

beam

Modification Application
Section 4.55(1A) Modification

SSD-32275057

175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern

Prepared for Perpetual Corporate Trust Limited as trustee of Scape JV3 Eveleigh

Beam Planning acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we work with.

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Appendices

Appendix Title	Prepared by
A. Architectural Plans and Schedule of Modifications	<i>Mark Shapiro Architects</i>
B. Transport Statement	<i>Ason Group</i>
C. BCA Report	<i>Jensen Hughes</i>
D. Operational Waste Management Plan	<i>Elephants Foot Consulting</i>
E. Stormwater Management Plans and Letter	<i>HJ Consult</i>
F. Engineering Report on Proposed Excavation & Construction	<i>SCP</i>

Provided under separate cover

- Landowner's Consent

Executive Summary

This Section 4.55(1A) modification report has been prepared for Perpetual Corporate Trust Limited Scape JV3 Eveleigh (the applicant) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-32275057 relating to 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern (the site).

The proposed modification includes a reduction in the basement footprint and deletion of on-site car parking. The proposed reduction in size consequently results in a relocation of fire stairs and vehicular access ramps, as well as waste storage areas. At ground level, key plant and services have been relocated, including the relocation of the electrical substation to the northwestern corner, and the hydrant booster to the Cleveland Street frontage. As a result, a series of ground floor refinements are made to retain functionality of the commercial tenancies and communal uses, as well as to retain the permeability of the pedestrian through-site link.

Further modifications are proposed to Level 1 and the upper levels to reflect the revised core and fire stair arrangements, with co-living rooms rationalised. Additional changes include minor adjustments to room layouts and windows, introduction of the external break-out spaces and communal laundries, as well as minor internal reconfiguration of the Level 5 communal area. The rooftop plant is also proposed to be relocated from the Woodburn Street rooftop to the Eveleigh Street rooftop.

The key drivers for these changes include the following:

- Minimising excavation near Cleveland Street, the adjoining railway land, and removing excavation from the zone of influence of the proposed future metro tunnel corridor.
- Remove the provision of car parking within the basement to reduce private vehicle reliance and better leverage public and active transport access.
- To ensure compliance is able to be achieved with the relevant aspects of the Building Code of Australia and relevant Australian Standards.
- To implement design changes that are necessitated by the proposed Basement and Ground Level modifications.
- To rationalise the design to maintain buildability and retain the approved 200- co-living room yield.

The assessment of environmental impacts determines the proposed modifications will result in minimal environmental impact and this report considers the development as proposed to be modified is substantially the same as that approved. For these reasons, in addition to addressing each of the remaining components of Section 4.55(1A) of the EP&A Act, this application meets the relevant requirements to be considered a Section 4.55(1A) Modification Application.

The proposed modifications to the approved development will result in a buildable, rational scheme that maintains the design integrity of the approved development and is substantially the same as the development as approved on the site by the Independent Planning Commission in 2024.

1.0 Site Analysis





The site is located at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern and comprises Lot 5 DP68798, Lot 4/2 DP 977379, Lot 3/2 DP977379, Lot 1 DP780307, Lot 10 DP809537, Lot 1 DP1093304, Lot 1 DP724328 and Lot 15 DP57107. The site is situated adjacent to the railway line, and a small portion of the site is located above the proposed metro tunnel corridor which places limitations on development directly above the corridor and within its zone of influence.

The site is zoned Business Zone – Mixed Use and comprises an area of 2,016.9m² strongly positioned with three street frontages, to Woodburn Street, Cleveland Street and Eveleigh Street. The site is well-located within a transit-oriented area where active transport and public transport opportunities are maximised, as outlined below:





- The site is located within 300m walking distance of Redfern Station, a large public transport node connecting the site to the Sydney CBD, Eastern Suburbs, Inner West, North Shore and Northern Suburbs, Western Sydney, Sutherland Shire and the Southwest.
- Sydney's Central Station is a 1.1km walking distance of the site. This station connects the site to various locations across Sydney, as well many regional cities and towns within NSW.
- The site is located within 1.1km of Gadigal Metro Station and the Waterloo Metro Quarter, which connects the site to various strategic centres across Sydney, including North Sydney, Chatswood and Macquarie Park. When works are completed, it will also connect the site to Bankstown, and other locations within the southwest.
- Bus stops 200824 and 201640 are located within 50m of the site on Cleveland Street and connect the site to Bondi Junction and Marrickville, as well as multiple locations in between, via the 352 bus route.
- The University of Sydney Redfern Campus is within 400m of the site, and the Main Campus is within 900m walking distance of the site. The University of Technology and Notre Dame University are also located within a 750m walking distance of the site.
- The site is located within 200m of Prince Alfred Park, a large public park that is embellished with several amenities and recreational options. Chippendale Green is within a 600m walking distance of the site, providing further opportunities for passive recreation, social gatherings and other outdoor recreation activities.

A description of surrounding development is provided in **Table 1** below.

Table 1 Surrounding Development

 North	Cleveland Street is located to the north of the site, and is a classified road that connects City Road, Camperdown in the west, to Anzac Parade, Moore Park in the east. Beyond Cleveland Street is an area that sits adjacent the railway line comprising a mix of commercial, light industrial and residential uses. Central station is approximately 1.1km northwest of the site, and the Chippendale Green and University of Technology are also located to the north of the site. The Broadway Shopping Centre is also located to the north of the site further increasing the services and amenities available within close proximity of the site.
 South	The area to the south of the site is experiencing a period of urban renewal, with a mix of new medium and high rise development, and older stock terrace housing located on Eveleigh Street between the site and Redfern Station, which is within 300m walking distance of the site.
 East	Directly to the east of the site is Woodburn Street and the railway corridor, beyond this, development in the development comprises a mix of commercial and residential uses. Approximately 200m walking distance to the east of the site is Prince Alfred Park, a 7.5 hectare park, providing ample open space, a swimming pool, sports courts and fitness equipment.
 West	The area to the west of the site is dominated by residential development, including a range of housing typologies, including but not limited to residential flat buildings and purpose built student accommodation on Cleveland Street as well as terrace housing within the blocks behind. The University of Sydney main and Redfern campuses are also located west of the site.

The Site

 Address	175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern
 Legal Description	Lot 5 DP68798, Lot 4/2 DP 977379, Lot 3/2 DP977379, Lot 1 DP780307, Lot 10 DP809537, Lot 1 DP1093304, Lot 1 DP724328, Lot 15 DP57107
 Site Area	2,016.9m ²
 Owner	Perpetual Corporate Trust Limited ATF Yield Plus Infrastructure Property Fund No. 2 Trust 2B Ownership Trust No. 4 (YPI2B OT4) and Yield Plus Infrastructure Property Fund No. 2 Trust 2B Ownership Trust No. 6 (YPI2B OT6)

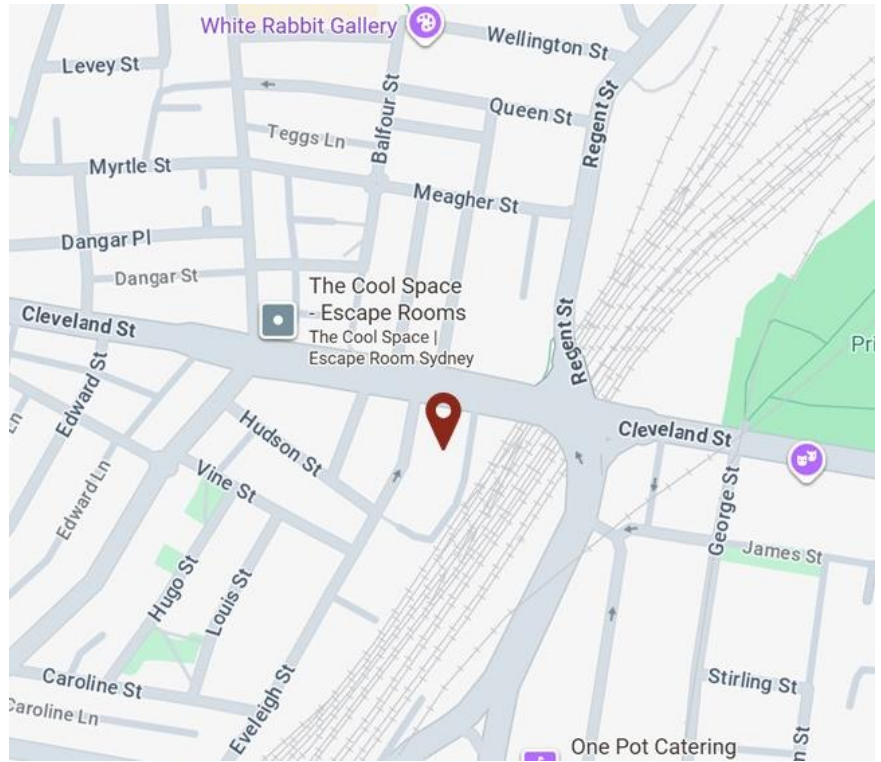


Figure 1 Location Plan



 THE SITE

NOT TO SCALE 

Figure 2 Aerial Photo

2.0 Consent to be Modified and Relevant History

Development Consent SSD-32275057 relating to 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern (the site) was granted by the Independent Planning Commission on 4 September 2024 for construction of a six-storey mixed use co-living development comprising the following:

- a total GFA of 6,617.4 m², consisting of:
 - residential GFA of 5,839 m²
 - non-residential GFA of 778.2 m²
- 200 co-living rooms (91 single and 109 double rooms)
- 793.2 m² of communal open space, including an internal courtyard and rooftop garden
- 526.9 m² 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.

Physical works in accordance with the consent have not yet commenced. A history of the relevant development applications relating to the site is summarised in **Table 2** below.

Table 2 Approval History

Reference	Description	Status
SSD 6371	Mixed use student accommodation and residential flat development comprising 40 student rooms and 13 apartments at 175-177 Cleveland Street	Approved 28 January 2015
SSD 7064	Mixed use hotel and a residential flat development comprising 45 hotel rooms, 20 residential apartments and 2 retail tenancies at 175-177 Cleveland Street and 1-5 Woodburn Street	Approved (via Land and Environment Court) 22 March 2018
SSD 10720865	Six storey co-working boarding house development at 175-177 Cleveland Street and 1-5 Woodburn Street	Withdrawn – after acquisition of 6-8 Woodburn Street and approval of SSD-32275057
SSD 32275057	Six-storey mixed use co-living development at 175-177 Cleveland Street and 1-5 Woodburn Street	Approved 4 September 2024 (the subject of this modification application)
SSD 32275057 (MOD 1)	4.55(1A) modification to SSD-32275057 consent conditions B5, B6, B10, B12, B13, B14, B16, B17, B18, B19, B20, B24, C31 and F12 relating to various requirements to be satisfied before issue of a Construction Certificate	Submitted to the Department on 20 November 2025

2.1 Consultation

A meeting was held with the Department of Planning, Housing and Infrastructure (the Department) on 6 November 2025 to discuss the proposed modifications. Preliminary feedback received included that the reduction in parking could be supportable, subject to justification, as the relevant car parking rates are expressed as maximum rates. It was advised that if any façade changes are proposed as a result of the internal changes, that the application will need to be demonstrate if the changes relate to the ground level only or for the full height of the building.

As the application relates primarily to basement changes and rationalisation of the development to address construction requirements and building standards, it is the applicant's expectation that this modification application will not need to be returned to the State Design Review Panel (SDRP) in accordance with Condition B1 of the development consent.

A draft of the proposed modification package was submitted to the Department via the Major Projects Portal on 3 December 2025 for review, and a response was received on 17 December 2025 which confirms that as per Condition B1 the modification application as outlined in the draft package does not need to be referred to the SDRP for comment.

3.0 Proposed Modifications

3.1 Development

The subject site has recently been purchased by The Living Company (Scape Australia) who is Australia's leading fully-integrated owner, developer, and manager of purpose-built student accommodation (PBSA), with \$10bn of assets under management. Scape have grown from focusing on PBSA in major capital cities to delivering innovative urban living solutions, ranging from affordable to premium, live-all-in experiences.

