

- an explanation of why the proposal is considered State significant development and who the consent authority is
- an assessment of the proposal against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an outline of any changes made to the proposal during the assessment process
- an assessment of the likely environmental, social and economic impacts of the proposal
- an evaluation, which weighs up the likely impacts and benefits of the proposal, having regard to the proposed mitigations measures, community views and expert advice; and provides a view on whether the impacts are, on balance, acceptable
- an opinion on whether the proposal is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the proposal can be granted and any conditions that should be imposed.

# Executive Summary

This report provides an assessment of the State significant development (SSD) application seeking approval for the demolition of existing structures and construction of a mixed-use co-living development at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern (the site).

This report will be provided to the Independent Planning Commission (IPC) for their consideration when deciding whether to grant consent to the proposal.

## Proposal

The application was lodged by EG Funds Management Pty Ltd (the Applicant) and seeks approval for the demolition of existing structures and the construction of a six-storey mixed-use co-living housing development, comprising:

- a total GFA of 6,617.4 m<sup>2</sup>, consisting of:
  - residential GFA of 5,839 m<sup>2</sup>
  - non-residential GFA of 778.2 m<sup>2</sup>
- 200 co-living rooms (91 single and 109 double rooms)
- 793.2 m<sup>2</sup> of communal open space, including an internal courtyard and rooftop garden
- 526.9 m<sup>2</sup> of communal living areas
- ground and first-floor co-working, commercial/retail and multi-purpose spaces
- parking for 15 car spaces, 13 motorcycle spaces and 235 bicycle spaces
- associated landscape works and provision of a through-site link
- extension and augmentation of related services and infrastructure
- indigenous public art.

The proposal has a Capital Investment Value (CIV) of \$38 Million, would generate approximately 105 construction jobs and 45 operational jobs, and delivery 200 co-living rooms.

## Statutory Context

The proposal is classified as SSD under 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 (SEPP) (Planning Systems) 2021, being development within the Redfern-Waterloo Sites with a CIV more than \$10 Million.

The IPC is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the SEPP (Planning Systems) 2021, as Council has duly made a submission by way of objection.

## Engagement

The Department of Planning, Housing and Infrastructure (the Department) publicly exhibited the Environmental Impact Statement (EIS) on the NSW Planning Portal between 2 and 29 November 2022 (28 days). The Department also wrote to adjoining landowners and relevant public authorities, including Council, notifying them of the exhibition.

The Department received three unique public submissions (two objecting and one in support), an objection from Council and comments from seven Government agencies.

The key issues raised in the public submissions included building height, bulk and scale, overshadowing, departures with development standards, privacy impacts, development along a common boundary, tree protection and compatibility with the character of the area.

The key issues raised by Council included site suitability, design excellence, residential amenity, public domain, public art, ecological sustainable development (ESD), landscaping, traffic and parking, and servicing arrangements.

The Applicant submitted a Response to Submissions (RtS) report and additional information to address the issues raised by the Department, Council, Government agencies and public submissions (see **Appendix A**). Key amendments made to the proposal include a reduction in building height and mass, changes to architectural expression, ground floor reconfigurations, increased internal separation, increased communal living areas, and improved Connection with Country and public benefits.

The Department made the Applicant's RtS and additional information publicly available on the NSW Planning Portal and notified Council and relevant Government agencies.

While Council acknowledged the RtS addressed some of its concerns, in part, it maintained its objection to the proposal. Council maintained concerns in regard to site suitability and the non-compliance with the residential floor space ratio (FSR) and building height development standards, design excellence, residential amenity, waste services, bicycle parking, public art, landscaping and public domain.

Government agencies comments and advice informed the Department's recommended conditions in **Appendix D**.

## Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions and the Applicant's response and additional information.

The Department's assessment concludes that the proposal is acceptable as:

- it is consistent with the relevant strategic planning framework in delivering additional housing, offering housing choice and employment opportunities at a highly accessible location
- it is compatible with the existing, adjoining, and surrounding land uses, which are predominantly residential in nature, despite the planning control limiting residential uses in the locality
- It provides commercially managed residential accommodation, together with 778.2 m<sup>2</sup> of commercial floor space, which would generate approximately 45 on-going employment opportunities
- it provides a bulk and scale which is compatible with the envisaged character of the area and an appropriate built-form relationship to the adjoining development
- it does not result in any unreasonable overshadowing, view or privacy impacts on adjoining development or the public domain
- it would deliver several public benefits, including the provision of a landscaped through-site link, improved activation of Woodburn Street and Eveleigh Street and a multi-purpose community space for the use of the local Indigenous community
- it is considered to achieve design excellence in its architectural expression, use of high-quality materials, good residential amenity and positive contribution to the public domain
- the Department has recommended a suite of conditions to appropriately address any residual issues.

## Conclusion

Following its detailed assessment, the Department concludes that the proposal is acceptable as it has strategic merit and would deliver much-needed residential accommodation within close proximity to public transport, jobs, and services. The Department has carefully considered the issues raised by Council and the community in this assessment report and is satisfied that the proposal is unlikely to cause unacceptable impacts.

As such, the Department considers the proposal to be in the public interest and concludes that the application is approvable, subject to conditions.

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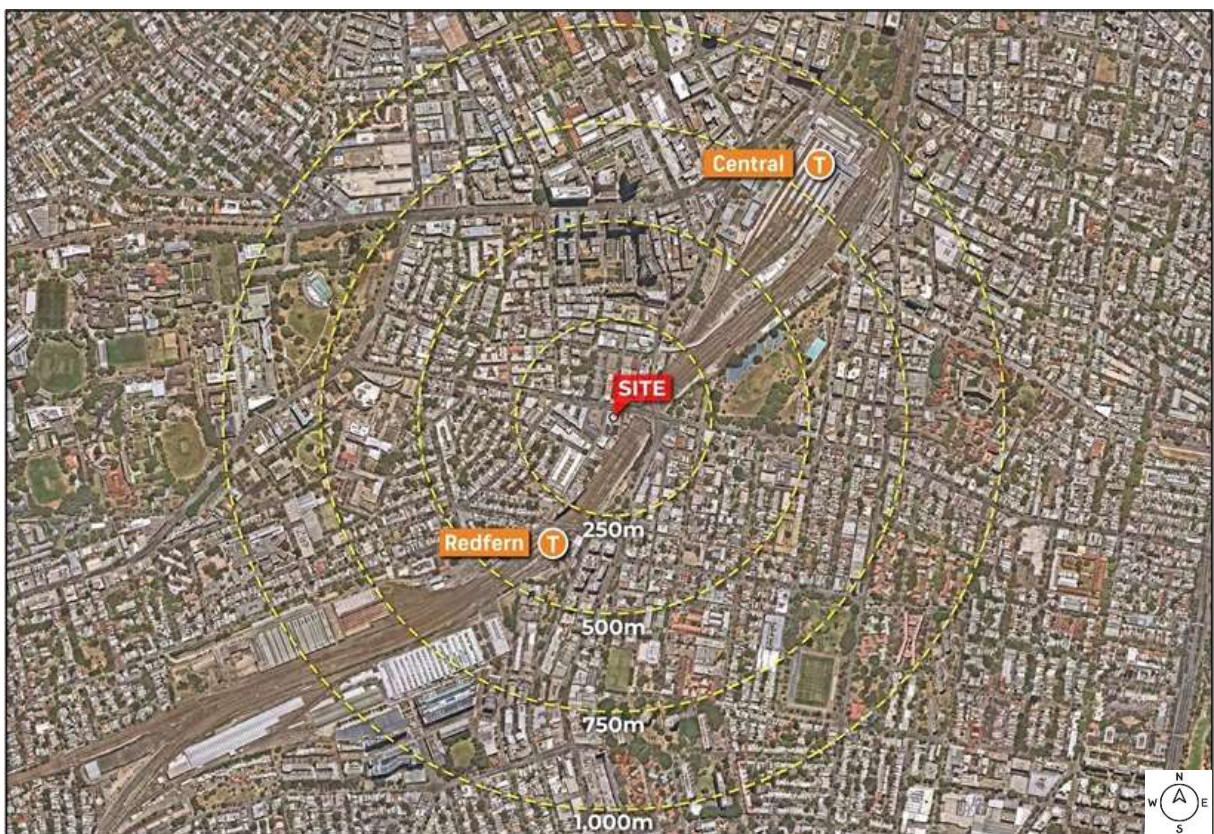
# 1 Introduction

## 1.1 The Proposal

1. EG Funds Management Pty Ltd (the Applicant) seeks approval for the demolition of existing improvements and construction of a six storey mixed-use co-living housing development.
2. The proposal has a CIV of \$38 Million, would generate approximately 105 construction jobs and 45 operational jobs, and delivery of 200 co-living rooms. A detailed overview of the proposal is provided in **Section 2 – Proposal**.

## 1.2 Proposal Location

3. The site is located at 175-177 Cleveland Street, 1-5 Woodburn Street and 6-8 Woodburn Street, Redfern, within the City of Sydney (Council) local government area. The site sits between Eveleigh Street and Woodburn Street, with a frontage to Cleveland Street, and has a total area of 2,016.9 m<sup>2</sup> (see **Figures 1 – 8**).



**Figure 1** | Local context map



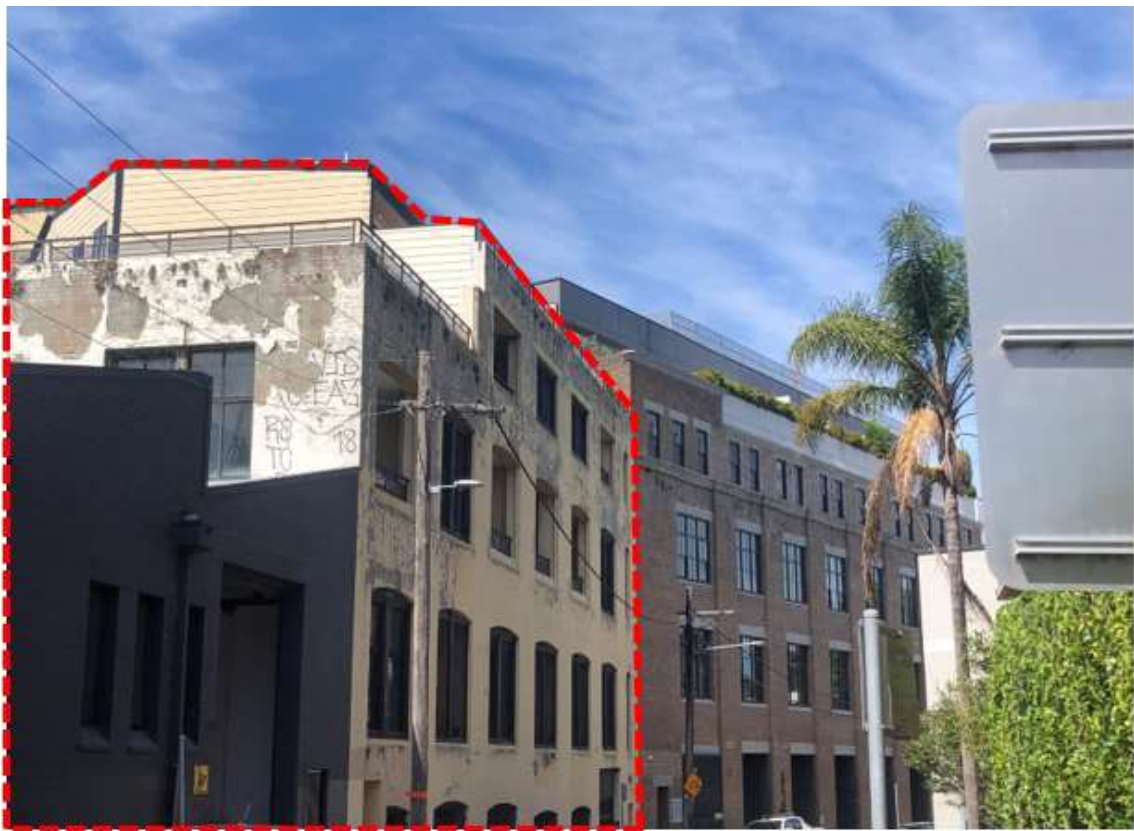
**Figure 2 |** Aerial view of site (Site in red)



**Figure 3 |** View from Eveleigh Street looking north (Site in red)



**Figure 4** | View of site from the corner of Cleveland Street and Woodburn looking east



**Figure 5** | View looking south along Eveleigh Street of adjoining site (Site in red)



**Figure 6** | View looking north along Eveleigh Street of adjacent residential development



**Figure 7** | Existing development opposite the site on the northern side of Cleveland Street



**Figure 8** | View looking north along Woodburn Street and adjoining residential terraces (Site in red)

4. The site has a primary frontage to Cleveland Street of approximately 30 m, an eastern frontage to Woodburn Street of 56 m, and a western frontage to Eveleigh Street of 56 m.
5. The site is located at the south-western edge of the Sydney Central Business District, approximately 400 m from the Redfern train station and 750 m from Central train station. The site is also within close proximity of several tertiary educational establishments, including University of Sydney, University of Technology Sydney and Notre Dame University.
6. The existing development currently occupying the site consists of:
  - 175 Cleveland Street – two-storey industrial building supporting retail and commercial uses
  - 177 Cleveland Street – open hardstand carpark
  - 1-5 Woodburn Street – warehouse building containing commercial uses
  - 6-8 Woodburn Street – converted warehouse-style building, accommodating 22 residential units.

7. The surrounding area is generally characterised by a mixture of commercial/ warehouse buildings and residential development. The site is not located within a conservation area or in proximity of any heritage items.

## 1.3 Previous Development Consent and Applications

### 1.3.1 **SSD 6371 – Mixed use student accommodation and residential flat development**

8. On 28 January 2015, the Department approved a five storey mixed use student accommodation and residential flat development at 175-177 Cleveland Street. The development accommodated 40 student rooms and 13 apartments. This consent expired on 28 January 2020, unless commenced.