Scape's end-to-end management platform ensures the delivery and operation of high-quality, secure, and well-maintained environments that seamlessly integrate academic and residential life, supporting resident wellbeing. The objective of this modification application is to amend the approved development to reduce or remove construction related constraints and non-compliances with contemporary building standards to enable Scape to commence construction of the development in 2026 and deliver a residential product that aligns with their customer needs and operational requirements. This modification application is informed by Scape's experience in delivering similar scaled projects within Sydney's inner city.

The Schedule of Modifications at **Appendix A** identifies each of the proposed changes. A description of these is provided within the subsections below.

3.1.1 Reduced Basement Extent

This modification application seeks to reduce the basement footprint to minimise excavation in close proximity to Cleveland Street and the adjacent railway land to the east of the site and remove any required excavation from within the zone of influence of the future proposed metro tunnel corridor. Further, the modification application removes on-site car parking for residents to minimise reliance on private vehicle ownership given the site's proximity to public transport.

The basement fire stairs are required to be relocated away from the rail corridor and zone of influence (now outside of the basement footprint) and repositioned to the western side of the basement. The basement ramp has also been adjusted to address ramping / gradient requirements (to allow for a compliant small rigid vehicle (SRV) gradient of 1:6.5), and is redesigned as a one-lane, two-way ramp proposed the non-compliant basement ramp has been proposed to be modified to comply with Australian Standards.

A number of other minor amendments are proposed to accommodate the reduced basement extent, including to the loading, servicing and waste management arrangements to ensure compliance with all relevant requirements. A comparison of the existing and proposed Basement Plan is provided in **Figure 3** and **Figure 4** below.

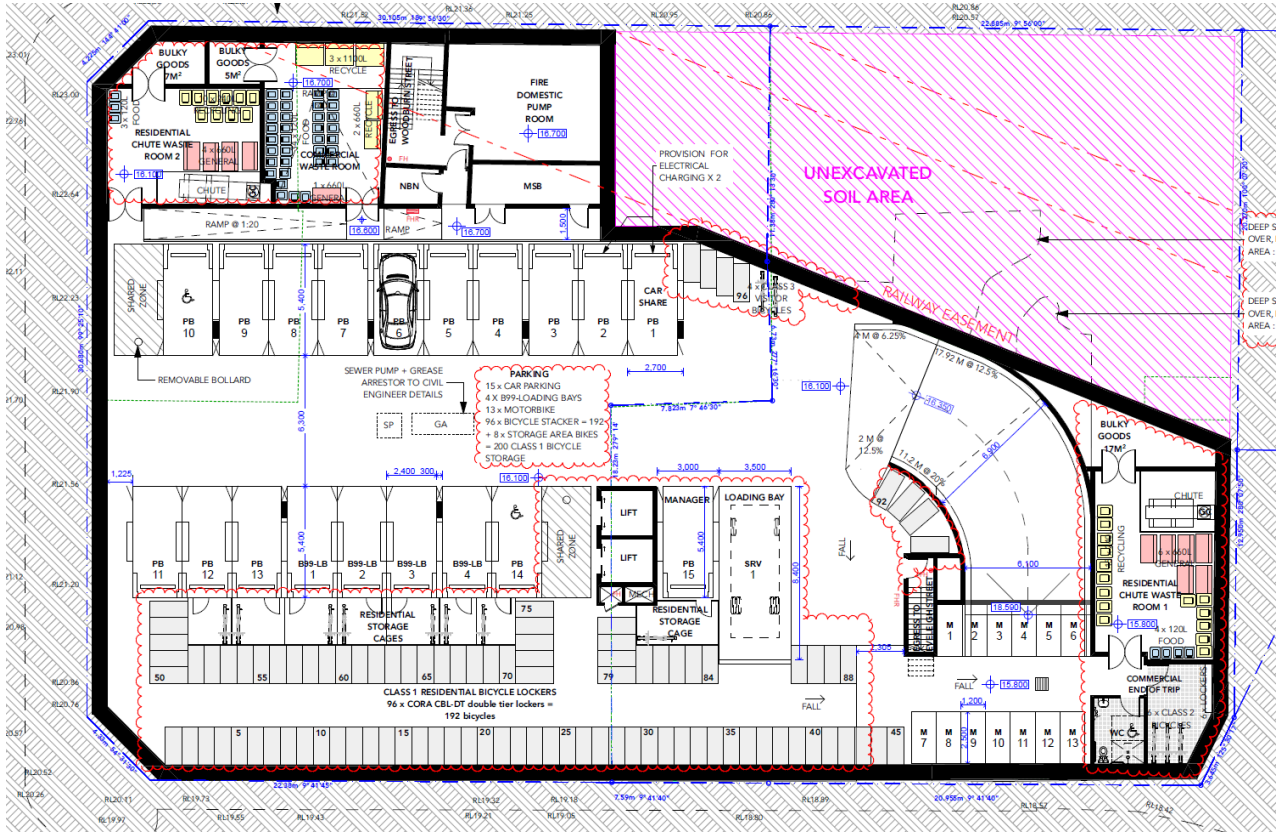


Figure 3 Approved Basement Plan

Source: Mark Shapiro Architects

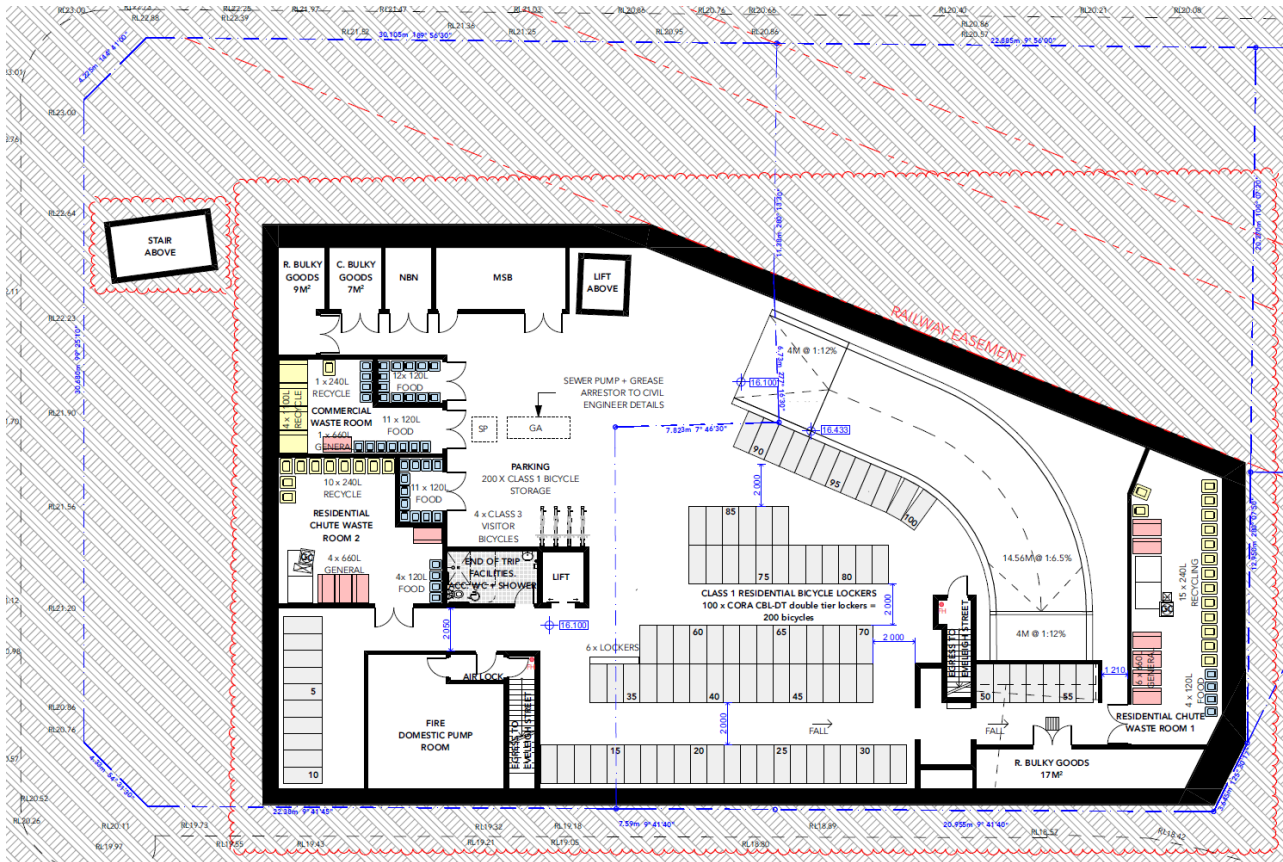


Figure 4 Proposed Basement Plan

Source: Mark Shapiro Architects

3.1.2 Ground Floor Spatial Reallocation

Ground floor modifications are proposed to reflect the basement changes below, and to ensure compliance with the requirements of the BCA.

The electrical substation is proposed to be relocated from the southwestern corner of the site to the northwestern corner of the site on Woodburn Street to ensure compliance with the relevant safety requirements. Similarly, the hydrant booster has been relocated from the Woodburn Street frontage to the Cleveland Street frontage. The OSD tank has also been relocated further to the west along the southern elevation.

As a result of the plant and services changes, several other minor modifications are proposed to rationalise the ground floor layout. This includes but is not limited to:

- A podcasting studio and cinema rooms have replaced the commercial use due to the fire stair relocation to this area impeding on the use of the area as a commercial tenancy.
- Widening of the entry point to the through-site link from Woodburn Street into the internal courtyard due to removal of fire stair fronting Woodburn Street.
- Increased communal games area extending into the former location of the substation.
- Ground level communal laundry removed and redistributed on upper levels.
- Decreased area to the commercial tenancy in the southwestern corner to accommodate the OSD tank and associated stormwater infrastructure.
- Rationalised entrance to the co-living development, including reallocation of space within the southern elevation as a co-mingled area, including the reception, parcel room, office, and community multi-purpose space.
- Relocation of fire stair from within the through-site link to the eastern frontage of the site.
- Minor modification to the internal space allocation, and shape of the café/commercial tenancy within the northeastern corner.
- Reduction in number of lifts to ensure the permeability of the through-site link is retained, whilst serviceability of the development is maintained.
- Minor revision of ground floor landscaping including above the revised basement ramp.

Figure 5 and Figure 6 illustrates the approved and proposed Ground Floor Plan.

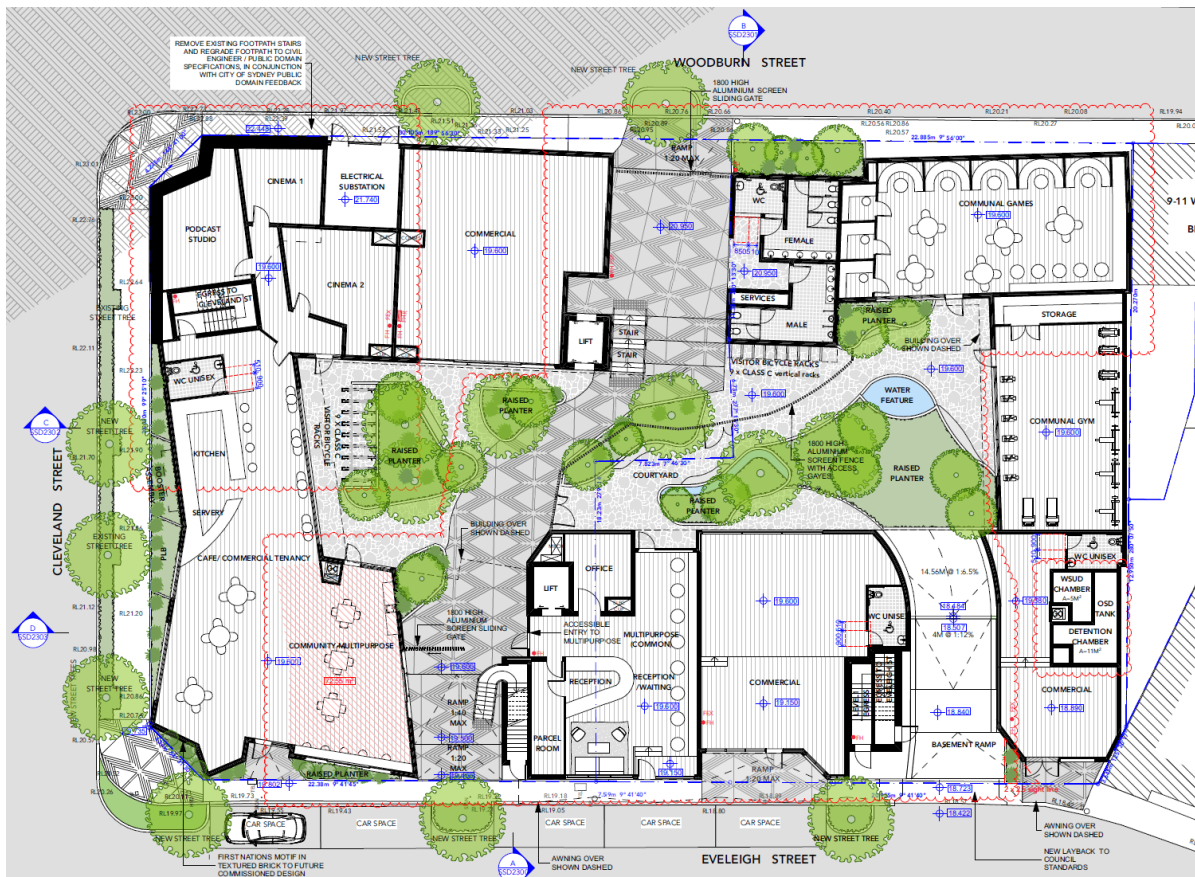


Figure 5 Approved Ground Floor Plan

Source: Mark Shapiro Architects

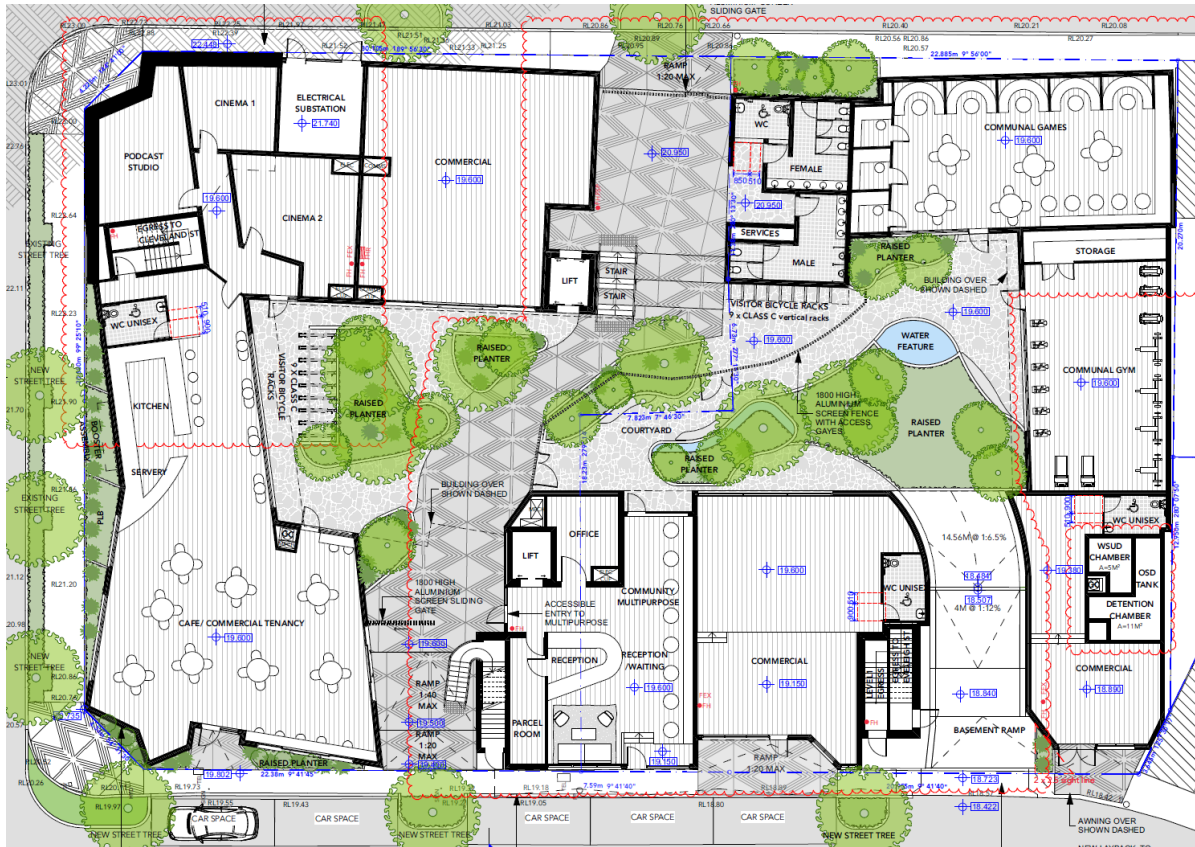


Figure 6 Proposed Ground Floor Plan

Source: Mark Shapiro Architects

3.1.3 Level 1

The proposed modifications to Level 1 reflect the basement and ground floor changes below. Due to the introduction of the fire stair in the northwestern corner of the site, a rationalisation of co-living rooms has occurred to retain the same number of rooms as approved (200 total co-living rooms retained).

This includes modification of some approved double rooms to single rooms. The commercial tenancy is also proposed to be reallocated as a co-working space, as it no longer connects to the ground level via internal stair due to the relocation of the electrical substation.

Additional modifications proposed to Level 1 that are also applicable to upper levels are outlined in **Section 3.1.4** below.

Figure 7 and **Figure 8** provides a comparison between the Level 1 approved and proposed floor plans.



Figure 7 Approved Level 1 Floor Plan

Source: Mark Shapiro Architects



Figure 8 Proposed Level 1 Floor Plan

Source: Mark Shapiro Architects

3.1.4 Proposed modifications across Levels 1-5

The following modifications are proposed on each level resulting from basement and ground level changes. The basement and ground level changes, largely pursued to ensure compliance with the BCA would be achievable, have necessitated rationalisation of the building core that must be implemented on upper levels to ensure a buildable, operable scheme.

These modifications are as follows:

- Minor changes to co-living room layouts with consequential positions of room windows due to the relocation of fire stairs and alignment with 'Scape Australia' modular rooms.
- Provision of external break out room in place of fire stair along the eastern corridor of the development.
- Relocation of garbage chute from northeastern corner of building to northwestern corner of building to reflect basement footprint changes below.
- Introduction of a communal laundry in place of the former fire stair in the southwestern corner of building.
- Waste chutes amended in the south western corner of building in response to the removal of the fire stair in this location.
- Switching of the breakout room and lift to mirror relocation of lift core on ground level.

3.1.5 Level 5

A series of minor modifications are proposed to Level 5 reflecting changes to the levels below. In addition, the common lounge area has been redesigned internally to improve the manager's workspace.

Level 5 rooftop communal open space has been retained in accordance with the approved development.

Further modifications are proposed in accordance with the amendments proposed to levels below. Further detail regarding these is contained within **Section 3.1.4**.

Figure 9 and **Figure 10** illustrate the differences between the approved Level 5 Floor Plan and the proposed Level 5 Floor Plan.