### 1.3.2 **SSD 7064 – Mixed use commercial, hotel and residential flat building**

9. On 22 March 2018, the Land and Environment Court approved a mixed use hotel and a residential flat development at 175-177 Cleveland Street and 1-5 Woodburn Street. The development accommodated 45 hotel rooms, 20 residential apartments and two retail tenancies. This consent expired on 22 March 2023, unless commenced.

### 1.3.3 **SSD 10720865 – Co-working boarding house development**

10. On 21 July 2021, the Applicant lodged an application for a six storey co-working boarding house development. Shortly after lodgement the adjoining site at 6-8 Woodburn Street was acquired by the Applicant and the preparation of the subject application was commenced. The Applicant has indicated that upon a favourable determination of the subject application, SSD 10720865 will be withdrawn.

## 2 Proposal

### 2.1 Proposal Overview

11. The proposal seeks approval for the demolition of existing structures and construction of a six storey mixed-use co-living housing development, comprising:
  - a total GFA of 6,617.4 m<sup>2</sup>, consisting of:
    - residential GFA of 5,839.2 m<sup>2</sup>
    - non-residential GFA of 778.2 m<sup>2</sup>
  - 200 co-living rooms (91 single and 109 double rooms)
  - 793.2 m<sup>2</sup> of communal open space, including an internal courtyard and rooftop garden
  - 526.9 m<sup>2</sup> of communal living areas
  - ground and first floor co-working, commercial/retail and multi-purpose spaces
  - parking for 15 car spaces, 13 motorcycle spaces and 235 bicycle spaces
  - associated landscape works and provision of a through-site link
  - extension and augmentation of related services and infrastructure
  - indigenous public art.
12. The proposal has a CIV of \$38 Million, would generate approximately 105 construction jobs and 45 operational jobs, and delivery 200 co-living rooms.
13. The key aspects of the proposal are provided in detail in the EIS and amendment report. A link to the application is provided at **Appendix A**.

### 2.2 Physical Layout and Design

14. The physical layout and design of the proposed development are shown in the following figures:



Figure 9 | Ground Floor Plan



Figure 10 | Typical Floor Plan (Levels 2 - 4)





Figure 11 | Level 5 Floor Plan



Figure 12 | Section Plan



Figure 13 | West (Eveleigh Street) Elevation Plan



Figure 14 | East (Woodburn Street) Elevation Plan



Figure 15 | North (Cleveland Street) Elevation Plan

# 3 Strategic Context

## 3.1 Key Strategic Issues

15. The Department has carefully considered the proposal against all relevant strategic planning documents including:
  - Greater Sydney Region Plan
  - Eastern Harbour City District Plan
  - 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
  
16. The Department is satisfied the proposal is consistent with the overarching objectives of the above strategies, plans and policies, as it would:
  - provide a mixed-use development on a site well serviced by public transport, close to existing employment opportunities
  - contribute towards increasing Sydney's housing supply and housing choice
  - revitalise the ground plane and contribute to achieving a socially connected community
  - integrate the principles of CPTED and improve activation of the public domain
  - provide opportunities for co-share facilities with local community groups, including publicly accessible space for the enjoyment and benefit of the wider community
  - encourage active transport by providing bicycle parking spaces and end of trip facilities, while limiting on-site car parking
  - integrate best practice sustainability measures and encourage the use of sustainable modes of transport
  - it has been subjected to a design review process and incorporates good design.

# 4 Statutory Context

## 4.1 Permissibility and Assessment Pathway

17. Details of the legal pathway under which consent is sought and the permissibility of the proposal are provided in **Table 1** below:

**Table 1** | Permissibility and assessment pathway

Consideration	Description
<b>Assessment pathway</b>	The proposal is declared SSD under section 4.36 of the EP&A Act as it satisfies the criteria under section 2.6(1) of the State Environmental Planning Policy (SEPP) (Planning Systems) 2021, being development within the Redfern-Waterloo Sites with a CIV of more than \$10 Million.
<b>Consent authority</b>	The IPC is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the SEPP (Planning Systems) 2021, as Council duly made a submission by way of objection.
<b>Permissibility</b>	The site is zoned “Business Zone – Mixed Use” under the SEPP (Precincts – Eastern Harbour City) 2021 and development for the purposes of mixed use co-living housing development is permitted with consent.

## 4.2 Other Approvals and Authorisations

18. The proposal will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.
19. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
20. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the proposal.
21. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the proposal (see **Section 5 - Engagement** and **Section 6 - Assessment**). Suitable conditions have been included in the recommended conditions of consent (**Appendix D**).

### 4.3 Planning Secretary’s Environmental Assessment Requirements

22. The Department’s review determined that the EIS addresses each matter set out in the Planning Secretary’s environmental assessment requirements (SEARs) issued on 9 December 2021 and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

### 4.4 Mandatory Matters for Consideration

#### 4.4.1 Matters of Consideration Required by the EP&A Act

23. Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in **Table 2** below:

**Table 2** | Matters for consideration

Matter for consideration	Department’s assessment
<b>Environmental planning instruments, proposed instruments, development control plans &amp; planning agreements</b>	Section 6 – Assessment, Appendix C & Appendix E
<b>EP&amp;A Regulation</b>	Section 4 – Statutory Context & Appendix C
<b>Likely impacts</b>	Section 6 - Assessment
<b>Suitability of the site</b>	Section 3 - Strategic Context & Section 6 - Assessment
<b>Public submissions</b>	Section 5 – Engagement, Section 6 – Assessment & Appendix B
<b>Public interest</b>	Section 5 - Engagement, Section 6 - Assessment & Section 7 - Evaluation

#### 4.4.2 Objects of the EP&A Act

24. In determining the application, the consent authority must consider whether the proposal is consistent with the relevant objects of the EP&A Act, including the principles of ESD. Consideration of these factors is described in **Appendix C**.

25. As a result of the analyses in **Appendix C**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

#### **4.4.3 Biodiversity Development Assessment Report**

26. Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017).
27. A BDAR waiver request was submitted to the Department on 22 November 2021. The Environment Agency Head and the Director Key Sites Assessments as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 20 December 2021.

# 5 Engagement

## 5.1 Exhibition

### 5.1.1 Public Exhibition

28. After accepting the development application, the Department:
  - publicly exhibited the EIS between 2 November and 29 November 2022 (28 days) on the NSW Planning Portal
  - notified occupiers and landowners in the vicinity of the site about the public exhibition
  - notified and invited comment from relevant Government agencies and Council.
29. The Department received three public submissions (two objections and one in support), comments from seven Government agencies and an objection from Council.
30. Department officers also visited the site and surrounding area to gain a better understanding of the site context and the issues raised in submissions.
31. The Department requested the Applicant to respond to the issues raised in submissions and the comments received from Government agencies. The Applicant provided a response to submissions (RtS) report to the Department on 11 August 2023 (see **Appendix A**).
32. Following a review of the RtS, the Department requested further amendments to the proposal to address the comments and issues raised in the submissions. The Applicant submitted the additional information in response to the Department's request on 13 February 2024 (see **Appendix A**).
33. The Department made the RtS and additional information public available on the NSW Planning Portal and notified the relevant Government agencies and Council.
34. A summary of the key issues raised in submissions and agency advice is provided below.

### 5.1.2 Summary of Advice Received from Government Agencies

35. The Department received advice from seven Government agencies on the proposal.
36. A summary of the agency advice is provided in **Table 3** and a link to a copy of the advice is provided in **Appendix B**.

**Table 3 | Summary of agency advice**

Agency	Advice summary
<b>Sydney Trains</b>	Sydney Trains raised no objection to the proposal, subject to the imposition of several conditions requiring technical expert reports and studies to ensure the protection of adjoining rail land and ensure a safe and reliable rail service.
<b>Ausgrid</b>	Ausgrid raised no objection to the proposal and recommended continued direct discussions regarding the supply requirements related to the development.
<b>Heritage NSW (ACH)</b>	Following the receipt of an amended Aboriginal Cultural Heritage Assessment, Heritage NSW agreed with the management recommendations outlined in the assessment and provided no additional comments.
<b>Transport For NSW (TfNSW)</b>	<p>TfNSW recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• All buildings and structures including signage together with any improvements integral to the future use of the site are to be wholly within freehold property unlimited in height or depth along the Cleveland Street Boundary.</li> <li>• A Road Occupancy Licence is to be obtained.</li> <li>• Prepare a Construction Pedestrian Traffic Management Plan in consultation with TfNSW.</li> </ul>
<b>Heritage NSW</b>	Heritage NSW noted the site is not listed on the State Heritage Register nor in the immediate vicinity of any historical archaeological relics.
<b>Sydney Water</b>	<p>Sydney Water provided comments to assist in planning the servicing needs of the proposed development, including requirements for:</p> <ul style="list-style-type: none"> <li>• potable water and wastewater servicing should be available and amplifications, adjustments and/or minor extensions may be required.</li> <li>• a Section 73 compliance certificate must be obtained</li> <li>• tree planting (and removal) must comply with Sydney Water technical guidelines</li> </ul>
<b>Environmental Protection Agency (EPA)</b>	EPA raised no objection to the proposal, noting Council is the appropriate regulatory authority for the development.



### 5.1.3 Summary of Council's Submissions

37. Council duly made a submission by way of objection during the public exhibition of the EIS. Council provided further submissions in response to the RtS and additional information submitted by the Applicant. A link to all submissions in full is provided in **Appendix A**.
38. A summary of the issues raised by Council in response to the EIS is provided below:
- Suitability of the site and non-compliance with key development standards
  - Design excellence and urban design
  - Residential amenity
  - Public domain
  - Public art
  - Ecologically sustainable development
  - Landscaping
  - Car, motorcycle and bicycle parking
  - Servicing, waste and access
39. In response to the RtS and additional information, Council acknowledged the proposed design has been amended and additional information has been submitted to address matters previously raised. However, Council advised that it maintained its objection, in part, given the significant departure from the land use mix controls resulting in residential development with amenity issues and piecemeal commercial space.
40. Council also maintained its concerns in regard to site suitability and non-compliance with key development standards, design excellence, residential amenity, waste services, bicycle parking, public art, landscaping and public domain.

### 5.1.4 Summary of Public Submissions

41. The Department received three public submissions<sup>1</sup> during the exhibition period, consisting of two objections and one in support of the proposal.
42. The key issues raised in the public submissions is provided in **Table 4** and a link to all submissions in full is provided in **Appendix B**:

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<sup>1</sup> Each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the State Environmental Planning Policy (Planning System) 2021.

**Table 4** | Summary of issues raised in public submissions

<b>Issue</b>	<b>% of Submissions</b>
<b>Bulk and scale</b>	2 of 3 (66%)
<b>Variations to the FSR and height of building development standards</b>	2 of 3 (66%)
<b>Compatibility with the surrounding area</b>	2 of 3 (66%)
<b>Lack of on site car parking</b>	1 of 3 (33%)
<b>Impacts on the adjoining two-storey terraces (overshadowing, bulk and scale, excavation, tree damage, demolition, noise and vibration)</b>	1 of 3 (33%)
<b>Overshadowing impacts</b>	2 of 3 (66%)
<b>Material and finishes (southern elevation adjacent to terraces – requests face brick for low maintenance or a lighter colour for light reflection)</b>	1 of 3 (33%)
<b>Useable rooftop space adjacent to boundary potential for amenity impacts on terraces</b>	1 of 3 (33%)
<b>Drainage impact associated with works on the common boundary with the terraces</b>	1 of 3 (33%)
<b>Impact on tree located within the adjoining site (terraces)</b>	1 of 3 (33%)
<b>Common boundary wall adjacent to terraces</b>	1 of 3 (33%)

## 6 Assessment

43. The Department has considered all documentation submitted by the Applicant, the issues raised in submissions and the advice provided by Government agencies in its assessment of the proposal.
44. The Department considers the key assessment issues associated with the proposal are:
- Land use
  - Building height
  - Residential amenity
  - Traffic, parking and servicing
  - Design excellence
45. Each of these issues are discussed in the following sections of this report. The Department’s consideration of other issues relating to the application are addressed in **Section 6.7 – Other Issues** and the appendices of this report.

### 6.1 Land Use – Maximum Residential Floor Space

46. The proposal is subject to two floor space ratio (FSR) development standards, being a total maximum FSR of 3.3:1 and a maximum residential FSR of 1.3:1. This includes floor space permitted under the SEPP (Precincts – Eastern Harbour City) 2021, along with an additional 10% FSR bonus for co-living housing under the SEPP (Housing) 2021.
47. The proposal complies with the overall FSR for the site, but it exceeds the maximum residential FSR development standard (see **Table 5**). As such, the Applicant submitted a written request under clause 16A of Appendix 3 of SEPP (Precincts – Eastern Harbour City) 2021, justifying the proposed residential FSR variation.
48. A summary of the proposed FSR is provided below:

**Table 5 | Summary of GFA/ FSR**

GFA Summary	GFA	FSR
Maximum permissible	6,655.77 m <sup>2</sup>	3.3:1
Proposal (total)	6,617.4 m <sup>2</sup>	3.28:1

GFA Summary	GFA	FSR
<b>Maximum Residential floor space permissible</b>	2,621.97 m <sup>2</sup>	1.3:1
<b>Proposal (residential/ co-living)</b>	5,839.2 m <sup>2</sup>	2.9:1

49. The objective of the maximum non-residential FSR is not explicitly stated in the SEPP (Precincts – Eastern Harbour City) 2021. However, it can be reasonably inferred the purpose is to deliver the objectives of the Redfern-Waterloo Built Environment Plan (Stage One) 2006, which is to support an appropriate mix of additional housing and employment opportunities at the locality.
50. Council objected to the exceedance of the maximum residential FSR development standard because the proposal fails to limit residential development within the Business Zone – Mixed-Use zone, contrary to the underlying purpose of the development standard.
51. Council also noted that the departure from the residential FSR development standard results in amenity issues and piecemeal commercial floor space. Further, the limited commercial floor space has the effect of reducing employment capacity as envisaged for the site under the controls.
52. In response, the Applicant noted the maximum residential FSR that applies to this locality was derived from the Land Use and Design Concepts control established under the Redfern-Waterloo Built Environment Plan (Stage One) 2006.
53. The Applicant stated that these controls are no longer representative of the best planning and design outcomes for the site and the broader locality, particularly in the context of the current housing supply shortages and affordability issues.
54. The Department acknowledges Council’s submission with respect to the proposal’s departure from the maximum residential floor space development standard. However, the Department accepts the Applicant’s position that since the adoption of the Redfern-Waterloo Built Environment Plan (Stage One) 2006, the area has undergone significant transformation. This includes the approval and construction of a range of residential developments, such as the Scape student housing development along Cleveland Street, Hudson Studios on Hudson Street and the Pemulwuy Mixed Use development to the south, adjacent to Redfern Train Station.
55. The Department notes that these projects have significantly transformed the emerging land-use character of the area towards a predominantly residential area despite the maximum residential floor space control similarly applying to the locality. This is illustrated

in **Figure 16**, which demonstrates the extent of residential development in the surrounding area.