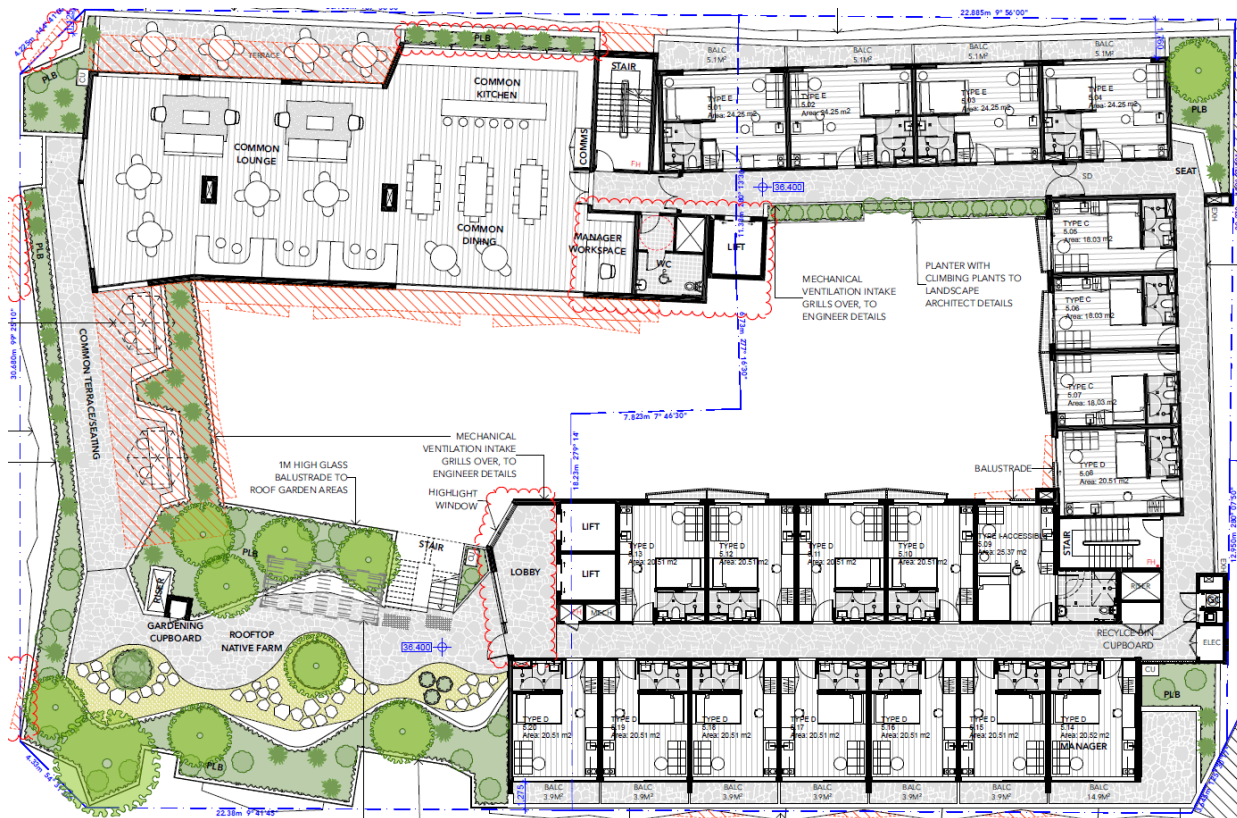


Figure 9 Approved Level 5 Floor Plan

Source: Mark Shapiro Architects

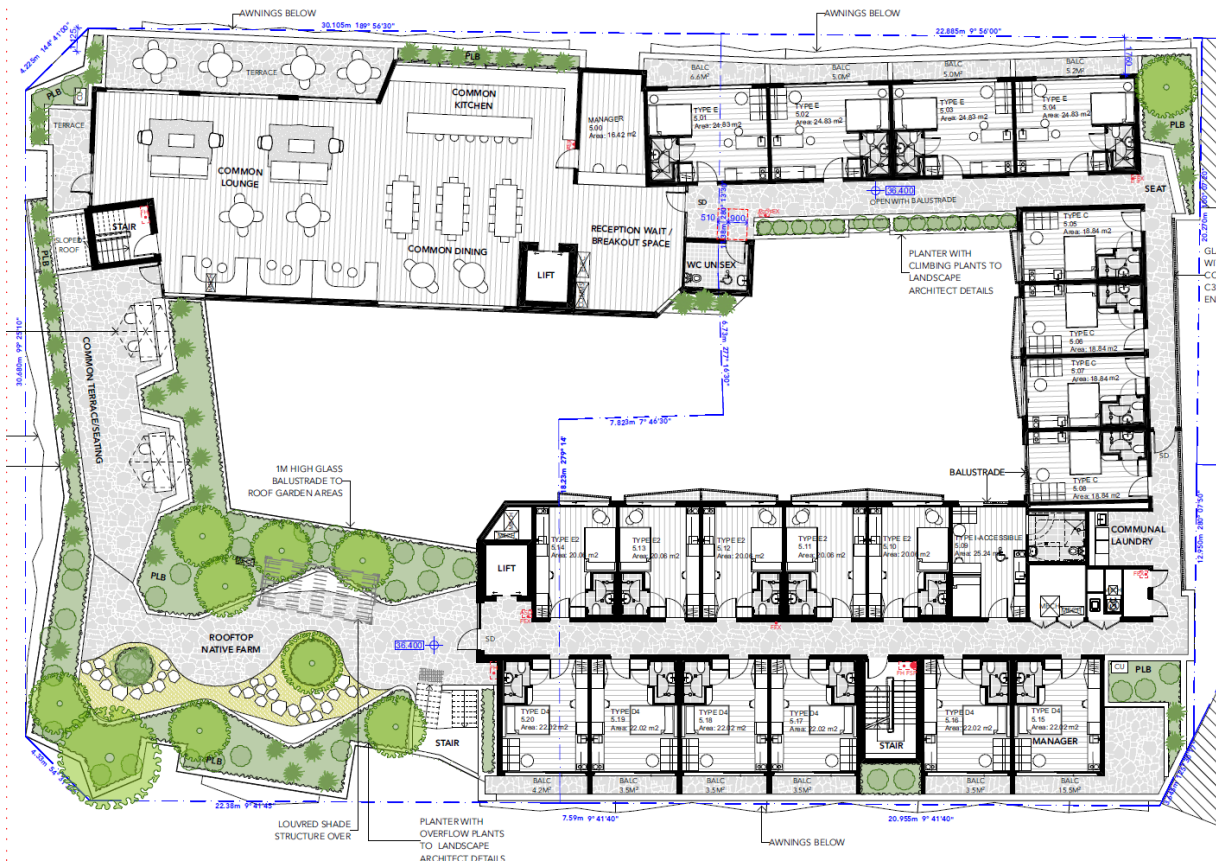


Figure 10 Proposed Level 5 Floor Plan

Source: Mark Shapiro Architects

3.1.6 Rooftop Plant

Modifications are proposed to the roof top level for consistency with the levels below. Services are proposed to be relocated, in addition to building plant enclosures, from the Woodburn Street rooftop to the Eveleigh Street rooftop. No change is proposed to the provision of photovoltaic cells upon the rooftop. The extent of modifications proposed are illustrated in Figure 11 and Figure 12 below.

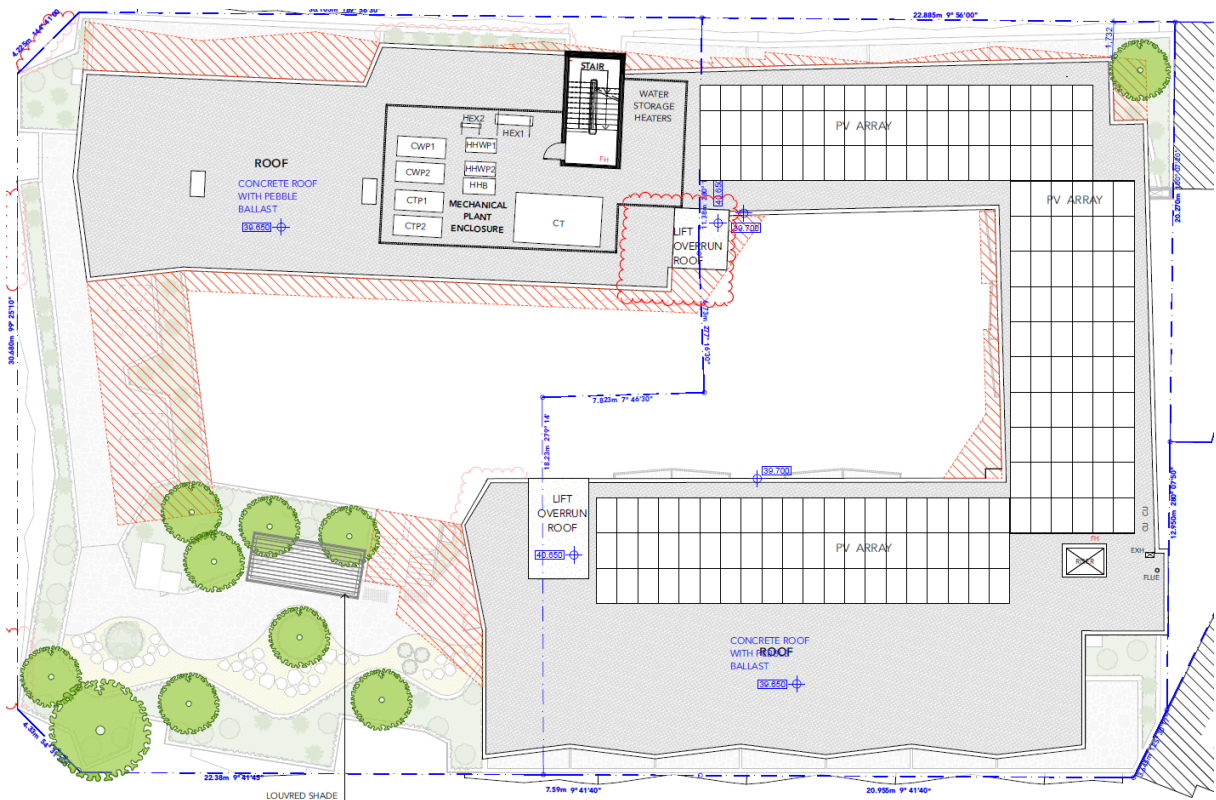


Figure 11 Approved Roof Plan

Source: Mark Shapiro Architects

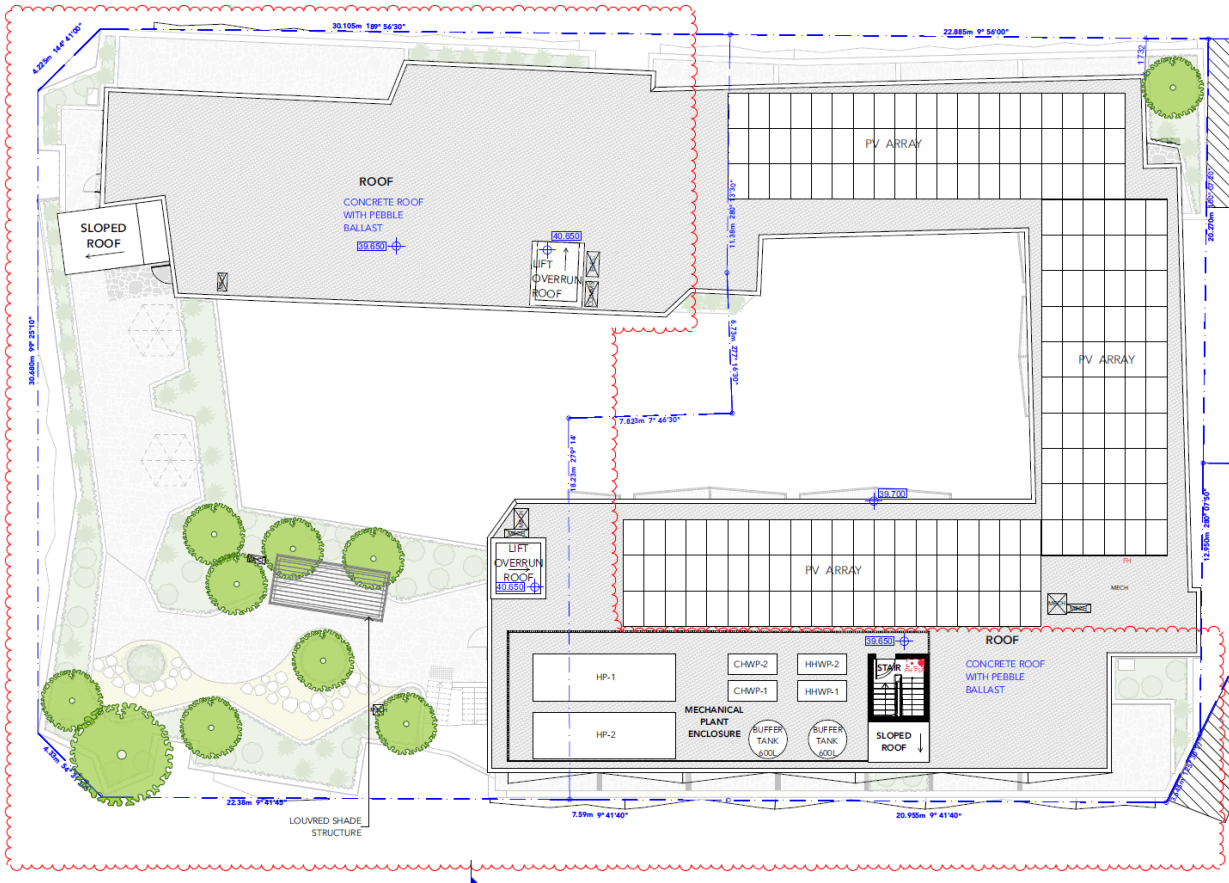


Figure 12 Proposed Roof Plan

Source: Mark Shapiro Architects

3.2 Conditions

The above modifications to the development necessitate the following amendments to the conditions of consent and the description of the development on the consent. Deleted words are shown in *strike through* and proposed words to be inserted are shown in **bold**.

Table 3 Conditions proposed to be modified

Condition	Condition/ Proposed Modification	Reason
Development Description	<p>Construction of a six-storey mixed use co-living development comprising the following:</p> <ul style="list-style-type: none"> a total GFA of 6,617.4 6,604.8m², consisting of: <ul style="list-style-type: none"> residential GFA of 5,839 6,001.3m² non-residential GFA of 778.2 602.7m² 200 co-living rooms (91 single and 109 double rooms) 793.2 884.3m² of communal open space, including an internal courtyard and rooftop garden 526.9 809.9m² 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 235 222 bicycle spaces associated landscape works and provision of a through-site link extension and augmentation of related services and infrastructure indigenous public art. 	To reflect the modification proposed within this application.
A1	The development must only be carried out:	To reflect the modification proposed within this

- (a) in compliance with the conditions of this consent;
 (b) in accordance with the EIS, RtS, ~~and~~ any RRFI, **and any approved modification**;
 (c) in accordance with any management plan required to be prepared under the conditions of this consent;
 (d) in accordance with the approved plans in the table below:

application and to remove superseded plans.

Drawing Number	Rev	Drawing Name	Date
SSD2000	D	Demolition Plan	1/12/23
SSD2001	D E	Basement Plan	1/12/23 12/12/25
SSD2002	D E	Ground Floor Plan	1/12/23 12/12/25
SSD2003	D E	Level 1 Plan	1/12/23 12/12/25
SSD2004	D E	Level 2 Plan	1/12/23 12/12/25
SSD2005	D E	Level 3 Plan	1/12/23 12/12/25
SSD2006	D E	Level 4 Plan	1/12/23 12/12/25
SSD2007	D E	Level 5 Plan	1/12/23 12/12/25
SSD2008	D E	Roof Plan	1/12/23 12/12/25
SSD2010	D	Type A, B, B2 Typical Room Layouts	1/12/23
SSD2011	D	Type C, D, D2, D3 Typical Room Layouts	1/12/23
SSD2012	D	Type E Typical Room Layouts	1/12/23
SSD2013	D	Type F-G Typical Room Layouts	1/12/23
SSD2014	D	Type H-I Typical Room Layouts	1/12/23
SSD2015	D	Type B4, B5, E5 Typical Room Layouts	1/12/23
SSD2300	D E	Section A	1/12/23 12/12/25
SSD2301	D E	Section B	1/12/23 12/12/25
SSD2302	D E	Section C	1/12/23 12/12/25
SSD2303	D E	Section D	1/12/23 12/12/25
SSD2304	D	Ramp Sections	1/12/23
SSD2400	D E	West Elevation (Eveleigh Street)	1/12/23 12/12/25
SSD2401	D E	East Elevation (Woodburn Street)	1/12/23 12/12/25
SSD2402	D E	North Elevation	1/12/23 12/12/25
SSD2403	D E	South Elevation	1/12/23 12/12/25
SSD2404	D	Street Context Elevations	1/12/23

	SSD2405	D	Materials Finishes – Eveleigh Street	1/12/23	
	SSD9007	D	Indicative Security and Lighting Plan	1/12/23	
	SSD9011	D	Public Art Opportunities Location Diagram	1/12/23	
	SSD9013	D	Typical Breakout Common Room Privacy Screen Detail	1/12/23	
B8	GROSS FLOOR AREA CERTIFICATION B8. Prior to the issue of the Construction Certificate for above ground works, the Applicant must submit to the Certifier a report confirming the gross floor area of the development does not exceed 6,617.4 6,604.8m² .				To reflect the modified gross floor area proposed within this application.
B10	STORMWATER MANAGEMENT SYSTEM B10. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier details of an operational stormwater management system for the development designed by a suitably qualified and experienced person(s): (a) generally in accordance with the conceptual design submitted with Modification 2 in the EIS ; (b) in accordance with Council’s stormwater requirements and specifications; (c) in accordance with applicable Australian Standards; and (d) with a system capacity designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2019 or whichever edition is in force at the time) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines.				To reflect the modified gross stormwater management system within this application.
B16	CAR PARKING B16. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a report demonstrating that the development will provide for the following traffic and parking requirements: (a) all vehicles must enter and leave the subject site in a forward direction; (b) all vehicles are to be wholly contained on site before being required to stop; (c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards; <i>(d) provision of infrastructure for electric vehicles (EV) in accordance with the NCC and Drawing Number SSD2001, Rev D, of the Architectural Drawings;</i> (e) appropriate pedestrian advisory signs must be provided at the egress from parking areas; (f) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority; and (g) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the subject site, must be in accordance with AUSTROADS.				To reflect the removal of car parking proposed within this application.
B17	BICYCLE PARKING AND FACILITIES B17. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a report demonstrating compliance with the following: (a) compliance with applicable Australian Standards for the layout, design and security of bicycle facilities; (b) a minimum of 200 co-living on-site bicycle parking spaces; (c) a minimum of 20 18 visitor on-site bicycle parking spaces; (d) a minimum of 15 4 non-residential on-site bicycle parking spaces;				To reflect the modified bicycle parking provision proposed within this application.