56. Further, the Department notes that the existing development on the site includes 22 residential dwellings and two warehouses/ showroom buildings with approximately 1,600 m<sup>2</sup> of commercial GFA in total (approximately 30 jobs). The proposal would not only provide additional dwellings in a highly accessible location but also improve street activation, local services, and increased employment opportunities, compared to the existing development. The Department therefore considers the proposal is consistent with the strategic aims of the Redfern-Waterloo Built Environment Plan (Stage One) 2006 in supporting housing and employment at the locality despite the proposed variation to the development standard.



**Figure 16** | Aerial image of surrounding residential development (Source: Nearmaps with DPHI annotation)

57. The Department’s detailed consideration of the Applicant’s variation request is provided in **Appendix E**. The Department acknowledges that the scope of the proposed variation in this instance is proportionately significant. However on the basis of a range of circumstances that are specifically relevant to this proposal and its context, the Department supports the proposed residential FSR because the proposed development:

- complies with the maximum overall FSR permitted on the site and would have acceptable external impacts in terms of overshadowing and traffic impacts (see **Section 6.2.1 – Overshadowing Impacts** and **Section 6.6 – Traffic, Parking and Servicing**)
- is compatible with the existing, adjoining and surrounding land uses (that are subject to the same land use controls), which are predominately residential in nature (as illustrated in **Figure 16**)
- provides commercially managed residential accommodation, together with the proposed 778.2 m<sup>2</sup> of commercial floor space. It would increase employment opportunities to 45 jobs compared to the approximately 30 jobs with the existing developments
- continues to maintain active street frontages with the provision of a commercial tenancy at the corner of Cleveland Street and Woodburn Street and commercial tenancies and multi-purpose community space along Eveleigh Street
- would further support opportunities for the local indigenous community and aboriginal enterprises with the provision of a multi-purpose community space
- would support a good level of residential amenity in respect to requirements under SEPP (Housing) and the Apartment Design Guide (see **Section 6.3 – Residential Amenity**).

58. Therefore, the Department’s assessment concludes the proposed co-living accommodation, density and land use mix is appropriate because it would deliver additional housing and employment opportunities in close proximity to public transport and it would be compatible with the predominate and emerging residential land uses in the surrounding area.

## 6.2 Building Height

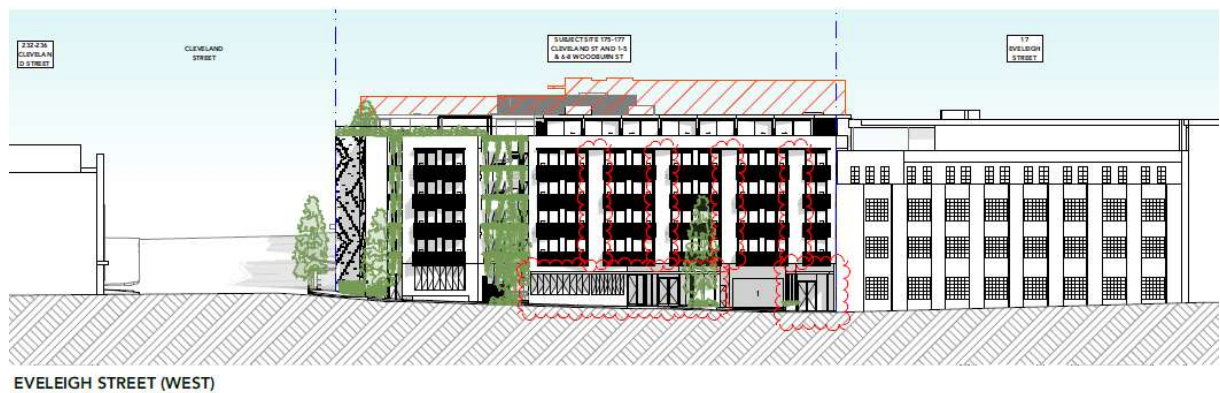
59. Council and public submissions raised concern about the proposal’s height, bulk, and scale, as it would not relate well to the adjacent built form. Further, the submissions noted that the proposed seven-storey building would exceed the maximum five-storey building height control and would result in unacceptable amenity impacts on the adjoining development.

60. In response, the Applicant amended the proposal by reducing its height from seven storeys to six storeys as well as reducing the massing and increasing the setbacks of the upper level. The Applicant also submitted a written request under clause 16A of Appendix 3 of SEPP (Precincts – Eastern Harbour City) 2021, justifying the proposed one-storey height

variation. An image of the final proposal and the reduced height and massing are shown in Figures 17 and 18 below.



**Figure 17** | Cleveland Street render of proposed development



**Figure 18** | Eveleigh Street elevation (hatched section showing reduction of height and building mass from uppermost level from EIS scheme to current scheme).

61. The Applicant noted that the proposed one-storey exceedance results from redistributing the allowable GFA in a manner that is consistent with the locality's built-form character while allowing for improved residential amenity for future occupants.
62. The Department's detailed consideration of the Applicant's variation request is provided in **Appendix E**. In summary, the Department supports the amended proposal as well as the Applicant's request to vary the building height development standard because the proposal:

- is compatible with the existing streetscape and surrounding developments by maintaining a five-storey appearance along the primary street frontages, with the sixth storey adequately setback behind the parapet wall and building façade to avoid visual bulk from a range of vantage points and other external impacts (see **Figures 17 and 18**)
- appropriately responds to the topography of the site, which has a crossfall of 4.5m away from Cleveland Street and part of the proposed ground level (first storey) is partly below street level
- is similar in height as the adjoining building at No 13 - 17 Eveleigh Street as viewed along Eveleigh Street (see **Figure 18**)
- complies with the maximum permissible floor space for the site (see **Section 6.1 – Land Use**) and allows for the better distribution of floor space to accommodate a large internal courtyard and rooftop communal facilities to support good residential amenity (see **Section 6.3.1 - Internal Building Separation** )
- demonstrates the additional storey does not give rise to any excessive visual bulk, views or overshadowing impacts on the adjoining developments (see **Section 6.2.1 – Overshadowing Impacts**).

63. The Department's assessment therefore concludes that the proposed departure from the building height development standard is acceptable. It would allow for a more even distribution of compliant floor space, which would improve residential amenity without resulting in any significant external impacts in terms of visual bulk or overshadowing. The Department also accepts that the proposed building height is compatible with the surrounding developments in the area.

### 6.3 Residential Amenity

64. Part 3 of Chapter 3 of the SEPP (Housing) 2021 contains standards which apply to co-living housing development.
65. The proposal complies with the key numerical standards of the SEPP (Housing) 2021 for Co-living housing development as outlined in **Table 6** below.



**Table 6 | Summary of SEPP (Housing) 2021 requirements for Co-Living**

Standard / requirements	Proposed	Complies
<b>Communal living area: 418 m<sup>2</sup> (min. dimensions of 3m)</b>	The proposal includes 526.9 m <sup>2</sup> of communal living areas, distributed across all residential floors, with upper floor communal living area receiving in excess of 3 hours of direct solar access between 9am and 3pm, during mid-winter.	Yes
<b>Communal open space: 403.4 m<sup>2</sup> (min. dimensions of 3m)</b>	The proposal includes 793.2 m <sup>2</sup> of communal open space, which receives in excess of 3 hours of solar access between 9am and 3pm, during mid-winter.	Yes
<b>Minimum room size: (i) 12 m<sup>2</sup> single room (ii) 16 m<sup>2</sup> double room (max. room size of 25 m<sup>2</sup>)</b>	The proposal includes 15 different room configurations, which includes: <ul style="list-style-type: none"> <li>• single rooms ranging between 12.68 m<sup>2</sup> and 14.83 m<sup>2</sup></li> <li>• double rooms ranging between 16 m<sup>2</sup> and 22.36 m<sup>2</sup></li> </ul>	Yes

66. However, the Department considers the key residential amenity issues associated with the proposal include:

- building separation and visual privacy,
- noise and ventilation
- solar access.

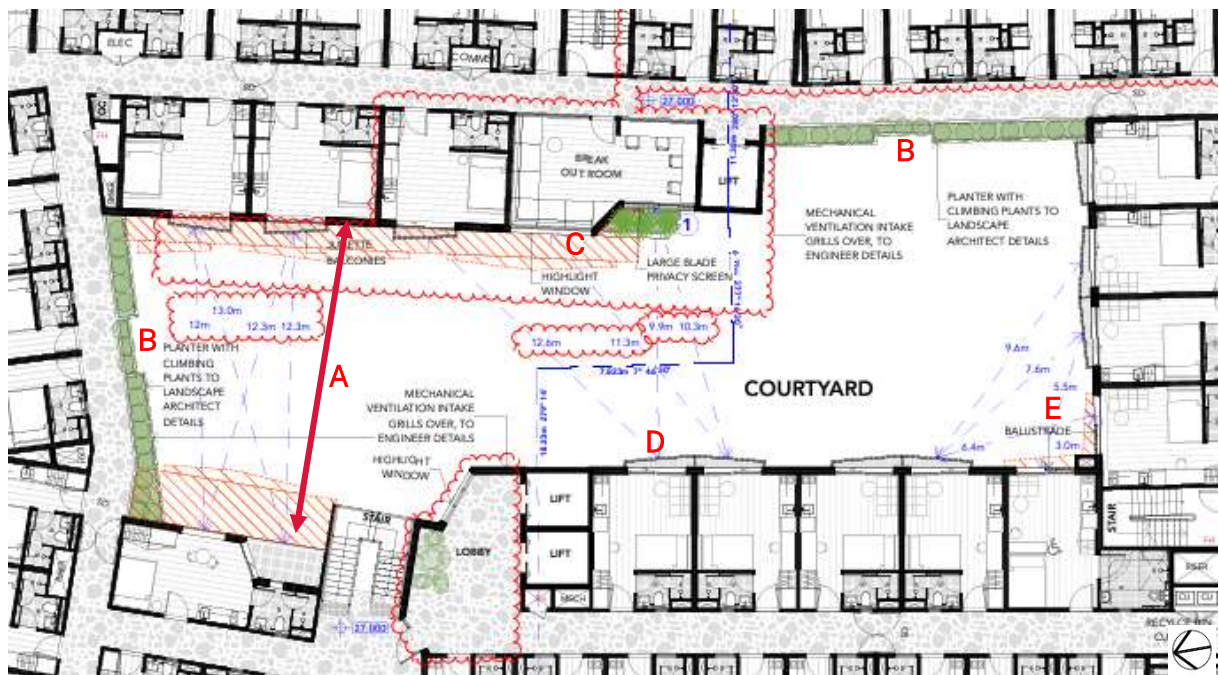
67. These issues are discussed below. The Department’s detailed consideration of the SEPP (Housing) 2021 is provided in **Appendix C**.

### 6.3.1 Internal Building Separation/ Visual Privacy

68. The SEPP (Housing) 2021 requires the consent authority to consider the minimum building separation requirements contained in the ADG, which are intended to maintain a reasonable level of visual privacy.

69. Council initially raised concerns that the internal building separation did not meet the minimum 12 m requirement recommended by the ADG. Council also noted that the proposed use of screens, landscaping, and Juliette balconies would not provide sufficient privacy and may adversely affect natural and cross ventilation.

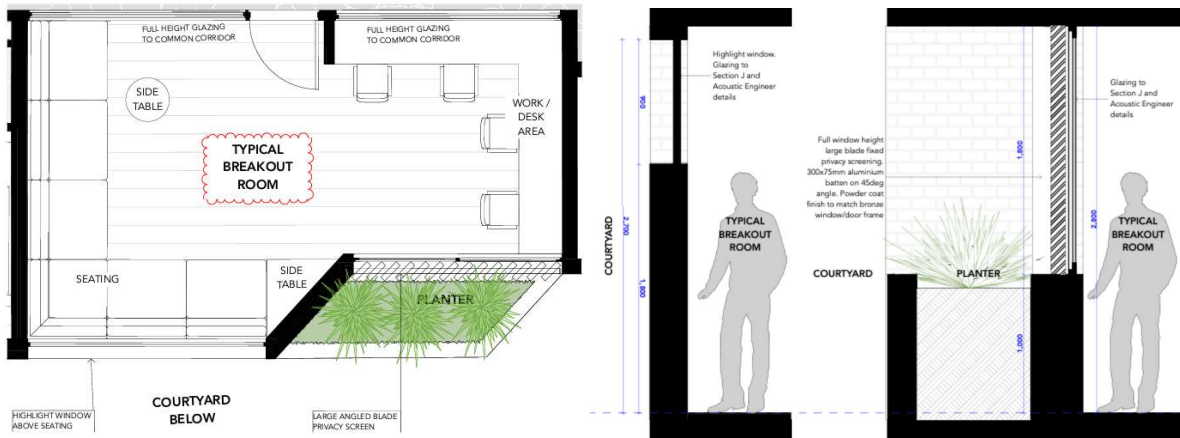
70. In response, the Applicant amended the proposal by removing several rooms adjoining the internal courtyard/ void to ensure the proposal achieved a minimum internal separation distance of 12 m between directly facing rooms (see **Figure 19**).



**Figure 19** | Internal building separation

71. The Department considers the amended proposal would support a reasonable level of privacy for future residents, because:

- the revised 12 m separation between co-living rooms is consistent with objectives and requirements of the ADG to maintain visual privacy (see note **A** in **Figure 19**)
- landscaping has been incorporated along the internal corridors to minimise privacy impacts on adjacent rooms and improve outlook (see note **B** in **Figure 19**)
- the break out spaces incorporate a combination of highlight windows, landscaping and privacy screening to prevent direct views into opposing co-living rooms (see note **C** in **Figure 19** and **Figure 20**)
- the revised 12 m separation means the proposed julliet balconies are no longer required to incorporate privacy screening (see note **D** in **Figure 19**)
- the south-western internal rooms are angled to avoid directly facing each other to ensure privacy is maintained (see note **E** in **Figure 19**).



**Figure 20 | Break-out space privacy measures**

72. The Department considers the proposed privacy measures, together with the increased building separation, strike a good balance between maintaining visual privacy, allowing for appropriate ventilation and improving views from the rooms to the expanded internal courtyard. As such, the Department is satisfied that the proposal aligns with the building separation requirements outlined in the SEPP (Housing) 2021 and the ADG, and the proposal would support an acceptable level of visual privacy.

### 6.3.2 Noise/ Ventilation

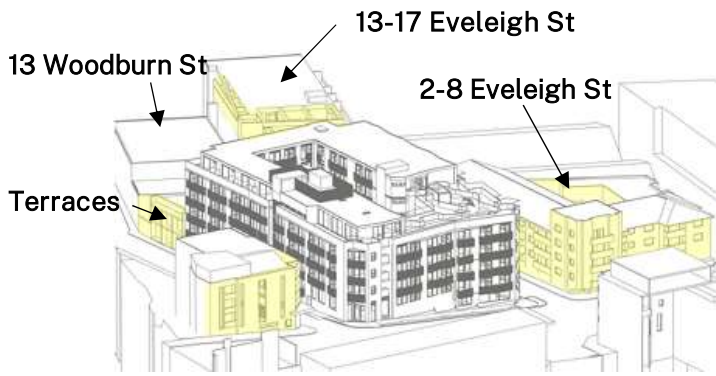
73. The site adjoins Cleveland Street and a rail corridor on the opposite side of Woodburn Street, both of which produce noise that could potentially impact the residential amenity of the proposal. The SEPP (Transport and Infrastructure) 2021 requires the consent authority to take into consideration the *Development near Rail Corridors and Busy Roads – Interim Guidelines* and be satisfied that appropriate measures will be taken to ensure the development achieves acceptable internal noise requirements.
74. The Applicant’s Acoustic Assessment demonstrates the proposal can achieve adequate noise attenuation, consistent with the requirements of the SEPP (Transport and Infrastructure) 2021. This would be achieved through glazing and insulation as well as an alternative ventilation strategy for those rooms facing Cleveland Street and Woodburn Street.
75. Council raised concern about the proposal relying on a hybrid natural and mechanical ventilation system to address potential acoustic impacts from Cleveland Street and the layout of rooms surrounding an internal courtyard. Council considered natural ventilation should be provided.
76. The Applicant noted that the proposed hybrid ventilation strategy, with mechanical ventilation as the primary source of ventilation, provides the best balance between

managing acoustic performance and providing openable doors and windows for natural ventilation.

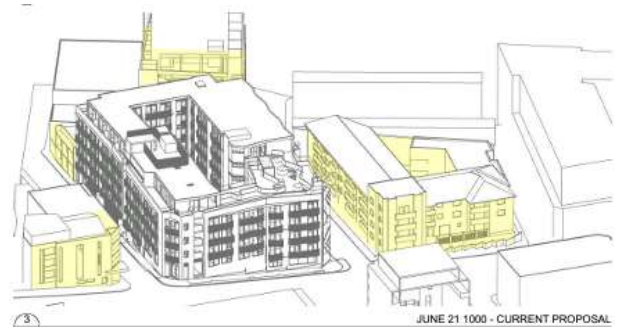
77. The Department acknowledges Council's preference for full natural ventilation. However, based on the findings of the Acoustic Assessment, the Department is satisfied that the rooms will receive sufficient filtered air at a rate that would achieve compliance with the requirements of the National Construction Code.
78. The Department also notes that the Acoustic Assessment identified that the noise levels impacting the proposal would vary throughout the day and night. As such, the Department agrees that there are merits in adopting the proposed hybrid approach. This would allow residents to take advantage of natural ventilation when background noise levels are suitable while maintaining ventilation when noise levels impact internal comfort.
79. Subject to the implementation of the recommendations and mitigation measures outlined in the Acoustic Assessment, the Department is satisfied that the proposal would achieve the objectives and criteria contained in the SEPP (Transport and Infrastructure) 2021 and Development near Rail Corridors and Busy Road – *Interim Guidelines*.
80. The Department also recommends a condition (**Condition E39**), which requires the ventilation system to be appropriately maintained to ensure the co-living rooms always receive adequate ventilation.

### 6.3.3 Overshadowing Impacts

81. The ADG requires consideration of solar access to the living areas, private open space and communal open space of adjoining residential development. The ADG 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 mid-winter.
82. The ADG also recommends minimising overshadowing of neighbouring properties during midwinter. Where an adjoining property does not currently receive the required hours of solar access, the proposed building should ensure that solar access to neighbours is not reduced by more than 20%.
83. The Department received two public submissions raising concerns the proposal would overshadow the adjoining terraces along Woodburn Street.
84. In response, the Applicant amended the proposal by removing a storey and reducing the massing of the subsequent upper level. The amended proposal was also accompanied by additional solar diagrams illustrating the extent of the overshadowing impacts to surrounding properties (see **Figures 21** and **22**). The Applicant's full set of solar diagrams can be viewed at **Appendix A**.



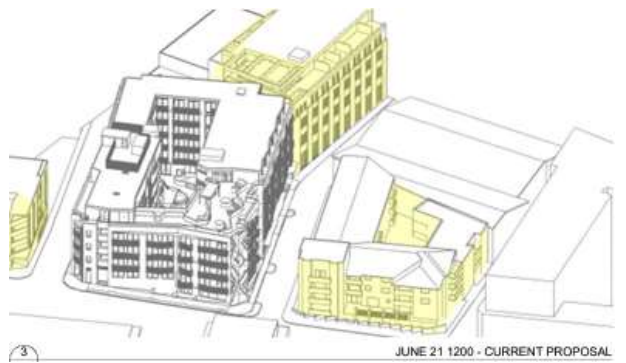
21 June, 9.00 am



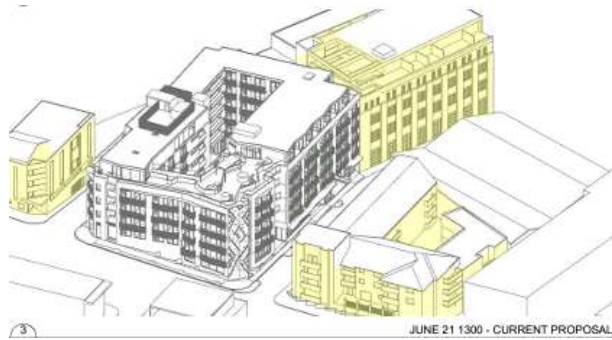
21 June, 10.00 am



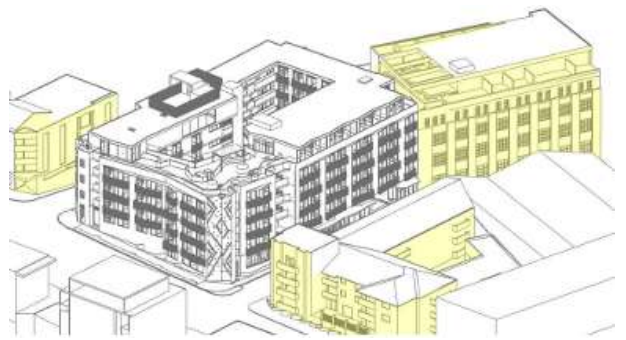
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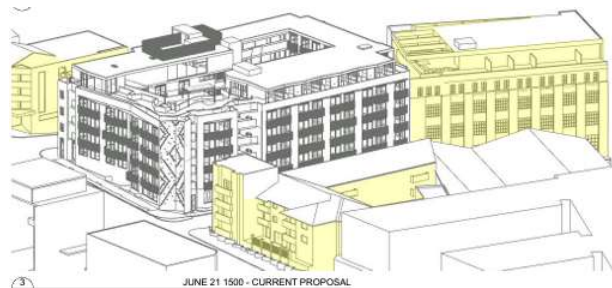
21 June, 12.00 pm



21 June, 1.00 pm

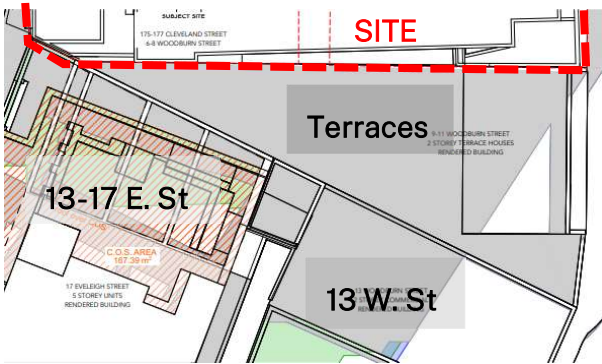


21 June, 2.00 pm

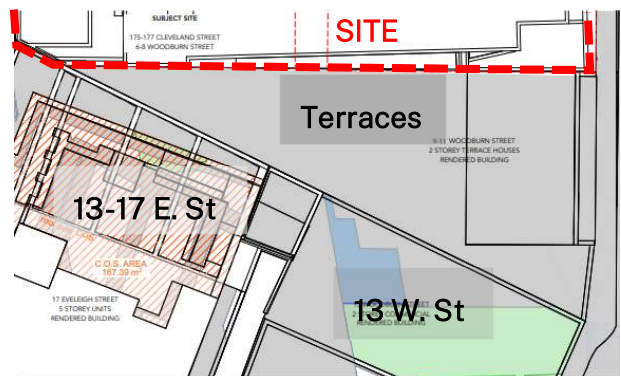


21 June, 3.00 pm

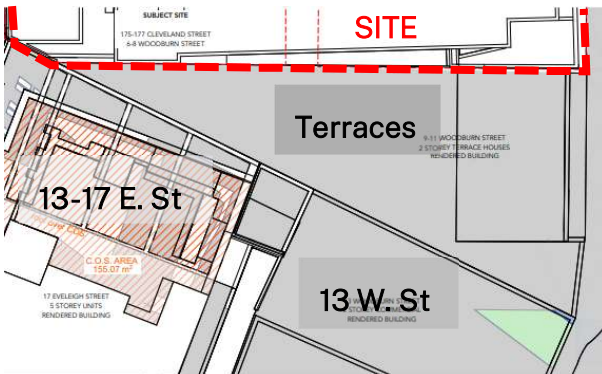
**Figure 21 | Sun eye solar diagrams**



21 June – 9.00am



21 June – 12.00pm



21 June – 3.00pm



**Figure 22** | Above: aerial photo identifying site, existing four storey development and immediately adjoining properties. Below: overshadowing diagrams showing shadows of the existing four storey development in GREY, with the extent of overshadowing of the six storey proposal in GREEN (and Blue if reduced to the five Storey).

85. The Applicant contended that the amended proposal would result in reasonable overshadowing impacts when compared to a development with a compliant building height. Further, the Applicant stated the surrounding residential developments affected by the

overshadowing impacts from the proposal would still maintain complaint levels of solar access in accordance with the provisions of the ADG.

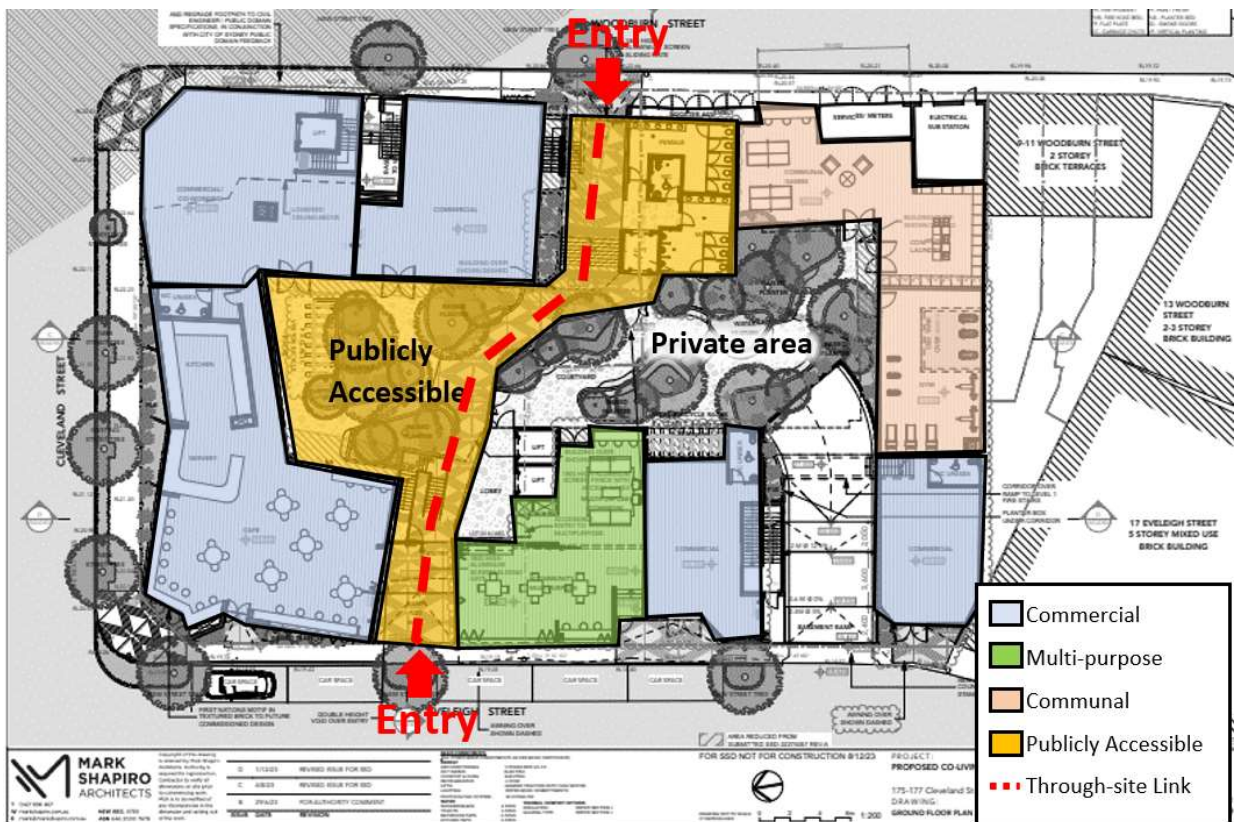
86. The Department acknowledges the overshadowing concerns raised by the adjoining terraces. However, the Department notes that the existing four-story development located on the site already overshadows the adjoining terraces during midwinter due to its orientation being immediately north of the terraces. The submitted additional shadow diagrams illustrate the overshadowing impacts of the proposal compared to the existing building would not materially change in respect to the terraces (See **Figure 22**).
87. The Department has carefully considered the submitted shadow diagrams and found that the amended proposal would have acceptable overshadowing impacts on surrounding residential developments with respect to ADG requirements. In particular, the Department notes:
- overshadowing of the adjacent properties at 2-8 Eveleigh Street is limited to between 9am and 10am, during midwinter, with the affected development maintaining acceptable levels of solar access for the remainder of the day.
  - despite the additional overshadowing of the rooftop communal open space of 13-17 Eveleigh Street to the south, the affected area still maintains in excess of two hours of solar access to over 50% of the area.
  - overshadowing impacts on the adjoining terraces compared to the existing development at the site remains similar.
88. The Department is therefore satisfied the Applicant has adequately demonstrated that the proposal does not unreasonably overshadow the adjoining residential developments, consistent with the ADG.