	(e) a minimum of six personal lockers; and (f) a minimum of one shower.	
E24	<p>BICYCLE PARKING AND END-OF-TRIP FACILITIES</p> <p>E24. Prior to the occupation or commencement of use, the Applicant must submit to the Certifier evidence of compliance with the following requirements for secure bicycle parking and end-of-trip facilities:</p> <p>(a) the provision of a minimum 235 222 bicycle parking spaces in accordance with Condition B17;</p> <p>(b) the layout, design and security of bicycle facilities must comply with the minimum requirements of the applicable Australian Standards, and be located in easy to access, well-lit areas that incorporate passive surveillance;</p> <p>(c) the provision of end-of-trip facilities, which include at least one shower, a changing area and six lockers;</p> <p>(d) appropriate pedestrian and cyclist advisory signs are to be provided; and</p> <p>(e) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority</p>	
F7	<p>USE AND MANAGEMENT OF PARKING SPACES</p> <p>F7. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person or company that is not an occupant of the building.</p>	To reflect the removal of car parking proposed as part of this modification application.

4.0 Substantially the Same Development

Section 4.55(1A)(b) of the EP&A Act requires the consent authority to be satisfied that the development as proposed to be modified remains 'substantially the same' as the development for which the consent was originally granted, prior to any previous modification. **Table 4** compares the quantitative elements within the approved development against the proposed modification.

Table 4 Quantitative Elements of the approved vs proposed scheme

Element	Approved Development	Proposed Modification	Change (%)
Project Area	2,016.9m ²	2,016.9m ²	-
Uses	Co-living Co-working Commercial / retail	Co-living Co-working Commercial / retail	-
Number of Storeys	6	6	-
Number of basement levels	1	1	-
GFA - total	6,617.4m ²	6,604.8m ²	-12.6m ² (-0.2%)
GFA - residential	5,839.2m ²	6,002.1m ²	+162.9m ² (+2.8%)
GFA - non-residential	778.2 m ²	602.7m ²	-175.5m ² (-22.6%)
Number of Co-living rooms	200	200	No change
Single Rooms	81	155	+74 (+91.36%)
Double Rooms	109	45	-64 (-58.72%)
Car parking	15	0	-15 (-100%)
Motorcycle parking	13	0	-13 (-100%)
Bicycle parking	235	222	12 (6.4%)

The development as proposed to be modified is 'substantially the same development' for the following reasons:

- The development will remain consistent with the land use objectives for the zoning, being Business Zone-Mixed Use. The modification does not alter the fundamental nature of the proposal, which was deemed to be consistent with the relevant environmental planning instruments and applicable regulations.
- The site will continue to consist of co-living rooms atop commercial development, communal uses and a pedestrian through-site link. The site is entirely suitable for the development as modified and the continued use of the site for the proposed land uses does not conflict with any of the surrounding land uses in the locality.
- The modification will not result in additional significant environmental impacts beyond those identified in the original development application as outlined in **Section 6.0**.
- The proposed increase in residential floor space and decrease in commercial floor space to accommodate additional communal uses and as necessitated by the basement and ground level changes required to demonstrate compliance with the Building Code of Australia are generally contained within the existing building footprint and do not introduce any new uses to the development,
- The proposed reduced basement footprint removes all car parking from the site, however, given the approved development comprised 15 car parking spaces only, it is considered a minor change that is appropriate for the site given its location proximate alternate transport options. Many above ground changes are a direct result of rationalising core building services to ensure compatibility with the reduced basement size.
- The proposed co-living room mix does result in changes to the approved room mix, however all 200 rooms continue to be provided and will be managed commercially as anticipated by the approved development.
- Other key aspects of the development including the location of pedestrian and vehicular entries, number of storeys, and number of buildings remain consistent with the approved development.
- The approved floor space on the site is not proposed to be increased. As a result of the proposed amendments the total GFA on the site will marginally be reduced by 177.7m².
- The façade/appearance has remained the same with articulation, modulation and materiality maintained.
- The proposed modification is consistent with the reasons for approval provided by the IPC.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

5.0 Section 4.15(1) Assessment

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration the matters referred to in Section 4.15(1) of the EP&A Act as they are of relevance to the original application. Error! Reference source not found. addresses the matters for consideration under Section 4.15(1) of the EP&A Act.

Table 5 Assessment against Matters for Consideration under Section 4.15(1)

Description	Assessment
Environmental Planning and Assessment Act 1979	The modified development, as proposed, aligns with the objects of the EP&A Act, specifically as the modification promotes the orderly use of land as it ensures the orderly construction of an approved development.
SEPP (Planning Systems) 2021	The modification application does not alter the approved development's consistency with this instrument.
SEPP (Resilience and Hazards) 2021	The modification application does not alter the approved development's consistency with this instrument.
SEPP (Transport and Infrastructure) 2021	<p>Railway Corridor</p> <ul style="list-style-type: none"> Section 2.98 Development adjacent to rail corridors Section 2.99 Excavation in, above, below or adjacent to rail corridors Section 2.100 Impact of rail noise or vibration on non-rail development <p>The proposed modifications have been designed to improve the interface of the below ground works and the proposed metro tunnel corridor and respective zones of influence (See Appendix G). No changes are proposed to the acoustic treatment of the development with regards to demonstrating continued compliance with the requirements of Section 2.100 of the SEPP.</p> <p>Road Corridor</p> <ul style="list-style-type: none"> Section 2.119 Development with frontage to classified road Section 2.120 Impact of road noise or vibration on non-road development Section 2.121 Excavation in or immediately adjacent to corridors Section 2.122 Traffic-generating development <p>No changes are proposed the approved developments compliance with these requirements. It is however noted that traffic generation resulting from the development is proposed to be reduced by this modification (See Appendix B).</p>
SEPP (Precincts – Eastern Harbour City) 2021	The modification application is generally consistent with the requirements of the SEPP, aligning with the consistency demonstrated by the approved development. An assessment of the proposal against the SEPP is contained within Table 6 .
SEPP (Housing) 2021	The modification application does not alter the approved development's consistency with this instrument. As amended layouts are proposed to certain co-living housing rooms, an assessment against the relevant provisions of the SEPP is contained within Table 7Table 6 .
SEPP (Building Sustainability Index: BASIX) 2004	<p>The modification application does not alter the approved development's consistency with this instrument. It is noted that despite applying to the approved development, the <i>Environmental Planning and Assessment Regulation 2021</i> was amended and no longer considers co-living developments of this scale a BASIX Building. The definition extracted from the Regulation is provided below:</p> <p>BASIX building means a building that contains at least 1 dwelling, but does not include the following—</p> <ol style="list-style-type: none"> hotel or motel accommodation, a boarding house, hostel or co-living housing that— <ol style="list-style-type: none"> accommodates more than 12 residents, or has a gross floor area exceeding 300 square metres.

5.1.1 State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

An overview of the relevant planning controls under *State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021* (Eastern Harbour City SEPP) is provided in **Table 6** as well as an overview of the compliance of the approved development against the SEPP.

Table 6 Eastern Harbour City SEPP controls applicable to the site

Clause	Control	Approved development
Appendix 3 - Appendix 3 State significant precinct—Redfern–Waterloo Authority sites		
10 Business Zone—Mixed Use	<p>The site is zoned Business Zone – Mixed Use under the SEPP. Importantly, co-living is permissible on the site, under Part 3, Clause 67 of the Housing SEPP. The objectives of the zone are as follows:</p> <p><i>(a) to support the development of sustainable communities with a mix of employment, educational, cultural and residential opportunities,</i></p> <p><i>(b) to encourage employment generating activities by providing a range of office, business, educational, cultural and community activities in the Zone,</i></p> <p><i>(c) to permit residential development that is compatible with non-residential development,</i></p> <p><i>(d) to maximise public transport patronage and encourage walking and cycling,</i></p> <p><i>(e) to ensure the vitality and safety of the community and public domain,</i></p> <p><i>(f) to ensure buildings achieve design excellence,</i></p> <p><i>(g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.</i></p>	<p>No change is proposed to the approved use. The development as proposed to be modified continues to demonstrate consistency with the zone objectives as follows:</p> <p>The proposed modifications continue to ensure the underutilised site will be revitalised for a high-quality development that provides both a range of commercial uses and a co-living development that affords a high standard of amenity to future occupants.</p> <p>As established by the approved development, the development when constructed will provide a number of on site and off site employment opportunities. The impacts of the proposed modification does not hinder the achievement of employment opportunity.</p> <p>The co-living and commercial components of the development are compatible as there are many synergies between the two. The co-living use will support the non-residential uses within the vicinity of the site. The proposed modification does not alter the achievement of this objective.</p> <p>The proposed modifications seek to further maximise public transport patronage and further encourage the uptake of active transport by occupants of the site by removing all car parking from the basement. The well-located nature of the site means that services, education, employment and other amenities are within active travel distances of the site. Being proximate the railway station also ensures that public transport usage is maximised where active transport is not a suitable option.</p> <p>The proposed modifications continue to ensure the development ensures safety of the public domain via increased activation and amenity, as well as usage during all hours of the day.</p> <p>The approved development achieves design excellence and this modification seeks to retain the integrity of the design to ensure that design excellence is retained, and a high quality development is delivered.</p> <p>The proposed modification does not seek to alter the approved landscape elements of the site, except where minor modification is necessitated by built form changes. Therefore consistency with this objective is retained in this application.</p>
	<p>21 Height, floor space ratio and gross floor area restrictions</p> <p>The site has a mapped maximum building height of 5 storeys.</p> <p>The site has a mapped maximum FSR of 3.0:1 and a mapped maximum residential FSR of 1:1</p>	<p>No change proposed to the approved number of storeys.</p> <p>The approved development exceeds the total maximum FSR of 3.0:1 by providing an FSR of 3.28:1. Furthermore, it exceeds the maximum residential FSR</p>

		<p>by providing an FSR of 2.9:1 for residential uses. However, an additional 10% FSR is permitted for the co-living component of the development pursuant to the State Environmental Planning Policy (Housing) (Housing SEPP) (See Table 7). The maximum FSR for the site is 3.3:1 which the approved development complies with by comprising an FSR of 3.28:1. The maximum residential FSR is 1.3:1 when the Housing SEPP 10% bonus is considered.</p> <p>The proposed modification seeks to reduce the GFA on the site, resulting in a total FSR of 3.27:1. Furthermore, the existing non-compliance with the maximum residential FSR is increased by 162.9m² (2.8%) or 0.08:1.</p> <p>An assessment of the proposed increase in residential floor space is provided in Section 6.2 of this report.</p>
<p>22 Design Excellence</p>	<p>Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.</p> <p><i>(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters—</i></p> <p><i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p><i>(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,</i></p> <p><i>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,</i></p> <p><i>(d) if a competitive design process is held as referred to in subsection (3) in relation to the development, the results of the competitive design process.</i></p>	<p>In their assessment, the Department considered the approved development achieved design excellence due to the following reasons:</p> <ul style="list-style-type: none"> • 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. <p>The proposed modification maintains the integrity of the approved design. As the proposed modification has been assessed as being consistent with the requirements of Condition B1 of the development consent, it is reaffirmed that design excellence continues to be achieved by the modified development.</p>

5.1.2 State Environmental Planning Policy (Housing) 2021 – Chapter 3

The Housing SEPP provides a streamlined and state-led planning framework that facilitates the delivery of diverse, affordable and well-located housing across NSW. It overrides local planning controls where necessary to enable residential development that supports state housing objectives. **Table 7** provides an assessment of the proposed modification against the Housing SEPP.