## 6.4 Public Domain Interface and Through-site Link

### 6.4.1 Public Domain Interface

89. The proposal includes commercial tenancies, a multi-purpose room for community use, and various communal spaces on the ground floor, which interface with the public domain and the proposed internal central courtyard.
90. Council initially raised concern the proposed non-residential uses are predominately located below ground level and requested that the ground level should better relate to the public domain. Council also raised concerns the proposed residential development would conflict with the non-residential development within the proposed through-site link.

91. In response, the Applicant amended the proposal to include additional commercial tenancies along Eveleigh Street to improve street activation. The design and orientation of the proposed multi-purpose community room were also amended to have a direct street frontage to Eveleigh Street, improving community access and street presence (see **Figures 23 and 24**).
92. The Applicant argued that, due to the site's uneven topography, the northeast corner of the ground floor is partially below street level, which allows for two levels of commercial space to be provided.



**Figure 23 | Ground floor plan**





**Figure 24 | First floor plan**

93. The Department considers the amended proposal appropriately addresses the issues raised in Council’s submission and would provide a suitable public domain interface and transition, including management between the residential and non-residential uses because:
- the ground floor includes the provision of commercial, community and communal uses that would provide both good street activation and passive surveillance of the internal courtyard
  - fencing and landscaping is proposed to delineate, where necessary, between private and publicly accessible areas of the courtyard.
94. The Department is therefore satisfied that the proposal appropriately activates the adjoining public domain and includes acceptable delineation between the public and private areas.

#### 6.4.2 Through-site Link

95. The proposal includes a pedestrian link from Eveleigh Street to Woodburn Street, through the internal courtyard (see **Figure 23**).
96. Council raised concerns the proposed through-site link is time-restricted and is not designed to support good visibility and safety for both public and residential use.
97. The proposal was reviewed by the State Design Review Panel who commented that the link should be purposeful and provide a clear route between destinations that feel public and safe.

98. In response, the Applicant reconfigured the layout of the proposed through-site link, amenities and commercial tenancies to improve the line of sight and legibility of the through-site link. The Applicant contends that the proposed through-site link would provide an opportunity for pedestrian connectivity and contribute to the proposed co-living/ working model. However, it is not intended to function as a pedestrian link for public use 24 hours a day.
99. The Applicant also provided an updated Plan of Management clarifying the internal ground floor courtyard will be available for passage by the public seven days a week, between 7am and 9pm.
100. The Department considers the amended proposal appropriately addressed the issues raised in Council's submission and the SDRP's advice. The Department considers the design of the proposed pedestrian link is acceptable because:
- the through-site link is not intended to provide a connection between two points of interest, or serve to improve pedestrian movement within the precinct but it would appropriately support permeability and activation of the ground floor of the proposal
  - the restricted hours complement the function and amenity of the non-residential and community uses on the ground floor
  - aligning the hours of public access to the operation of the non-residential component of the proposal is considered appropriate to maintain security and amenity for the residents
  - the design is consistent with the Crime Prevention Through Environmental Design (CPTED) principles of territorial reinforcement, surveillance, access control and space/ activity management.
101. While the proposed through-site link does not connect the general public between destinations, the Department is satisfied it would successfully contribute to the activation and amenity of the proposed ground floor commercial and community uses.

## 6.5 Design Excellence

102. The SEPP (Precincts – Eastern Harbour City) 2021 states a consent authority must not grant consent to a new building, or to external alterations to an existing building, unless it has considered whether the proposed development exhibits design excellence.
103. Council raised concerns the proposal presents contextually as a scheme with excessive scale and bulk, which does not relate well to the adjacent built form. Council noted a

complaint five storey built form with modulated bulk and form at the neighbouring interfaces is more appropriate for the site.

104. Council also considered the proposed through site link is not a genuine public link as it does not provide a clear line-of-sight, with an angled path, recommending a more direct route through the site should be provided.
105. The proposal was presented to the State Design Review Panel (SDRP) twice. The SDRP noted the approach of combining 175-177 Cleveland Street and 6-8 Woodburn Street sites into a single commercial and affordable housing development is supported. This combined approach is preferred over two separate developments as it has the potential for increased amenity.
106. The SDRP provided initial advice that elements of the proposal were supported, subject to some refinement:
  - early engagement with the local Aboriginal community
  - ambition for dedicated space for Aboriginal enterprises
  - aspiration for healing and restoring Country and providing generous planting
  - proposed range of connecting with Country initiatives – artwork, naming strategies, plant selection and treatment of the ground surface
  - increased activation of Woodburn Street and Eveleigh Street via the public through-site link and increased distribution of commercial spaces across the site
  - single basement entry and reduced services along street frontages
  - increased number of balconies to units.
107. In response to Council’s concern and the SDRP’s advice, the Applicant made a number of amendments to the proposal, including reducing the proposed building height and density. The Applicant contended that the amended proposal is compatible with the site’s surrounding context and would support good residential amenity.
108. The Applicant also provided a detailed response to the SDRP and Council concerns as part of its RtS (see **Appendix A**). The Department’s detailed consideration of the SDRP advice and the proposed design response is provided in **Appendix F**.
109. After carefully reviewing the SDRP advice and the amended proposal, the Department considers the proposal achieves design excellence as it:
  - presents a high standard of architectural design that appropriately responds to the site and the local area

- provides an activated and permeable ground floor with integrated landscaping and a through-site link, complementing the function and amenity of the proposed commercial and community uses
- supports good residential amenity in a co-living model with well-designed communal living areas and open spaces and supports privacy for individual rooms
- informed its design with strong engagement with aboriginal communities and would deliver a new multipurpose community space to benefit the local communities.

110. Therefore, the Department is satisfied that the proposal achieves design excellence as required by SEPP (Precincts – Eastern Harbour City) 2021.

## 6.6 Traffic, Parking and Servicing

### 6.6.1 Traffic Generation

111. The application is accompanied by a Traffic Impact Statement, which identifies the proposal would generate approximately two vehicles per hour trips during the AM and PM commuter peak periods, which would result in a net reduction in traffic generation compared to the existing and previously approved development on the site.
112. The Traffic Impact Statement concluded that the level of traffic activity associated with the proposed development is statistically insignificant and would not have any unacceptable traffic impacts in terms of road network capacity.
113. The Department acknowledges the findings in the Applicant's Traffic Impact Statement and considers the proposal would have negligible traffic impacts on the local street network given its low traffic generation.

### 6.6.2 Parking

114. SEPP (Housing) 2021 requires the provision of 0.2 car parking spaces per co-living room, requiring a total of 40 car parking spaces for the proposal, in addition to appropriate bicycle and motorcycle parking.
115. The proposal includes a total of 15 car parking spaces, 13 motorcycle spaces and 235 bicycle spaces.
116. Council supported limiting the number of car parking spaces, due to the site being within a highly accessible area. However, Council raised concerns the proposed staff bicycle parking does not comply with the Australian Standards (AS 2890.3), which specifies an envelope width of 0.5m per bicycle (i.e. 1m between rails).

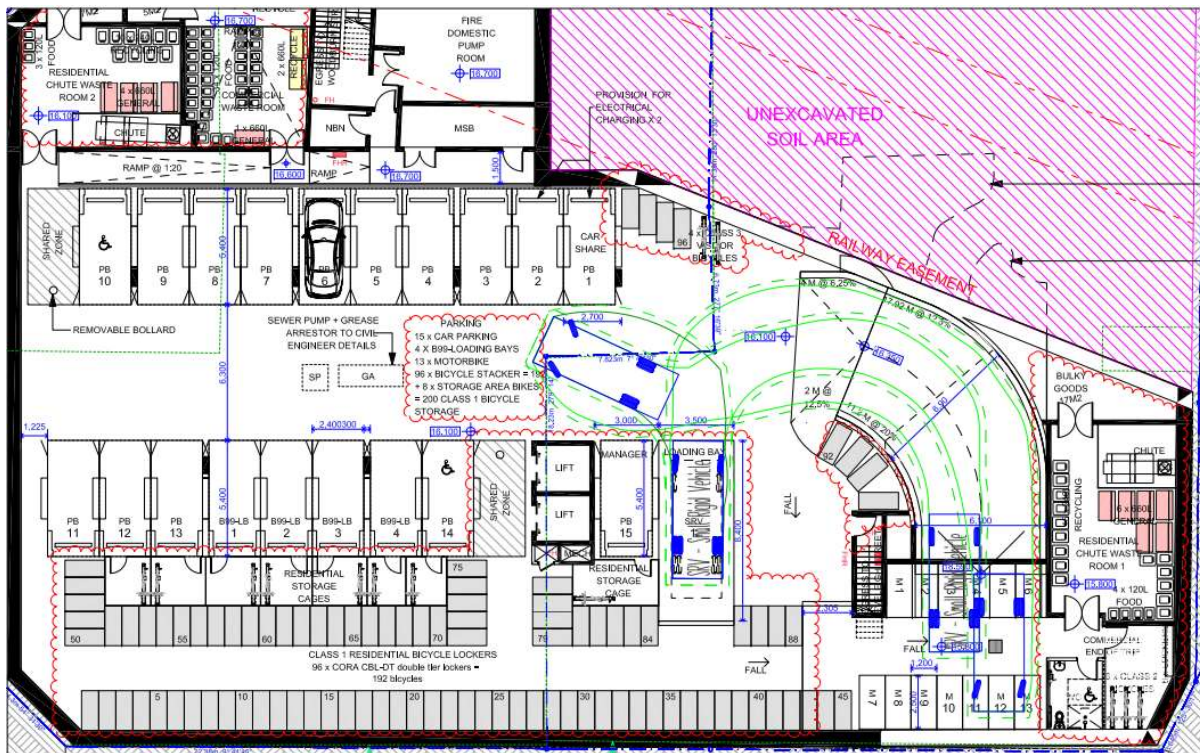
117. One public submission raised concerns the proposed limited car parking would exacerbate an already overloaded system, noting the surrounding area already has insufficient street parking.
118. The Department accepts the proposed car, motorcycle and bicycle parking spaces satisfy the requirements of the SEPP (Housing) 2021 and are appropriate, because:
- the site is well-serviced by existing public transport
  - the limited number of car parking spaces aligns with Council's objectives of reducing car reliance within highly accessible areas to promote the use of alternative means of transport
  - the proposed 235 bicycle spaces is consistent with the requirements contained in Council's Development Control Plan
  - the site is located in close proximity to a number of existing car-share services
119. The Department acknowledges Council's concerns about the six employee bicycle spaces not complying with Australian Standards (AS 2890.3) and has recommended conditions to ensure these spaces meet the minimum width required by the Australian Standards.
120. The Department also recommends a condition requiring the Applicant to prepare a Green Travel Plan, which will detail specific actions and incentives to manage travel demand and encourage the use of more sustainable transport methods.

### **6.6.3 Loading and Servicing**

121. The proposal would provide loading and serving arrangements, including waste collection within the basement car park.
122. Council originally raised concerns that the proposed servicing bay does not allow Council's waste vehicles to access and exit the site in a forward direction. Council also advised that waste generation should be recalculated based on the size of bins collected by Council's waste vehicles.
123. In response, the proposal was amended to be serviced by a private waste contractor. Council objected to private waste collection for a predominately residential development.
124. The Department acknowledges Council's concerns and its advice for general waste collection for residential properties. However, the Department accepts that the proposal, which is predominately for the purposes of Co-Living residential accommodation would be suitable and appropriate to be serviced by a private waste contractor, because:

- the co-living residential accommodation cannot be subdivided and must remain under a single ownership as required by SEPP (Housing) 2021
- waste disposal would be collectively and commercially serviced rather than managed by individual residents
- the submitted Traffic Impact Statement has identified the proposal only requires the service of a small rigid vehicle (SRV) by a private contractor three times a week.

125. The Department also notes the amended proposal is accompanied by additional swept path diagrams demonstrating loading and servicing vehicles, including a 6.4 m SRV for waste collection can enter and exit the site in a forward direction (see **Figure 25**).



**Figure 25 |** Basement floor plan – 6.4m SRV turning path

126. The Department is therefore satisfied the proposal has adequate provisions for loading and servicing and has recommended conditions requiring on-going provisions for private waste collection.

## 6.7 Other Issues

127. The Department’s consideration of other issues is summarised in **Table 7** below.

**Table 7 | Assessment of other issues**

Issue	Findings and conclusions	Recommended conditions
<p><b>Construction Impacts</b></p>	<p>The EIS included:</p> <ul style="list-style-type: none"> <li>• A Construction Traffic Management Plan which included consideration of construction traffic and pedestrian management.</li> <li>• A Geotechnical Investigation Report which included excavation and vibration considerations.</li> <li>• A Construction and Demolition Waste Management Plan which included consideration of construction waste removal and minimisation.</li> </ul> <p>The Department has carefully considered the Applicant’s reports and the concerns raised in public submissions.</p> <p>The Department is satisfied that the development can be constructed to appropriate standards, without causing structural damage to nearby buildings or resulting in any unreasonable amenity impacts.</p> <p>Further, the Department has recommended several conditions to ensure the construction does not unreasonable impact on the amenity of adjoining residents or result in any damage to adjoining development and public domain.</p> <p>The Department is satisfied that construction impacts associated with the proposal can be appropriately managed, subject to conditions of consent.</p>	<p><b>Conditions B3, C1-C9, C11-C16</b> set out the requirements for mitigating any construction impacts.</p>
<p><b>Aboriginal Cultural Heritage</b></p>	<p>The EIS included a Heritage Impact Statement, Aboriginal Archaeological Report, Aboriginal Design Principles Report and Connecting with Country – Public Art Strategy.</p> <p>Heritage NSW agreed with the management recommendations outlined in the assessment provided and, as such, has no additional comments with respect to the proposed development proceeding.</p> <p>The Department is satisfied the proposal includes appropriate measures to address Aboriginal cultural heritage impacts and</p>	<p><b>Conditions D34 &amp; D35</b> set out the requirements for aboriginal cultural heritage.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>supports the proposed community use of the multi-purpose room.</p>	
<p><b>Landscaping</b></p>	<p>The proposal includes landscaping within the internal courtyard, roof terrace and in various smaller planting areas through out the proposed building.</p> <p>The landscaping includes approximately 40 m<sup>2</sup> of deep soil planting, in addition to raised planters above the basement slab and upper roof to support the growth of trees.</p> <p>Council requested clarification on the proposed landscaping, including soil depth and details to demonstrate the proposed landscaping and tree planting would be viable.</p> <p>In response, the Applicant submitted revised landscape plans which included section drawings demonstrating appropriate soil depths. Further, the Applicant noted that with the exception of some areas, all planting within the central courtyard has access to adequate sunlight, and the landscaping has been specifically chosen for the conditions.</p> <p>The Department acknowledges that the landscaping has been designed taking into account site constraints and selecting appropriate species to suit the conditions. Further, the Department is satisfied that sufficient soil depth is provided to accommodate the proposed landscaping. As such, the Department supports the proposed landscaping design and species selection.</p>	<p><b>Conditions B14, F8 &amp; F9</b> set out the requirements for landscaping.</p>
<p><b>Public Art</b></p>	<p>The application was accompanied by a Connecting to Country and Public Art Strategy that supports the provision of Indigenous artwork throughout the site, including the relocation of the existing Greg Inglis mural.</p> <p>The Strategy identifies several opportunities within the site to accommodate art work, both publicly and privately accessible. It also includes a methodology for selecting and commissioning indigenous artists.</p>	<p><b>Conditions B23-B26 &amp; E17</b> set out the requirements for public art.</p>



Issue	Findings and conclusions	Recommended conditions
	<p>The Department has recommended several conditions to ensure the art installation is undertaken in accordance with the report.</p>	
<p><b>Projections over road</b></p>	<p>TfNSW initially raised concerns over building elements projecting across the boundary of the site along the Cleveland Street frontage.</p> <p>In response, the Applicant amended the proposal to ensure no building elements project over the Cleveland Street boundary.</p> <p>The Department accepts the amended proposal would be contained within the site boundaries. The Department also accepts TfNSW recommended conditions in respect to obtaining a road occupancy licence and the preparation of a Construction Pedestrian Traffic Management Plan.</p>	<p><b>Conditions A6 &amp; C2</b> set out the requirements for addressing TfNSW comments.</p>
<p><b>CPTED</b></p>	<p>The EIS was accompanied by a CPTED assessment, which considered how the proposal meets the CPTED principles of territorial reinforcement, surveillance, access control and space/ activity management.</p> <p>The CPTED assessment undertook a review of the proposal and confirmed that the design has sought to minimise opportunities for crime.</p> <p>The Department is satisfied that the development will not result in unacceptable safety or security impacts, subject to the imposition of a condition requiring the measures recommended in the CPTED assessment are implemented in the development.</p>	<p><b>Condition B19</b> sets out the requirements for CPTED.</p>
<p><b>Woodburn Street</b></p>	<p>Council requested the stairs along the Woodburn Street footpath be removed and replaced with a standard footpath compliant with Council’s specifications. Further, the building design is to be adjusted to accommodate the new levels.</p> <p>The Applicant noted the existing stairs along the Woodburn Street footpath are proposed to be removed and the footpath will be regraded in accordance with Council’s public domain requirements.</p>	<p><b>Condition A1</b> sets out the requirements for the proposal to be built in accordance with the submitted plans.</p>

Issue	Findings and conclusions	Recommended conditions
	<p>The Department is satisfied the proposal addresses Council's concerns regarding the stairs within the Woodburn Street footpath.</p>	
<p><b>Woodburn Street terraces (adjoining the site)</b></p>	<p>Concerns were raised over potential property damage and other construction related impacts on adjoining development. The submission also queried the external material and finishes of the elevation adjacent to the existing terraces.</p> <p>The submitted EIS included an Engineering Report and Geotechnical Investigation, which provided preliminary information on the proposed excavation and recommendations to protect adjoining buildings and infrastructure.</p> <p>The Department notes the proposed excavation is also setback from the common boundary adjoining the existing terraces along Woodburn Street.</p> <p>In response to the concerns, the Applicant also provided a materials and finishes schedule, which notes the southern elevation (adjacent to terraces) consists of a combination of painted, glass blocks and face brick finishes.</p> <p>Further, the Department has recommended a number of conditions to ensure the demolition of the existing site improvements, site excavation and the construction of the proposed development are undertaken in accordance with the applicable standards to ensure the proposal does not adversely impact on the structural integrity of the adjoining development.</p>	<p><b>Conditions C1, C3, C4, C11-C15, D22, E5 and E6</b> sets out the requirements for protecting adjoining properties.</p>
<p><b>Contributions</b></p>	<p>The development is subject to the following contribution requirements:</p> <ul style="list-style-type: none"> <li>• section 7.11 contributions under City of Sydney Contributions Plan 2015</li> <li>• affordable housing contribution under the Redfern-Waterloo Affordable Housing Contributions Plan 2006.</li> </ul>	<p><b>Conditions A11 &amp; A12</b> set out the requirements for contributions.</p>

Issue	Findings and conclusions	Recommended conditions
	The Department has recommended a condition requiring the payment of contributions prior to the issue of a construction certificate for the development.	

## 7 Evaluation

128. The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ecologically sustainable development advice from Government agencies, Council and public submission, and strategic Government policies and plans.
129. The Department's assessment concludes that the proposal is acceptable as:
- it is consistent with the relevant strategic planning framework in delivering additional housing, offering housing choice and employment opportunities at a highly accessible location
  - it provides commercially managed residential accommodation, together with the proposed 778.2 m<sup>2</sup> of commercial floor space, which would generate approximately 45 on-going employment opportunities
  - it is compatible with the existing, adjoining, and surrounding land uses, which are predominantly residential in nature, despite the planning control limiting residential uses in the locality
  - it provides a bulk and scale which is compatible with the envisaged character of the area and an appropriate built-form relationship to the adjoining development
  - it does not result in any unreasonable overshadowing, view or privacy impacts on adjoining development or the public domain
  - it would deliver several public benefits, including the provision of a landscaped through-site link, improved activation of Woodburn Street and Eveleigh Street and a multi-purpose community space for the use of the local Indigenous community
  - it is considered to achieve design excellence in its architectural expression, use of high-quality materials, good residential amenity and positive contribution to the public domain
  - the Department has recommended a suite of conditions to appropriately address any residual issues.
130. Overall, the Department considers the impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent. Consequently, the Department considers the proposal is in the public interest and is approvable, subject to conditions.
131. This assessment report is hereby presented to the IPC to determine the application.

# Glossary

Abbreviation	Definition
<b>CIV</b>	Capital Investment Value
<b>Council</b>	City of Sydney
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>DSI</b>	Detailed site investigation
<b>EIS</b>	Environmental impact statement
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>Heritage</b>	Heritage NSW
<b>IPC</b>	Independent Planning Commission
<b>Minister</b>	Minister for Planning and Public Spaces
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Secretary</b>	Secretary of the Department of Planning, Housing and Infrastructure
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State significant development
<b>TfNSW</b>	Transport for NSW

# Appendices

## Appendix A – List of referenced documents

Environmental Impact Statement

Response to submission report

Applicant's additional information

Submissions

Government agency advice

<https://www.planningportal.nsw.gov.au/major-proposals/proposals/redfern-mixed-use-co-living-development>

## Appendix B – Department's consideration of public and Council submissions

**Table 8** | Key issues and how they have been considered

Issue	Consideration
<b>Justifications stated in the clause 16A variation request</b>	<ul style="list-style-type: none"><li>• The Applicant amended the proposal, which was accompanied by revised writtern requests pursuant to clause 16A of SEPP (Precincts – Eastern Harbour City) 2021 seeking to vary the building height and FSR development standards.</li><li>• The Department has reviewed the revised written requests (<b>Appendix E</b>) and considers the Applicant has adequately addressed the requirements of clause 16A of SEPP (Precincts – Eastern Harbour City) 2021.</li></ul>
<b>Car parking inconsistent with the requirements of the SEPP (Housing) 2021</b>	<ul style="list-style-type: none"><li>• The proposal includes the provision of 15 car parking spaces, 13 motorcycle spaces and 235 bicycle spaces.</li><li>• The Department supports the proposed limited car parking as the site is well serviced by existing public transport, the limited parking aligns with Council's objectives of reducing car reliance, and</li></ul>

Issue	Consideration
	<p>the proposal includes 235 bicycle spaces (see <b>Section 6.6.2</b>)</p>
<p><b>Compatibility with the surrounding area:</b></p> <ul style="list-style-type: none"> <li>- Site suitability</li> <li>- Bulk and scale</li> <li>- Overshadowing</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal complies with the overall maximum FSR permitted on the site (see <b>Section 6.1</b>).</li> <li>• The residential component will achieve acceptable levels of amenity, consistent with the requirements of the SEPP (Housing) 2021 and the Apartment Design Guide (ADG) (see <b>Section 6.3</b>).</li> <li>• The Department accepts the bulk and scale of the amended proposal, with a reduced height and massing would be compatible with the existing streetscape and the character of the locality (see <b>Section 6.2</b>).</li> <li>• The Department considers the overshadowing impacts to surrounding and adjoining developments are acceptable. The proposal would retain solar access to adjoining and surrounding development in respect to the requirements of the ADG (see <b>Section 6.3</b>).</li> <li>• The Department notes the overshadowing impacts of the proposal to adjoining terraces would remain largely unchanged when compared to the existing situation.</li> </ul>
<p><b>Impacts on the adjoining development</b></p> <ul style="list-style-type: none"> <li>- excavation</li> <li>- tree protection</li> <li>- demolition</li> <li>- noise and vibration</li> <li>- drainage/ waterproofing</li> </ul>	<ul style="list-style-type: none"> <li>• The Department has recommended several conditions to ensure the proposal does not adversely impact or damage the adjoining development.</li> <li>• The Department is satisfied that subject to the imposition of appropriate conditions, impacts on the adjoining development can be appropriately mitigated.</li> </ul>

Issue	Consideration
<p><b>Useable rooftop space adjacent to boundary potential for amenity impacts on terraces</b></p>	<ul style="list-style-type: none"> <li>• The application was accompanied by a Plan of Management, which includes provisions around the use of communal open space, generation of noise and incident reporting and complaint handling procedures.</li> <li>• Further, the site has a on-site manager who will be responsible for ensuring the operation of the premises does not adversely impact on the amenity of the adjoining development.</li> </ul>
<p><b>Materials and finishes adjacent to the Woodburn Street terraces</b></p>	<ul style="list-style-type: none"> <li>• The Department notes the southern elevation (adjacent to the Woodburn Street terraces) consists of a combination of painted, glass blocks and face brick finishes.</li> <li>• The Department is satisfied the proposed materials and finishes along the common boundary are appropriate (see <b>Section 6.7</b>).</li> </ul>
<p><b>Design excellence and urban design</b></p>	<ul style="list-style-type: none"> <li>• The Department notes the proposal was reviewed by the SDRP and presents a high-standard of architectural design that appropriately responds to the site and the local area.</li> <li>• The proposal supports good residential amenity in a co-living model with well-designed communal living areas and open spaces and supports privacy for individual rooms.</li> <li>• Further, the proposed design is informed by engagement with Indigenous communities and will deliver a new multipurpose community space to benefit the local communities.</li> <li>• The Department is satisfied the proposal achieves design excellence as required by SEPP (Precincts – Eastern Harbour City) 2021 (see <b>Section 6.5</b>).</li> </ul>



Issue	Consideration
<p><b>Ecologically sustainable development</b></p>	<ul style="list-style-type: none"> <li>• The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via an equivalent outcome to a Green Star 5-star rating for a level Australian Excellence for its design and construction. Further, the proposal also exceeds the minimum requirements for water and energy under BASIX.</li> <li>• The Department is satisfied the proposal includes appropriate sustainability measures, including meeting the required environmental standards and BASIX targets.</li> </ul>
<p><b>Clarifications on the proposed landscaping, including soil depth and details to demonstrate the proposed landscaping and tree planting would be viable.</b></p>	<ul style="list-style-type: none"> <li>• The Applicant submitted revised landscape plans which included section drawings demonstrating appropriate soil depths. Further, the Applicant noted that with the exception of some areas, all planting within the central courtyard has access to adequate sunlight and the landscaping has been specifically chosen for the conditions.</li> <li>• The Department acknowledges the landscaping has been designed noting the site constraints and selected appropriate species. Further, the Department is satisfied that sufficient soil depth is provided to accommodate the proposed landscaping.</li> <li>• As such, the Department supports the proposed landscaping design and species selection.</li> </ul>
<p><b>Concerns the proposed servicing bay does not allow Council's waste vehicles to access and exit the site in a forward direction. Waste generation should be recalculated based on the size of bins collected by Council's waste vehicles.</b></p>	<ul style="list-style-type: none"> <li>• The Department is satisfied the proposal has adequate provisions for waste servicing and has recommended conditions requiring on-going provisions for private waste collection (see <b>Section 6.6.3</b>).</li> </ul>

## Appendix C – Statutory considerations

### Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in **Table** below.