Table 7 Assessment of the proposed modification against the Housing SEPP

Clause	Requirement	Proposed Modification
Part 3 Co-living housing		
68 Non-discretionary development standards—the Act, s 4.15	(2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing— (a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than— (i) the maximum permissible floor space ratio for residential accommodation on the land, and (ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,	As outlined in Section 6.2 the approved development utilised this provision, and the development complied with the total maximum FSR permitted for the site (3.3:1) by providing an FSR of 3.28:1. The modification proposes an FSR of 3.27:1, utilising the provisions of this Section.
	(b) for co-living housing containing 6 private rooms— (i) a total of at least 30m ² of communal living area, and (ii) minimum dimensions of 3m for each communal living area,	n/a
	(c) for co-living housing containing more than 6 private rooms— (i) a total of at least 30m ² of communal living area plus at least a further 2m ² for each private room in excess of 6 private rooms, and (ii) minimum dimensions of 3m for each communal living area,	The approved development includes 526.m ² of communal living areas. The proposed modification includes 809.9m ² of communal rooms which complies with the requirements of this Section, being a minimum of 418m ² .
	(d) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,	The approved development comprises 793.2m ² of communal open space. The proposed modification comprises 884.3m ² of communal open space which exceeds the minimum established by this section of 403.38m ² .
	(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,	The approved development provides 15 car parking spaces which does not comply with this non-discretionary development standard. However, due to the proximity to Redfern and Central stations, and the provision of bicycle parking, the Department supported minimal on-site car parking to promote alternative active transport options. This modification application seeks to further reduce car parking to 0 in recognition of the accessibility of the site. It is noted that bicycle parking is retained to continue the promotion of active transport use. Further assessment in relation to this provision is provided within Section 6.4 .
	(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	n/a
	(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	n/a

Clause	Requirement	Proposed Modification
<p>69 Standards for co-living housing</p>	<p>(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m² and not less than—</p> <p>(i) for a private room intended to be used by a single occupant—12m², or</p> <p>(ii) otherwise—16m², and</p>	<p>Co-living rooms that have been amended each comprise a total area greater than the minimums established by this standard.</p>
	<p>(b) the minimum lot size for the co-living housing is not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential—600m², or</p> <p>(ii) for development on other land—800m², and</p> <p>(iii) (Repealed)</p>	<p>No change proposed to the site area.</p>
	<p>(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—</p> <p>(i) will not contain more than 12 private rooms, and</p> <p>(ii) will be in an accessible area, and</p>	<p>n/a</p>
	<p>(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and</p>	<p>An appropriate workspace for the manager is retained in the modified development.</p>
	<p>(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p>	<p>Residential development at ground floor is permitted by the Eastern Harbour City SEPP and therefore this subsection is not applicable.</p>
	<p>(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and</p>	<p>No change proposed that alters compliance with this section.</p>
	<p>(g) each private room will be used by no more than 2 occupants, and</p>	<p>No change proposed that alters compliance with this section.</p>
	<p>(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.</p>	<p>The proposed modification includes 222 bicycle parking spaces, 1 per co-living room and 22 for non-residential and visitor purposes.</p>
	<p>2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—</p> <p>(a) the front, side and rear setbacks for the co-living housing are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p> <p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building</p>	<p>The proposed modification does not alter compliance with this section of the SEPP.</p>

Clause	Requirement	Proposed Modification
	<p>separation distances specified in the Apartment Design Guide, and</p> <p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p> <p>(d), (e) (Repealed)</p> <p>(f) the design of the building will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character of the precinct.</p> <p>(3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.</p> <p>(4) In this section, a storey does not include a storey used for car parking that is below ground level (existing), or less than 1.2m above ground level (existing).</p>	

5.1.3 Draft Environmental Planning Instruments

City of Sydney Housekeeping Amendments

A number of housekeeping amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) have been exhibited in early 2025 and approved by the elected City of Sydney Council and is currently in the final assessment stage. The City of Sydney is targeting for these amendments to be in-force by December 2025. In accordance with clause 4.15(1)(a)(ii) of the EP&A Act, the proposed instrument is a relevant matter for consideration in determining a development application.

Sydney LEP 2012 Amendments

The proposed LEP amendments relate to the introduction of new controls, and amendment of existing controls. The planning proposal also seeks to transfer the planning controls from 'legacy' LEPs and the Eastern Harbour City SEPP into the Sydney LEP 2012. The key draft land use and built form controls under the draft instrument that will be applicable to the site are discussed in **Table 8**.

Table 8 Key Draft Sydney LEP controls that will be applicable to the site

Clause	Control	Proposed
Clause 2.1 Land Use Zone	The site is zoned MU1 Mixed Use, and a range of uses are permissible including boarding houses, commercial premises and shop top housing. Importantly, co-living housing, and commercial premises are permissible on the site, under Part 3, Clause 67 of the Housing SEPP.	No change is proposed as part of this modification to the approved land use.
Clause 4.3 Height of Buildings	The site has a mapped proposed maximum building height of 15m.	The approved development exceeds this proposed development standard being a six storey development. The development, as proposed to be modified will continue to exceed the maximum building height established by the proposed Sydney LEP 2012 provision.
Clause 4.4 Floor Space Ratio	The proposed maximum mapped FSR for the site is 3:1 (refer to Error! Reference source not found.Error! Reference source not found.).	The proposed modification comprises a FSR of 3.27:1 which complies with the development standard established by this clause in addition to the 10% bonus established by the Housing SEPP for co-living development.

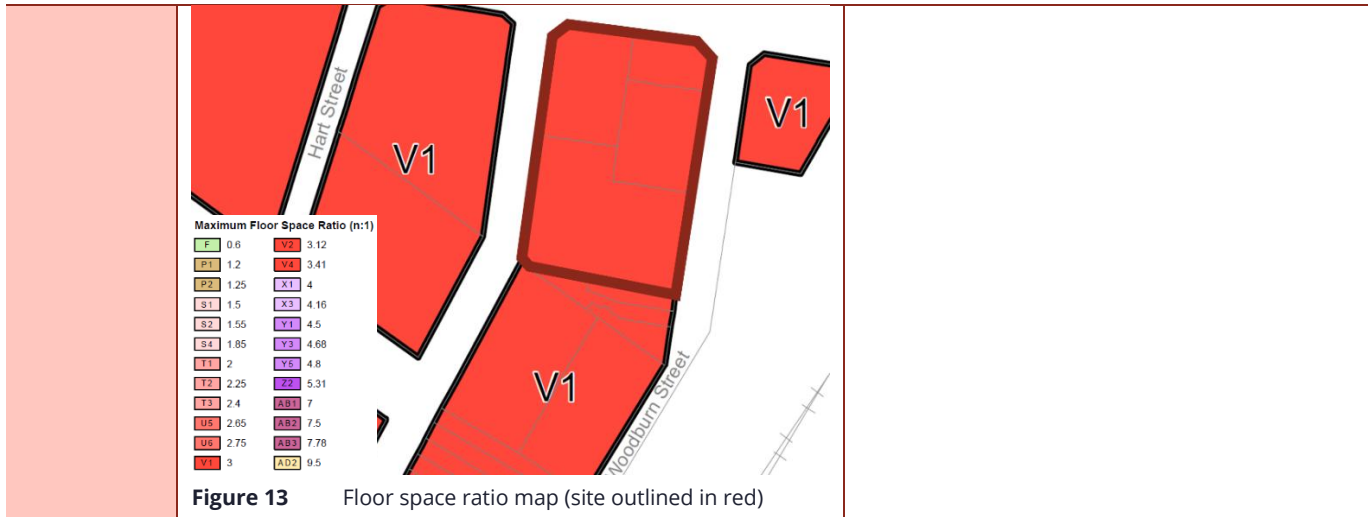


Figure 13 Floor space ratio map (site outlined in red)

<p>Clause 5.10 Heritage Conservation</p>	<p>The site does not include a proposed mapped heritage item, nor is located within a proposed heritage conservation area.</p>	<p>To note.</p>
<p>Division 4 Design Excellence</p>	<p>Design excellence provisions are applicable to all development within the city to which the LEP applies. Clause 6.21C currently prescribes the following:</p> <p>(1) Development consent must not be granted to development to which this Division applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</p> <p>(2) In considering whether development to which this Division applies exhibits design excellence, the consent authority must have regard to the following matters—</p> <ul style="list-style-type: none"> (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain, (c) whether the proposed development detrimentally impacts on view corridors, (d) how the proposed development addresses the following matters— <ul style="list-style-type: none"> (i) the suitability of the land for development, (ii) the existing and proposed uses and use mix, (iii) any heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers, existing or proposed, on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) the bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network, (x) the impact on, and any proposed improvements to, the public domain, (xi) the impact on any special character area, 	<p>The proposed modification maintains the integrity of the approved design. As the proposed modification has been assessed as being consistent with the requirements of Condition B1 of the development consent, it is reaffirmed that design excellence continues to be achieved by the modified development. As such, the modifications proposed comply with the proposed provisions of this Clause.</p>

	<p>(xii) achieving appropriate interfaces at ground level between the building and the public domain, (xiii) excellence and integration of landscape design.</p> <p>Via the proposed amendments, the following additional components are expected to be included:</p> <ul style="list-style-type: none"> • Clause 6.21C(2)(d) of Sydney LEP 2012 and clause 6.9(4)(d) of the Green Square Town Centre LEPs are to be amended to include 'internal layout and amenity' as a consideration • Clause 6.21(C) (2)(d) to reference the amount, location and dimensions of deep soil, and tree plantings, as a particular matter to be considered 	
<p>Part 7 – local provisions - Division 1 Car parking ancillary to other development</p>	<p>Division 1 establishes car parking rates for various development types. Co-living is not nominated, and is determined by the SEPP, however carparking for the coworking, retail / commercial spaces would be determined by this division. The site is proposed to be identified as category B and category E under the Sydney LEP 2012. The division establishes <u>maximum</u> car parking rates, and as no increases to parking are proposed, compliance with this division is not anticipated to be impacted by any modifications.</p>	<p>The Sydney LEP 2012 prescribes maximum car parking rates, as such, the proposed reduction in car parking complies with the requirements of this clause.</p>

6.0 Environmental Impacts

Section 4.55(1A)(a) of the EP&A Act requires the consent authority to be satisfied that the proposed modification(s) is of minimal environmental impact. The anticipated impacts of the proposed modifications are outlined below.

6.1 Visual Impact

The proposed relocation of rooftop plant from the eastern extent of the building to the western extend of the building has occurred due to the redistribution of services on levels below. As a result of the proposed shift, there is no change to the maximum RL of the development, and despite the redistribution of the plant, the quantum of plant related material remains unchanged, and continues to be screened from view so the only visible element from the public domain is the screening, lift overrun and fire stair. The comparison of the approved and proposed extent of the rooftop plant when viewed from the street is illustrated upon the western elevation, as shown in **Figure 14** and **Figure 15**.