**Table 9** | Objects of the EP&A Act and how they have been considered

Object	Consideration
<p><b>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,</b></p>	<ul style="list-style-type: none"> <li>• The proposal promotes the social and economic welfare of the community by providing additional housing and jobs at a highly accessible site, contributing to the achievement of State, regional and local planning objectives.</li> <li>• The proposed development does not have any impacts on the State’s natural or other resources.</li> </ul>
<p><b>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</b></p>	<ul style="list-style-type: none"> <li>• The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via an equivalent outcome to a Green Star 5-star rating for a level Australian Excellence for its design and construction.</li> </ul>
<p><b>(c) to promote the orderly and economic use and development of land,</b></p>	<ul style="list-style-type: none"> <li>• The proposal represents the orderly and economic use of the land primarily as it will increase employment and housing opportunities near services and public transport.</li> <li>• The proposed land uses are permissible, and the form of the development has had regard to the planning controls that apply to the site, the character of the locality and the context of surrounding sites.</li> </ul>
<p><b>(d) to promote the delivery and maintenance of affordable housing,</b></p>	<ul style="list-style-type: none"> <li>• The development is subject to an affordable housing contribution under the Redfern-Waterloo Affordable Housing Contributions Plan 2006.</li> <li>• Further, the proposal will result in the delivery of 200 co-living rooms, which contributes to housing supply.</li> </ul>

Object	Consideration
<p><b>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</b></p>	<ul style="list-style-type: none"> <li>The proposal will not adversely affect the protection of the environment. Also see the consideration of biodiversity in <b>Section 4.4.3</b>.</li> </ul>
<p><b>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</b></p>	<ul style="list-style-type: none"> <li>The proposal will not have any unreasonable heritage impacts.</li> </ul>
<p><b>(g) to promote good design and amenity of the built environment,</b></p>	<ul style="list-style-type: none"> <li>The proposal demonstrates a good design approach to the relevant planning controls and local character. The building has been designed to minimise amenity impacts to neighbours and the surrounding environment and to provide good levels of internal amenity.</li> <li>Other amenity impacts would be managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.</li> </ul>
<p><b>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</b></p>	<ul style="list-style-type: none"> <li>The proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site-specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate any impacts. Ongoing management and maintenance of the development shall be managed by the building management.</li> </ul>
<p><b>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</b></p>	<ul style="list-style-type: none"> <li>The Department publicly exhibited the proposal as outlined in <b>Section 5</b>. This included consultation with Council and other Government agencies, and consideration of their responses.</li> </ul>

Object	Consideration
<p><b>(j) to provide increased opportunity for community participation in environmental planning and assessment.</b></p>	<ul style="list-style-type: none"> <li>• The Department publicly exhibited the application, which included notifying adjoining landowners and displaying the application on the Department's website.</li> <li>• The Department placed the Applicant's RtS and additional information on its website, in addition to providing a copy to Council and other relevant Government agencies.</li> <li>• The engagement activities carried out by the Department are detailed in <b>Section 5</b>.</li> </ul>

### Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The proposal includes ESD initiatives and sustainability measures, which aims to meet the ESD requirements via an equivalent outcome to a Green Star 5-star rating for a level Australian Excellence for its design and construction. The proposal also exceeds the minimum requirements under BASIX. A copy of the Applicant's ESD report can be viewed at **Appendix A**.

The Department has considered the proposal in relation to the ESD principles. The Precautionary and Inter-Generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the proposal. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

## EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the Applicant to have regard to the following:

- Social Impact Assessment Guideline for State Significant Proposals
- Undertaking Engagement Guidelines for State Significant Proposals

The Department considers the requirements of the EP&A Regulations have been complied with.

## Environmental Planning Instruments (EPIs)

### SEPP (Precincts – Eastern Harbour City) 2021

The site is identified as being on land within City West under the SEPP (Precincts – Eastern Harbour City) 2021. Before granting consent to a development application relating to land within City West, the consent authority must take into consideration the aims and planning principles for City West.

The Department is satisfied the proposed development is consistent with the relevant aims and planning principles set out in Chapter 4 of the SEPP. The Department notes the proposal will deliver additional commercial floor space and housing in close proximity to public transport. Further, the Department considers the proposal achieves design excellence (see Section 6.5) and has a high standard of architectural design that responds to the locality and planning principles, particularly by housing an increased population with acceptable residential amenity and providing employment opportunities toward maintaining a mixed use neighbourhood.

### SEPP (Transport and Infrastructure) 2021

The SEPP (Transport and Infrastructure) 2021 aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The SEPP is applicable as the proposal involves development in or adjacent to a rail corridor (Division 15) and classified road (Division 17). In accordance with the SEPP, an Acoustic Report was submitted with the EIS, which demonstrated the proposed design is capable of compliance with the provisions of the *Development Near Rail Corridors and Busy Roads - Interim Guideline* and acoustic requirements of the SEPP. The Department has considered construction and operational noise at **Section 6.7 – Other Issues** and concludes noise impacts can be managed and/or mitigated.

Standard conditions of consent have been recommended to manage the impacts.

The Department also referred the development to TfNSW, who raised no objection to the proposal subject to the imposition of conditions relating to the preparation of a Construction Pedestrian Traffic Management Plan in consultation with TfNSW, requiring a Road Occupancy Licence and that all future works are contained wholly within the site along the Cleveland Street boundary.

The Department considers the proposed development to be consistent with the SEPP given the consultation and consideration of transport, traffic and parking issues in **Section 6.6.1 - Traffic, Parking and Servicing** and recommended conditions of consent in **Appendix E**.

### SEPP (Resilience and Hazards) 2021

The application was accompanied by a Contamination Assessment Statement, prepared by EI Australia, relating to 1-5 Woodburn Street and 175-177 Cleveland Street. The Statement confirms that the findings of the following reports remain unchanged:

- Detailed Site Investigation (DSI) Report, 1 – 5 Woodburn Street, Redfern, by EI Australia, ref. E22434 AA dated 18 September 2015;
- Remediation Action Plan, 175 – 177 Cleveland Street & 1 – 5 Wooburn Street, Redfern NSW, by EI Australia, ref E22434 AB\_Rev dated 14 March 2016.

The DSI made the following recommendations:

- a Hazardous Materials Survey is to be completed by a suitably qualified consultant prior to commencement of any demolition works. Where hazardous materials are present, all must be appropriately managed to maintain work health and safety during demolition works and prevent the spread of hazardous substances.
- an asbestos clearance inspection and certificate should be completed by a suitably qualified professional (SafeWork NSW Licensed Asbestos Assessor) following removal of all contaminated material from the site.
- a Waste Management Plan classifying all waste material and surplus material including potential virgin excavated natural material to be removed from the site is to be prepared in accordance with the NSW EPA (2014) Waste Classification Guidelines, Protection of the Environment Operations Act 1997, and Work Health and Safety Regulation 2017.
- an unexpected finds protocol is to be prepared to ensure any potential contamination sources are identified and managed in accordance with NSW EPA legislation and guidelines. The protocol should also include a section for acid sulfate soil management, should any be encountered during basement excavation.

In addition, the Applicant submitted a further DSI Report, prepared by EI Australia, relating to 6-8 Woodburn Street. It also concluded the site can be made suitable for the proposed mixed use development subject to the implementation of the recommendations listed above.

The Department considers the site can be made suitable for the proposed development, subject to the remediation works and has recommended conditions to ensure the proposal addresses the requirements of the SEPP (Resilience and Hazards) 2021.

### SEPP (Building Sustainability Index: BASIX) 2004

The SEPP (Building Sustainability Index: BASIX) 2004 encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

A BASIX certificate was submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP. The Department recommends a condition of consent requiring compliance with the BASIX certificate.

### SEPP (Housing) 2021

A summary of the Department’s consideration of the relevant standards contained in the State Environmental Planning Polciy (Housing) 2021 are provided in table below.

**Table 10 | SEPP (Housing) 2021 compliance table**

SEPP (Housing) 2021	Consideration
<b>Chapter 2, Part 3 Retention of existing affordable rental housing</b>	
<b>Reduction of availability of affordable housing</b>	<ul style="list-style-type: none"> <li>SEPP (Housing) 2021 requires the consent authority to take into account whether a development will reduce the amount of affordable housing in an area.</li> <li>The proposal results in the replacement of 22 existing dwellings with 200 co-living rooms.</li> <li>The Applicant submitted additional information, including a rental assessment and the structural report demonstrating how the proposal will not result in the accumulative loss of affordable rental housing within the area.</li> <li>Having considered the relevant requirements of Part 3 of Chapter 2 of SEPP (Housing) 2021, the</li> </ul>

SEPP (Housing) 2021	Consideration
	<p>Guidelines for the Retention of Existing Affordable Rental Housing, and the additional information submitted by the Applicant, the Department is satisfied the proposed co-living housing development will not reduce the availability of affordable housing in the area.</p>

### Chapter 3, Part 3 Co-living housing

<p><b>FSR</b></p>	<ul style="list-style-type: none"> <li>The proposal departs with the maximum residential FSR permissible on the land. Despite the departure, the Department considers the proposed variation is acceptable (see <b>Section 6</b>)</li> </ul>
<p><b>Communal Living Area</b></p>	<ul style="list-style-type: none"> <li>SEPP (Housing) 2021 requires a total of 418 m<sup>2</sup> of communal living area.</li> <li>The proposal includes a total of 526.9 m<sup>2</sup>, split across all residential floors within the development.</li> <li>The Department is satisfied the proposal is consistent with the communal living area requirements.</li> </ul>
<p><b>Communal Open Space</b></p>	<ul style="list-style-type: none"> <li>SEPP (Housing) 2021 requires a total of 403.4 m<sup>2</sup> of communal open space.</li> <li>The proposal includes a total of 793.2 m<sup>2</sup>, which receives in excess of 3 hours of solar access during mid-winter between 9am and 3pm.</li> <li>The Department is satisfied the proposal is consistent with the communal open space requirements.</li> </ul>
<p><b>Car parking</b></p>	<ul style="list-style-type: none"> <li>SEPP (Housing) 2021 requires a total of 40 car parking spaces. The proposal provides 15 car parking spaces.</li> <li>The site is located within close proximity to Redfern and Central train stations. The</li> </ul>



SEPP (Housing) 2021	Consideration
	<p>Department supports minimal on-site car parking to promote alternative active transport options.</p> <ul style="list-style-type: none"> <li>The Department notes the proposal includes bicycle parking for each co-living area.</li> </ul>
<b>Minimum room size</b>	<ul style="list-style-type: none"> <li>The proposal complies with the minimum room size requirements.</li> <li>Appropriate conditions are recommended to ensure the on-going operation of the development complies with the minimum room size requirements.</li> </ul>
<b>Minimum lot size</b>	<ul style="list-style-type: none"> <li>SEPP (Housing) 2021 prescribes a minimum lot size of 800 m<sup>2</sup>. The subject site is 2,016.9 m<sup>2</sup>, which complies with the requirements of the SEPP.</li> </ul>
<b>Site Manager</b>	<ul style="list-style-type: none"> <li>The proposal includes sufficient spaces for a site manager.</li> </ul>
<b>Business Zone – Ground Floor Use</b>	<ul style="list-style-type: none"> <li>Residential development is permissible within the zone under the SEPP (Precincts – Eastern Harbour City) 2021.</li> <li>The Department notes the proposal includes non-residential tenancies adjacent to the public domain, where the topography of the site permits.</li> </ul>
<b>Adequate Bathroom, laundry and kitchen facilities</b>	<ul style="list-style-type: none"> <li>The Department is satisfied adequate bathroom, laundry and kitchen facilities are being provided.</li> </ul>
<b>Maximum room occupants</b>	<ul style="list-style-type: none"> <li>The Department has recommended appropriate conditions ensuring that maximum room occupancy numbers are not exceeded.</li> </ul>
<b>Bicycle and motorcycle parking</b>	<ul style="list-style-type: none"> <li>The proposal includes the provision of 235 bicycle and 13 motorcycle parking spaces.</li> <li>The Department is satisfied the proposal provides adequate bicycle and motorcycle parking spaces.</li> </ul>

SEPP (Housing) 2021	Consideration
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>The Department is satisfied the proposal provides consistent setbacks in context to the surrounding area (see <b>Section 6</b>).</li> </ul>
<b>Building Separation</b>	<ul style="list-style-type: none"> <li>The Department notes the proposal provides adequate building separation in accordance with the requirements of the ADG.</li> </ul>
<b>Solar Access</b>	<ul style="list-style-type: none"> <li>SEPP (Housing) 2021 requires at least one communal living area within a co-living development receives three of direct solar access between 9am and 3pm, midwinter.</li> <li>The Applicant's solar analysis demonstrates the proposal upper level communal living area will receive direct solar in excess of three hours between 9am and 3pm, during mid-winter.</li> <li>The Department acknowledges the proposal complies with this requirement of the SEPP.</li> </ul>
<b>Design Compatibility</b>	<ul style="list-style-type: none"> <li>The Department is satisfied the proposal achieves a high level of design excellences, compatible with the desired elements of the character of the local area.</li> </ul>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>The proposal does not include subdivision.</li> </ul>

## Appendix D – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/redfern-mixed-use-co-living-development>

## Appendix E – Consideration of clause 16A variation requests

The proposal seeks a variation to the maximum residential FSR and height of building development standards permitted under the SEPP (Precincts – Eastern Harbour City) 2021.

Clause 16A of SEPP (Precincts – Eastern Harbour City) 2021 permits the consent authority to consider a variation to a development standard. The aims of clause 16A are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for

and from development by allowing flexibility in particular circumstances. In consideration of the proposed variation, clause 16A(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that:*
  - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

In accordance with clause 16A(3), the Applicant has prepared a written requests to vary the FSR and height of buildings development standards (see **Appendix A**).

### Floor Space Ratio

The SEPP (Precincts – Eastern Harbour City) 2021 permits a maximum FSR of 3:1, with a maximum residential FSR of 1:1 for the site. Pursuant to the SEPP (Housing) 2021, the proposed co-living housing development is eligible for an additional 10% FSR bonus.

The following table sets out the maximum FSR permissible for the site, inclusive of the bonus eligible under the SEPP (Housing) 2021:

**Table 11 | SEPP (Precincts – Eastern Harbour City) 2021 FSR compliance table**

SEPP (Precincts – Eastern Harbour City)	SEPP	Proposed
<b>Maximum Residential FSR (including SEPP Housing bonus)</b>	1.3:1	2.86:1
<b>Maximum FSR (including SEPP Housing bonus)</b>	3.3:1	3.28:1

While complying with the maximum FSR permitted under the SEPP (Precincts – Eastern Harbour City) 2021 and SEPP (Housing) 2021, the proposal departs from the maximum permissible residential FSR of 1.3:1. The proposal exceeds the maximum residential FSR by 1.56:1:1 (120%).

The following provides an assessment of the proposed exception to the FSR development standard under clause 16A of the SEPP (Precincts - Eastern Harbour City) 2021, applying the tests summarised by Chief Justice Preston of the NSW Land and Environment Court in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* and *Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827*.

1. *Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?*

The Applicant has submitted a written request (see **Appendix A**), seeking a variation to the FSR standard that applies to the site. The Applicant noted that this particular development standard under the SEPP (Precincts – Eastern Harbour City) 2021 does not contain any objectives, therefore the written request considered the land use and design concepts contained in the Redfern-Waterloo Built Environmental Plan (Stage One) 2006.

In summary, the Applicant's clause 16A request demonstrates that compliance with the FSR standard is unreasonable and unnecessary in the circumstance of the case as the development is consistent with the land use and design concepts contained in the Redfern-Waterloo Built Environmental Plan (Stage One) 2006, in keeping with the first test of the five part tests in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

More specifically, the Applicant's request demonstrates the proposal responds to the objectives and land use outcomes of the Redfern-Waterloo Built Environmental Plan (Stage 1) 2006, in the following ways:

- provision of affordable rental housing, promoting diversity in housing and creating a more socio-economic diverse community
- incorporation of public art across multiple locations within the site for integration of Aboriginal artwork, incorporating Connecting with Country principles through the building design
- provision of a multi-purpose/community space in an accessible location to facilitate opportunities for cultural activities, education and the needs of the local community
- provision of a co-working space to provide an employment-generating use and create opportunities for Aboriginal enterprises and local businesses
- a number of commercial/retail uses are provided on ground and first floor level, addressing all street frontages to facilitate street activation and passive surveillance
- a passageway through the courtyard is available for public use to create an inviting environment for the pedestrians and visitors and provide a meeting point for the community
- the proposal provides employment opportunities in both the co-living housing and non-residential components. The proposed uses will support jobs growth in the Eveleigh Street locality and in proximity to the Redfern Station.

For the reasons provided above, the Department accepts that compliance with the FSR standard is unreasonable or unnecessary given the circumstances of the case.

2. *Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?*

The Department considers there are sufficient environmental planning grounds to justify the development's contravention of the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the proposal development does not result in any additional or adverse environmental planning impacts on surrounding properties or the public domain
- the proportion of residential floor space is appropriate for the zoning, achieving the objectives of the Business Zone – Mixed Use zoning by providing co-living housing that will provide a genuine mixed use outcome through the inherent synergies with the co-working, commercial, and community spaces
- the proposal is consistent with the objects of the EP&A Act.

The Department considers the Applicant's arguments to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a better planning outcome for the site through the delivery of additional housing. The Department also considers the proposed additional residential floor space is acceptable because:

- the proposal provides for new employment and housing opportunities within the Sydney CBD, which has been identified through the Greater Sydney Region Plan, the Eastern City District Plan and local planning policies as the focal point for Metropolitan Sydney's growth within the Eastern City
- the delivery of high-density residential and employment-generating development on this well-serviced site is compatible with the character of the area (see Figure 16)
- the proposed setbacks preserve the integrity of the streetscape and have been designed to respond sensitively to the scale and form of buildings fronting Cleveland, Woodburn and Eveleigh Streets, both in terms of scale and materiality
- future users of the development will benefit from a high level of accessibility and as such vehicular trip generation is expected to be low and substantially reduced over the former vehicle generation at the site, resulting in minimal impacts on the operation of the local road network
- by providing for additional commercial and residential development the proposal will deliver increased environmental, social and economic benefits to the community. The proposal also includes the provision of a multi-purpose community space for the use of the local community
- the proposed additional residential floor space will have negligible material environmental impacts compared to a compliant scheme on the site, in terms of built form, overshadowing, view or heritage impacts.

3. *Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?*

The Department considers the proposal is consistent with the relevant objectives of SEPP (Precincts – Eastern Harbour City) 2021 and Redfern-Waterloo Built Environment Plan (Stage One) 2006, as outlined above.

4. *Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?*

The Department is satisfied the Applicant's written request has sufficiently demonstrated that the development will be consistent with the objectives of the Business Zone – Mixed Use zone under the SEPP (Precincts – Eastern Harbour City) 2021, despite variation to the residential FSR development standard.

Having considered the Applicant's written request, the Department considers the Applicant has provided sufficient environmental planning grounds to justify the contravention of the residential FSR development standard and the matters required to be demonstrated have been adequately addressed.

Further, the proposal would not result in any unreasonable impacts on the surrounding area and the site is ideally located to accommodate higher residential density, being located within a highly accessible area.

### **Building Height**

The SEPP (Precincts – Eastern Harbour City) 2021 permits a maximum building height of five storeys for the site. The proposal seeks a maximum building height of six storeys, therefore exceeding the development standard by a storey (20%).

The following provides an assessment of the proposed variation to the building height development standard pursuant to clause 16A of the SEPP (Precincts - Eastern Harbour City) 2021, applying the tests summarised by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* and *Wehbe v Pittwater Council (2007) 156 LGERA 446 [2007] NSWLEC 827*.

1. *Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?*

The Applicant's has submitted a written request (see **Appendix A**), seeking a variation to the building height standard that applies to the site. The Applicant noted that this particular development standard under the SEPP (Precincts – Eastern Harbour City) 2021 does not contain any objectives, therefore the written request considered the land use and design concepts contained in the Redfern-Waterloo Built Environmental Plan (Stage 1) 2006.

In summary, the Applicant's clause 16A request demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstance of the case as the development is consistent with the land use and design concepts contained in the Redfern-Waterloo Built Environmental Plan (Stage 1) 2006, in keeping with the first test of the five part tests in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

More specifically, the Applicant's written request provides the following reasons to demonstrate that the development is consistent with the objectives of the building height standard:

- the development continues to respond to the prevailing scale, form and design of the surrounding development
- the density and built form has been designed to present as five storeys when viewed from Cleveland Street, consistent with the adjoining development
- the development promotes the sharing of views and will not result in any unreasonable impacts to views from surrounding buildings or the public domain
- the additional residential floor space facilitated by the increased building height will meet the anticipated demand for residential accommodation for the area, in addition to providing additional employment opportunities via the ground floor non-residential tenancies
- the proposed additional height will further enhance the mixed use character of the area and leverage off its proximity to the Redfern Railway Station by facilitating the co-location of in demand affordable rental housing with commercial and retail uses in an accessible area
- the proposed height supports the provision of quality affordable housing for residents
- the proposal has been designed to maximise activity and opportunities for surveillance of the public domain.

For the reasons provided above, the Department accepts that compliance with the building height standard is unreasonable or unnecessary given the circumstances of the case.

2. *Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?*

The Department considers there are sufficient environmental planning grounds to justify the development's contravention of the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the proposal provides a built form outcome that is not only sympathetic to the character of the streetscape, but provides a meaningful contribution to it
- the building presents as five storeys when viewed from Cleveland Street and is sympathetic to the building height established by the neighbouring buildings along all three street frontages

- the submitted shadow diagrams demonstrate that the additional height will create minimal additional overshadowing to surrounding properties, while remaining compliant with the ADG
- the proposal is consistent with the objects of the EP&A Act.

The Department considers the Applicant's arguments above to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a better planning outcome for the site. The Department also considers the proposed additional height is acceptable because:

- it allows for the appropriate redistribution of gross floor area to provide good residential amenity for the future occupants of the development
- it does not result in any unreasonable impacts on the adjoining development in terms of view loss, overshadowing, bulk and scale or privacy
- the built form and height is compatible with the adjoining development, particular the existing development adjoining the site to the south, 13-17 Eveleigh Street.

3. *Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?*

The Department considers the proposal is consistent with the relevant objectives of SEPP (Precincts – Eastern Harbour City) 2021 and Redfern-Waterloo Built Environment Plan (Stage One) 2006, as outlined above.

4. *Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?*

The Department is satisfied the Applicant's written request has sufficiently demonstrated the development will be consistent with the objectives of the Business Zone – Mixed Use zone under the SEPP (Precincts – Eastern Harbour City) 2021, despite the proposed variation to the building height development standard.

Having considered the Applicant's written request, the Department considers the Applicant has provided sufficient environmental planning grounds to justify the contravention of the building height development standard and the matters required to be demonstrated have been adequately addressed.

The Department concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 16A of the SEPP (Precincts – Eastern Harbour City) 2021 and the proposed development is in the public interest because it is consistent with land use and design concepts contained in the Redfern-Waterloo Built Environmental Plan (Stage 1) 2006 and the objectives for development within the zone.



Further, the proposal would not result in any unreasonable impacts on the surrounding area and the site is ideally located to accommodate higher densities, being located within a highly accessible area.

## Appendix F – Consideration of SDRP comments

**Table 12** | Department’s consideration of the Applicant’s response to SDRP advice

SDRP Advice	Department’s consideration
<p><b>Greater amenity should be provided within the proposed high density environment, and this should be demonstrated clearly through alternative design options and supporting context analysis</b></p>	<p>The amended proposal reduced the proposed density, providing opportunities to increase the size of the internal courtyard, building separation and other improvements to residential amenity (see <b>Section 6.3 – Amenity</b>).</p>
<p><b>Increased FSR should not be proposed beyond the permissible planning controls without demonstrating increased amenity.</b></p>	<p>The amended proposal reduced the proposed density to be consistent with the maximum permissible FSR of 3.3:1 (see <b>Section 6.1 – Land Use</b>).</p>
<p><b>Adopt a more comprehensive and integrated approach to connecting with Country beyond the proposed range of initiatives.</b></p> <p><b>Expand the proposed level of consultation to understand the specific cultural requirements and considerations for the dedicated space for Aboriginal enterprises, which are often distinct from non-Aboriginal enterprises.</b></p>	<p>The amended proposal was informed by community engagement undertaken by Cox Inall Ridgeway and WSP with local Elders and Knowledge Holders. Initiatives and design outcomes adopted from this consultation include integration of existing and additional aboriginal artwork and the use of first languages signage and acknowledgement of country and the provision of a multi-purpose room proposed to be used for community and educational activities. The use of this space will be further coordinated with Tribal Warrior and Redfern Youth Connect.</p>
<p><b>Provide alternative design options supported by context analysis to explore different massing distribution within the site constraints</b></p>	<p>The Applicant explored a range of design options and different envelopes were tested. Consequentially, the proposal was amended to redistribute the floorspace, with a massing and scale that is commensurate with the character of the area and compatible with adjoining and surrounding buildings (see <b>Section 6.2 - Building Height</b>).</p>
<p><b>Prioritise quality open space that has access to sunlight throughout the year.</b></p>	<p>The proposal provides a total of 793.2 m<sup>2</sup> communal open space, with 318.35 m<sup>2</sup> provided on the rooftop.</p>

SDRP Advice	Department's consideration
	<p>The proposed rooftop communal open space achieves in excess of 3 hours of solar access throughout the year.</p>
<p><b>A public through-site link is a good outcome for the wider area and the proposal; however, the link should be purposeful and provide a clear route between destinations that feels public and safe.</b></p>	<p>The through-site link has been amended to improve public domain interface and better delineation and transition of public and private areas. A Plan of Management has also been submitted to support the function and operation of the through site link (see <b>Section 6.4.2 – Through-site Link</b> ).</p>
<p><b>The current landscape and planting proposal will be a key part of the success of the development; however, the ongoing maintenance costs will likely impact the affordability of the housing and commercial spaces.</b></p>	<p>The amended landscape proposal removed planters that are attached to co-living rooms and consolidated planting areas to complement the amenity and use of communal areas and publicly accessible areas. The ground floor courtyard area has also been widened and improved to receive better solar access.</p> <p>The amended proposal is also supported by additional information on soil depth and maintenance to demonstrate on-going viability of the proposed plantings, water feature and landscaped areas (see <b>Section 6.7 – Others Issues</b> ).</p>