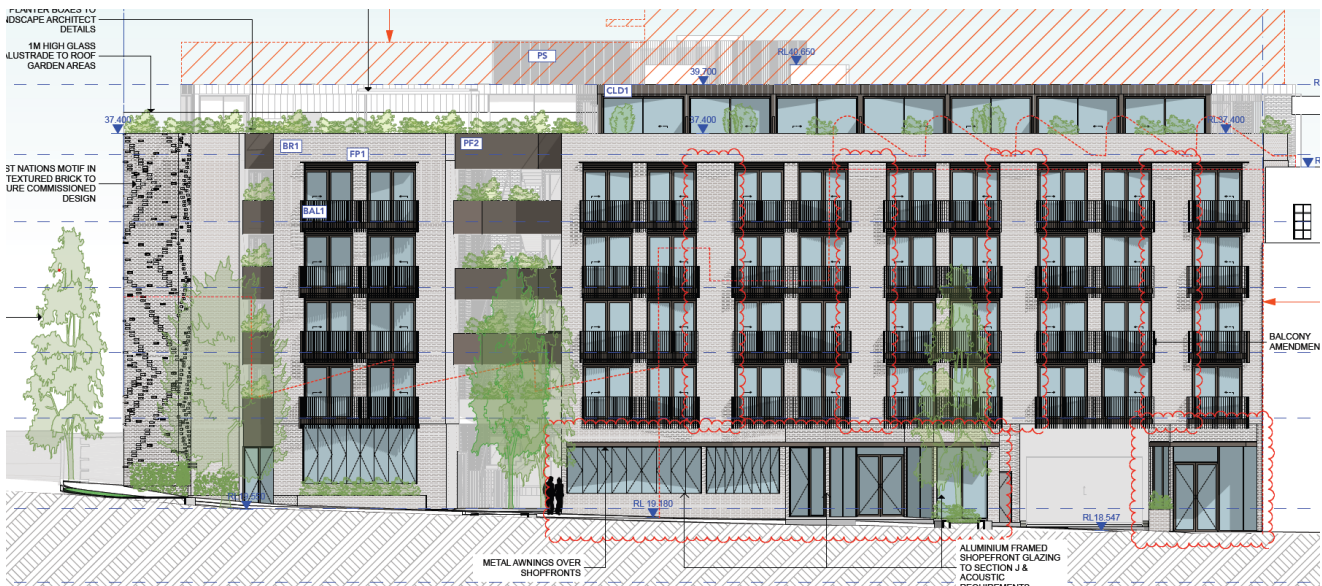


Figure 14 Approved West Elevation

Source: Mark Shapiro Architects



Figure 15 Proposed West Elevation

Source: Mark Shapiro Architects

Whilst the modified rooftop plant location will result in additional visual bulk to the western elevation when viewed from the public domain, it is noted that there is a direct reduction in visual bulk to the eastern elevation when viewed from the public domain.

The proposed relocation of plant does not seek to increase the maximum RL of the building, and it is noted the maximum building height applicable to the site under the Eastern Harbour City SEPP is expressed in storeys, and the approved number of storeys is not proposed to be amended within this modification application.

As the façade materiality and rhythm has generally been retained across the development, the visual impact of other proposed modifications to the approved development, such as the relocation of the ground for fire stair, or rationalisation of ground floor tenancies will have minimal impact on the visual amenity of the public domain as the built form will appear relatively unchanged when viewed from the street.

6.2 Gross Floor Area

The proposed modification results in a total gross floor area (GFA) of 6,604.8m², including 6,002.1m² of residential GFA and 602.7m² of non-residential GFA. This results in a total floor space ratio (FSR) of 3.27:1 across the site, including 2.98:1 residential FSR and 0.3:1 commercial FSR.

In accordance with Section 21 Height, floor space ratio and gross floor area restrictions of Appendix 3 State significant precinct—Redfern—Waterloo Authority sites of the Eastern Harbour City SEPP, the site has a mapped maximum FSR of 3.0:1 and a mapped maximum residential FSR of 1:1. However, an additional 10% FSR is permitted for the co-living component of the development pursuant to the Housing SEPP (See **Table 7**). Therefore, the total maximum FSR permitted on the site is 3.3:1 which the approved development complies with by comprising an FSR of 3.28:1.

Despite this, the approved development exceeds the maximum residential FSR development standard of 1.3:1 (including the bonus provided via application of the Housing SEPP) by providing an FSR of 2.9:1 for residential uses. A request to vary the maximum residential FSR development standard under Clause 16A of the Eastern Harbour City SEPP was approved by the consent authority.

The proposed modification reduces the overall GFA for the development, however, increases the ratio of residential floor space to commercial floor space by increasing the residential floor space by 161.8m² and reducing the commercial floor space by 175.5m² (2.8% or 0.08:1).

The purpose of establishing a maximum residential FSR is to ensure that commercial development within the zone is retained. The site is located within the Business Zone -Mixed Use. The zone objectives are as follows:

- (a) to support the development of sustainable communities with a mix of employment, educational, cultural and residential opportunities,*
- (b) to encourage employment generating activities by providing a range of office, business, educational, cultural and community activities in the Zone,*
- (c) to permit residential development that is compatible with non-residential development,*
- (d) to maximise public transport patronage and encourage walking and cycling,*
- (e) to ensure the vitality and safety of the community and public domain,*
- (f) to ensure buildings achieve design excellence,*
- (g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.*

The approved development is consistent with the abovementioned zone objectives, notwithstanding its non-compliance with the residential FSR control. The proposed modification, despite furthering this non-compliance also continues to achieve these objectives by providing a mix of residential and commercial uses upon a well-located, transport- oriented site. Further commentary regarding the proposed modification's consistency with the zone objectives is provided within **Table 6**.

Additionally, the Department approved the residential FSR non-compliance for a range of reasons for which the proposed modification continues to demonstrate consistency with. These reasons are outlined in **Table 9**.

Table 9 Reasons for the Department’s Support of Residential FSR Non-compliance

Approved Development	Proposed Modification
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)	The proposed modification continues to comply with the maximum FSR permitted on the site and reduces the overall FSR of the development when compared to the approved development. No additional overshadowing results from the proposed increase in residential floor space, as it is a reallocation of floor area, rather than the generation of new floor space. Traffic, parking and servicing arrangements are not impacted upon by the proposed modification as the site continues to be located within a transit-oriented area where opportunities for active transport are maximised and encouraged.
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)	There are no changes proposed to the approved uses within the development, the proposed increase to residential FSR results from a reallocation of floor area and minor building rationalisation points that have been necessitated by the design development process for various buildability reasons.
provides commercially managed residential accommodation, together with the proposed 778.2 m2 of commercial floor space. It would increase employment opportunities to 45 jobs compared to the approximately 30 jobs with the existing developments	The co-living use continues to be a commercially managed form of residential accommodation, and commercial floor space continues to be provided upon the site, maintaining an increased number of employment opportunities as demonstrated by the approved development.
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	Given the proposed modifications to the commercial floor space are generally not located at the extremity of the site, they are also not largely visible from the public domain. Commercial tenancies and the multi-purpose community space along Eveleigh Street continues to be provided, and street level access to a commercial co-working tenancy continues to be provided in the northeastern corner of the site at the intersection of Cleveland Street and Woodburn Street.
would further support opportunities for the local indigenous community and aboriginal enterprises with the provision of a multi-purpose community space	The approved multi-purpose community space continues to be provided, albeit in a modified layout and location that will continue to support opportunities for the local indigenous community and aboriginal enterprises.
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).	The proposed modification continues to support, if not improve levels of residential amenity by increasing the communal uses upon the site, and also by amending rooms to be fit for purpose in accordance with a leading operator’s regular operation and standards.

While a reduction in commercial floor space is proposed, the number of unique commercial tenancies remains unchanged at five, thereby ensuring the Cleveland and Eveleigh Street frontages remain activated, noting the changes to commercial floor area are not prominent when viewed from the street as they are mostly contained within the internal aspect of the site, or below street level when considering the ground level changes to the corner of Cleveland Street and Woodburn Street.

The majority of the commercial FSR loss is attributed to the proposed conversion of the tenancy on ground floor in the northeast corner of the site to additional communal amenities for the co-living use upon the site. The increase in on-site communal amenities aims to foster a sense of community within the development, and has been reattributed as a means of reallocating this portion of the site due to the relocation of the substation, fire stair and other amenities. Despite the loss of commercial floor space, a positive planning outcome is achieved by providing another communal use that will be enjoyed by the future occupants of the site.

In addition to the site-specific merit of the non-compliance, the proposed housekeeping amendments to the Sydney LEP 2012, which are certain and imminent, as outlined in **Table 8** propose removing the residential component of the FSR development standard, so that a consistent FSR of 3:1 will be applicable to the site, rendering the existing maximum residential FSR standard obsolete.

6.3 Public Domain

The interface with the public domain continues to be activated as a result of the proposed modification. Despite a reduction in commercial floor space, the proposed modification ensures commercial and multipurpose/community uses continue to be provided along the Eveleigh Street frontage, while the commercial tenancy at street level on the corner of Woodburn Street and Cleveland Street has been retained to ensure this corner continues to be activated.

As a result of the amended basement footprint, and in order to bring fire stairs into compliance with the requirements of the BCA, the proposed modifications result in the rationalisation of the pedestrian through-site link. It is noted in the assessment of the approved development, the SDRP commented the link should be purposeful and provide a clear route between destinations that feel public and safe. This objective is maintained in the amended design.

The courtyard as proposed to be modified, retains the integrity of the through-site link as approved, ensuring a clear route between the entry and exit points. Further, ground floor landscaping is proposed to be generally maintained as approved, with minor modification only as necessary to respond to the revised basement ramp gradient and relocated services.

6.4 Traffic and Parking

This modification application includes changes to the basement size and access arrangements to the site. The proposed modifications have been reviewed by Ason Group and an assessment of their impacts is included in the Transport Statement (see **Appendix B**).

6.4.1 Car and Motorcycle Parking

The provision of car parking on site is proposed to be reduced from 15 car parking spaces, to 0 spaces in response to the transport-oriented nature of the site. The relevant development standard for car parking is drawn from the Housing SEPP, and is a non-discretionary development standard:

68 Non-discretionary development standards—the Act, s 4.15

(e) unless a relevant planning instrument specifies a lower number

- (i) for development on land in an accessible area—0.2 parking spaces for each private room, or,
- (ii) otherwise—0.5 parking spaces for each private room,

In the assessment of the approved development, the Department stated as follows:

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*

The proposed reduction in car parking from 15 spaces, to 0 spaces is a reflection of the transport oriented nature of the site. As outlined in **Section 1.0** of this report, the site is within walking distance of several key transport nodes. The well-located nature of the site as allows for a strong emphasis to be placed on active and public transport modes of travel. The continued provision of bicycle parking, as outlined in the Transport Statement (see **Appendix B**) further reinforces active transportation as a key transport method for future occupants of the site. Given the proximity of the site to multiple transport nodes and to services, amenities, employment opportunities, education facilities and open space, it is considered reasonable for no car parking to be provided on site.

It is also widely recognised that residents within co-living developments have typically low rates of private vehicle ownership, which may be attributed to the conveniently located nature of similar developments. Furthermore, the proposed reduction in car parking aligns with the City of Sydney's policies which seek to establish maximum car parking rates to limit the amount of vehicular traffic generated by development.

It is therefore considered the proposed car parking reduction is appropriate, based on the specific development upon the well-located site.

6.4.2 Motorcycle and Bicycle Parking

The proposed modification seeks to reduce the provision of motorcycle parking on site from 15 spaces to 0 spaces and retain 200 bicycle parking spaces for the co-living residents. The modification application does however seek to reduce the non-residential and visitor component of the bicycle parking from 35 to 22 spaces. 4 of these spaces are proposed to be located within the basement, and a further 18 on the ground level within the central courtyard area adjacent to the

commercial tenancies. The proposed reduction in car parking has been addressed within the Transport Statement (see **Appendix B**).

Section 69 of the Housing SEPP establishes the following development standard for motorcycle and bicycle parking within co-living developments:

69 Standards for co-living housing

(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—

(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.

The reduced provision of bicycle and motorcycle parking is considered adequate given 0 car parking spaces are proposed and motorcycle spaces are typically provided as a proportion of car parking spaces, and given the well-located nature of the site where most visitors and employees will likely make use of public transportation, or walking to access the site.

An analysis of Scape owned facilities within Sydney included within the Transport Statement (**Appendix B**) outlines that bicycle parking across their sites is generally underutilised, which is anticipated to be the case for the subject site too. Additionally, the proposal comprises a reduction in 22% of commercial floor space, thereby reducing the demand for bicycle parking upon the site. It is therefore considered that the 200 bicycle parking spaces for residents, and the 22 bicycle spaces for visitors and non-residential purposes is considered to satisfy the needs of the development upon the site.

Furthermore, it is noted that end of trip facilities has been retained within the basement. It is anticipated that the users of such facilities are likely to be staff of the commercial tenancies, or staff of the co-living component of the development.

6.4.3 Access and Parking

The basement entry scheme that is proposed to be modified includes adjustment to the ramp profile/ grades responding to the reduced basement footprint with a one-lane, two-way ramp proposed. Whilst cars will not be utilising the basement, it is noted waste collection is anticipated to occur two to three times per week via the basement and the commercial tenancies are anticipated to generate approximately three deliveries per day. In addition to this, it is recognised other miscellaneous use of the basement will occur (such as for maintenance or trade),

As demonstrated within the Transport Statement (**Appendix B**) modification continues to ensure the SRV required for waste servicing will be able to enter the basement and exit the basement in a forward direction without conflict. As demonstrated an SRV is able to enter the basement and exit the site in a forward direction, without conflict.

6.5 Operational Waste Management

An Operational Waste Management Plan (OWMP) was prepared by Elephants Foot for the proposed modification (See **Appendix D**). The report identifies the anticipated waste generation that results from the development as modified.

The report also outlines the requirements for bin storage within the basement, based on the waste generation figures and servicing frequency, as follows:

- General Waste: 10 x 660L bins collected 2 x weekly.
- Recycling: 10 x 660L bins collected 2 x weekly.
- FOGO: 7 x 120L bins collected 2 x weekly.

The requirements for the non-residential component of the development are as follows:

- General Waste: 1 x 1100L bin collected 3 x weekly
- Recycling: 4 x 1100L bins collected 3 x weekly
- Food Waste: 5 x 120L bins collected 3 x weekly

As demonstrated within the Architectural Plans, the number, and type of bins required for the development, as proposed to be modified, are able to be accommodated within the amended basement layout across a range of waste storage rooms, including 2 x residential waste rooms, 1 x commercial waste room, a residential FOGO cupboard, 2 x bulky waste rooms and 1 x commercial bulky waste room (see **Figure 16** Basement Waste Storage **Figure 16**).

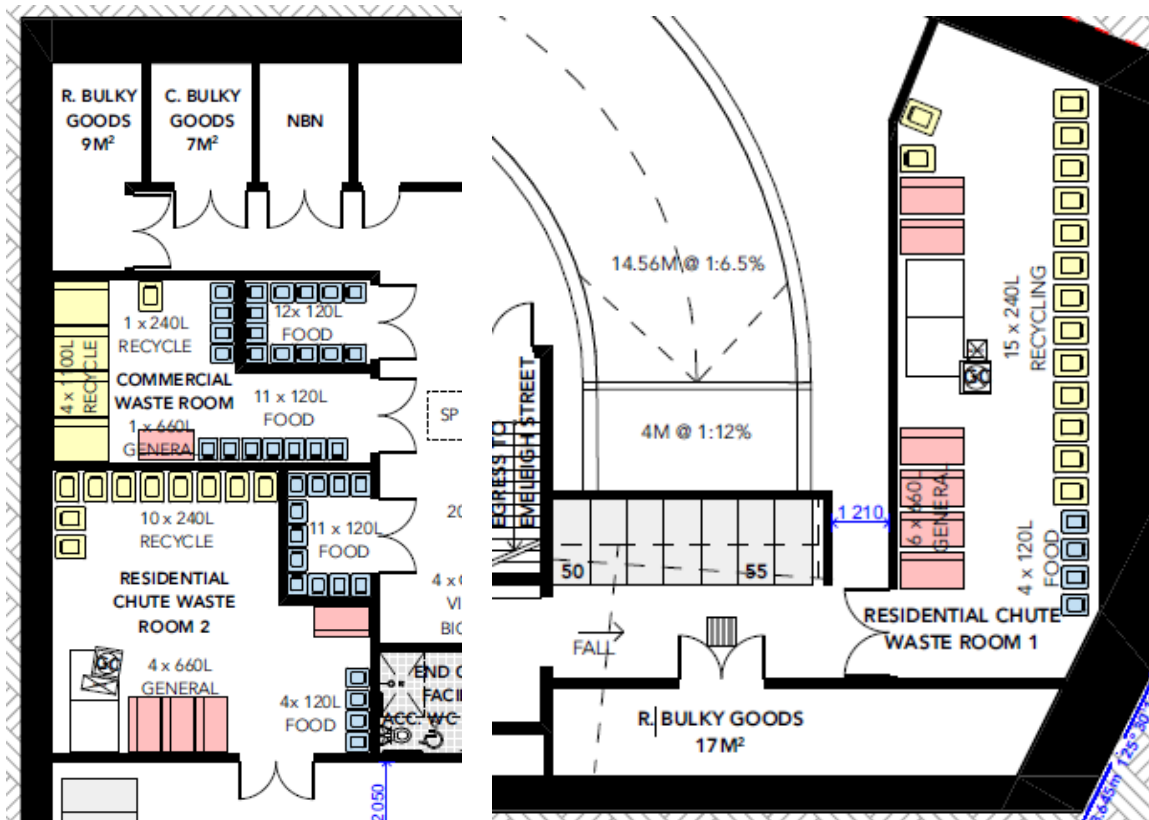


Figure 16 Basement Waste Storage

Source: Mark Shapiro Architects

As outlined within the OWMP, waste servicing for the residential component of the development will be undertaken by a private contractor in accordance with the existing development consent. Furthermore, the building manager will be responsible for ensuring recycling bins located adjacent waste chutes on each residential floor are frequently exchanged with empty bins from the basement waste storage rooms.

As outlined within the Department Assessment Report relating to the approved development, private waste servicing is appropriate for the development, and continues to be appropriate for the development as proposed to be modified, for the following reasons:

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

6.6 Building Code of Australia

Many of the proposed modifications have been undertaken to bring the development into alignment with the Building Code of Australia (BCA), following changes to the basement level that were required to relocate excavation works away from the relevant zone of influence. Jensen Hughes has undertaken an assessment of the proposed modifications against the relevant requirements of the BCA within the BCA Assessment Report (See **Appendix C**).

The assessment concludes that the development, as proposed to be modified is capable of complying provided necessary performance solutions incorporated in the detailed design stage of the development.

Performance solutions are required when a development is not able to achieve the deemed to satisfy provisions. A total of 22 performance solutions are required for the proposed modifications, most of which will be addressed and satisfied during the detailed design stage of the development.

6.7 Stormwater

As part of this proposed modification application, minor changes to the approved stormwater design are sought. As confirmed by HJ Consult in the Stormwater Management Plans and accompanying letter (**Appendix E**). The proposed modifications to the stormwater design are mostly minor and necessitated by the basement and ground floor revisions.

It is further noted the modified location and design of the on-site detention tank is proposed to suit the specific conditions of the site. Therefore the impact upon stormwater proposed by this modification, given the stormwater management system as proposed to be modified is generally consistent with the previously approved Stormwater Management Plans, is anticipated to be minimal.

6.8 Civil and Structural Engineering

The proposed modification has been designed to reduce the basement footprint and potential impacts of the basement excavation upon the zone of influence for the proposed metro tunnel corridor. SCP Consulting have prepared an Engineering Report on Proposed Excavation & Construction (See **Appendix F**) to demonstrate the proposed modifications are consistent with the requirements for development proximate rail corridors and zones of influence.

As part of the proposed modification, the basement extent to the east has been adjusted to follow the rail tunnel and corresponding zone of influence to avoid the shoring and basement foundations impacting on the tunnel. It is therefore considered that the loads imposed within the tunnel easement and zones of influence are within the permissible limits.

7.0 Reasons for Granting Consent

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration the reasons for approval of the original application. The original application was determined by the Independent Planning Commission and **Table 10** addresses the Statement of Reasons which accompanied the consent.

Table 10 Assessment against Statement of Reasons

Description	Assessment
The proposed use is permissible with consent and meets the objectives of the Business Zone – Mixed Use pursuant to the Eastern Harbour City SEPP;	No change to the approved use is proposed by this application.
The Project is generally consistent with the relevant State and local planning framework, including the Housing SEPP, Eastern Harbour City SEPP, Eastern City District Plan, and Apartment Design Guide;	The development as proposed to be modified remains generally consistent with the relevant frameworks.
The Project is consistent with the strategic aims of the RWBEP in delivering housing and employment and its variation to the RWBEP's intended land uses and residential density is considered appropriate in view of the area's emerging and transforming residential land use character since the RWBEP was developed almost 20 years ago;	This modification increases the residential component of the development, by 0.08:1. Despite this, the overall FSR is proposed to be reduced to 3.27:1. Aligning with the statement of reason provided by the Department, the RWBEP is outdated and the proposed housekeeping amendments to the Sydney LEP 2012 seek to modernise these by implementing a blanket FSR for all uses upon the site of 3:1 which the proposed modification is consistent with when the 10% bonus in accordance with the Housing SEPP provisions is considered.
The Project will provide diverse housing options in the form of co-living housing;	No change is proposed to the intended operation of the residential component of the development being for co-living housing.
The Project is in an advantageous location close to existing public transport networks, open spaces, university precincts, employment opportunities, and a mix of community uses;	No change is proposed to the intended use of the development. The proposed modification seeks to leverage the conveniently located public transport options and nearby amenities by reducing car parking provisions upon the site.
The Project is an orderly and economic use of the land;	The proposed modifications ensure that excavation is limited to that required for a development of this land use type in a location whereby it is anticipated most end users will not make use of private motor vehicle transportation, and rather will rely upon active transport modes including walking and cycling, as well as public transportation within the immediate vicinity of the site.
The Project will contribute to activation of the public domain and provide additional economic and community uses for the locality;	No change is proposed by this application to the use, or functioning of the approved development.
The Project results in positive social impacts, particularly through the provision of four (4) co-living units that are to be prioritised for First Nations students and/or community members, as well as a multipurpose space for First Nations students and/or community members to utilise;	No change is proposed to the intended use of the development.
The Project seeks to encourage active transport through the provision of bicycle parking spaces and end-of-trip facilities, whilst limiting the provision of on-site car parking; and	The proposed modification further encourages active transport by continuing the provision of bicycle parking and eliminating the provision of on-site car parking, thereby enforcing reliance upon active transport and public transport.
Impacts on surrounding land uses have been minimised where possible and are capable of being further mitigated through conditions of consent.	No additional impacts on surrounding land uses are anticipated by this modification application.

8.0 Notification Requirements

As per the City of Sydney's Community Participation Plan 2019, no advertising or notification period is required for section 4.55(1A) applications.

9.0 Conclusion

The application seeks to modify the basement footprint to minimise excavation near Cleveland Street and to remove the basement from the proposed metro tunnel zone of influence. The application also seeks to remove car parking upon the site, while retaining a significant number of bicycle parking spaces to encourage the uptake of active transport by future occupants of the site. At ground level, it is proposed to relocate plant and services to align with the requirements of the BCA. As a result several minor changes are necessitated to rationalise the building core that is amended via the other changes proposed. Upper levels are proposed to be adjusted to respond to the revised core and fire stairs whilst retaining the yield of the development.

The assessment of environmental impacts contained within **Section 6.0** of this report determines the proposed modification will have minor additional impacts compared to the development as approved.

The development, as proposed to be modified, is substantially the same as the approved development as it continues to be a six-storey mixed use co-living development that comprises a total of 200 rooms. The proposed modifications remain relatively internal to the approved built form, and as such, the proposed modifications will significantly change the appearance of the development from the public domain.

Pursuant to Section 4.55(1A) of the EP&A Act, and as outlined in this application, the Department may modify the consent as the proposal:

- Is of minimal environmental impact;
- Remains substantially the same as the development originally approved;
- Has adequately addressed the matters for consideration at Section 4.15 of the EP&A Act and the reasons for granting consent in the first place.

The assessment of the prescribed matters has determined that no unacceptable impacts will result from the amended development. Accordingly, we have no hesitation in recommending the Department approve this Section 4.55 modification application as submitted.