

Department of Planning, Housing and Infrastructure

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Modification 2 of Redfern Mixed Use Co-Living Housing Development

State Significant Development Modification Assessment Report (SSD-32275057-Mod-2)

June 2026





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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Executive Summary

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department's) assessment and evaluation of a modification application of the State significant development (SSD) approval for Redfern Mixed Use Co-Living Housing Development (SSD 32275057).

Modification

The Trustee for Scape JV3 Eveleigh Property Trust (the Applicant) proposes to modify the consent for SSD 32275057, which approved the construction and operation of a mixed use co-living housing development. The proposal is located at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern (the site), within the City of Sydney (Council) local government area (LGA).

The proposed modifications include the reduction of the basement footprint, deletion of on-site car parking, reconfiguration of the ground floor community and commercial tenancies, changes to the layout of co-living rooms, revisions to building elevations to reflect changes to internal floor layouts and other changes to comply with the National Construction Code and other relevant Australian Standards.

Statutory context

The Independent Planning Commission (IPC) granted development consent to SSD 32275057 on 4 September 2024.

The Department is satisfied that the proposed modification is within the scope of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and does not constitute a new development application.

As such, the Team Leader, Key Sites and TOD Assessments, as delegate of the IPC, may determine the modification application.

Engagement

The Department exhibited the modification application between 3 March and 16 March 2026. During the exhibition period, the Department received two public submissions (one in support and one providing comments) and comments from Council and Sydney Trains.

Assessment

The Department accepts the proposed modifications are minor in nature and will have no significant impact to the original approval. As such, the Department considers the modified development is in the public interest and recommends that the consent is modified.

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1 Introduction

1.1 Project location

The proposal is located at 175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern (the site). The site and location are shown in Figures 1 and 2 and details are described in Table 1.

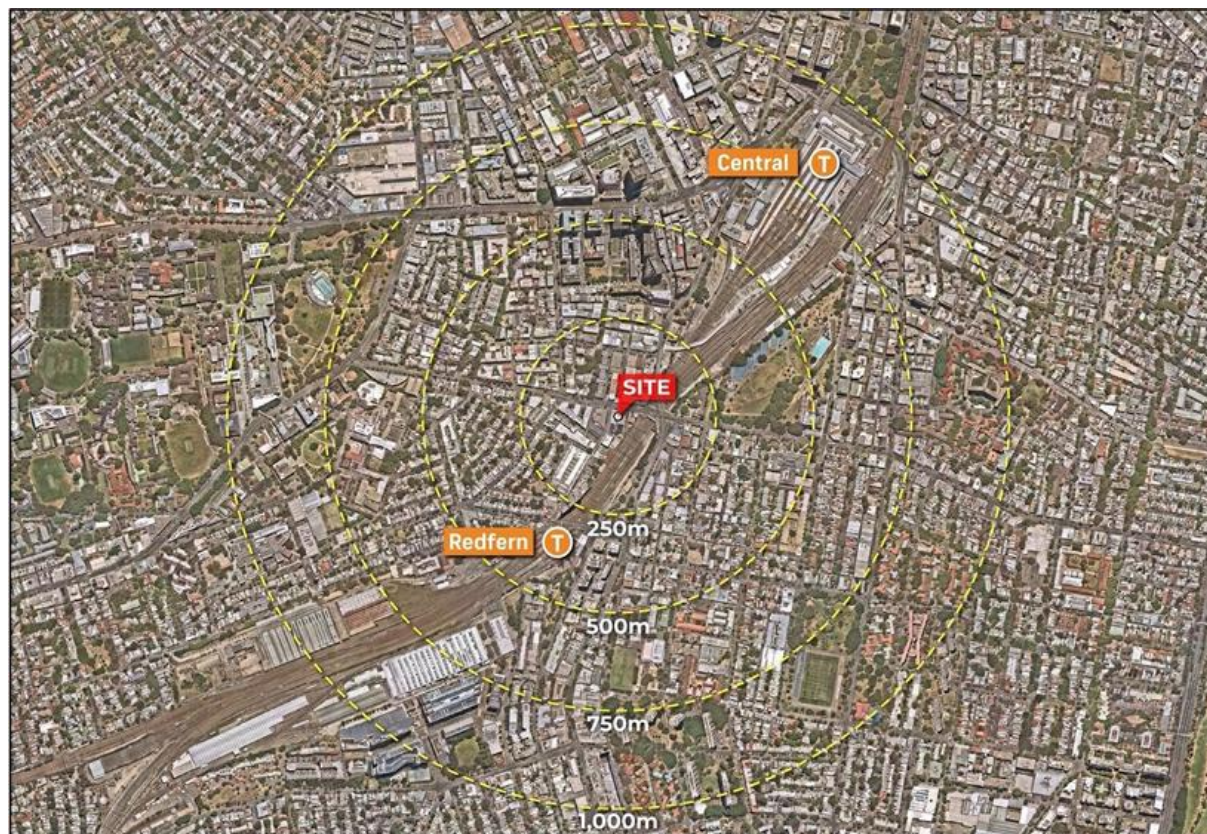


Figure 1 | Local context map



Figure 2 | Aerial view of the Site

Table 1 | Key aspects of the site

Aspect	Description
Address	175-177 Cleveland Street, 1-5 and 6-8 Woodburn Street, Redfern Lot 5 DP 68798, Lot 4/2 DP 977379, Lot 3/2 DP 977379, Lot 1 DP 780307, Lot 10 DP 809537, Lot 1 DP 1093304, Lot 1 DP 724328, Lot 15 DP 57107
LGA	City of Sydney
Site area	2,016.9 m ²
Existing development	• 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.

Aspect	Description
Surrounding development	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.

1.2 Related projects and works

1.2.1 SSD 6371 – Mixed use student accommodation and residential flat development

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.

1.2.2 SSD 7064 – Mixed use commercial, hotel and residential flat building

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.

1.2.3 SSD 32275057 – Mixed use Co-living Housing Development

On 4 September 2024, the IPC granted consent for the detailed design and construction of a mixed use co-living housing development.

The approval has been modified on one previous occasion (see Table 1).

Table 1 | Summary of modifications

Modification	Description	Decision-maker	Type	Determined
MOD 1	Changes to timing in the conditions of consent	Team Leader, Key Sites Assessments	4.55(1A)	04/09/24

2 Proposed modification

2.1 Modification overview

The proposed modifications include the reduction of the basement footprint, deletion of car parking spaces, revised lift core and stair arrangements, reconfiguration of community spaces, commercial tenancies and through-site link at the ground level and the reconfiguration of the co-living rooms above, including revision to the building elevations to reflect the internal room changes (see **Table 2**).

Table 2 | Summary of modifications

Aspect	Approved development	Proposed modification
Gross floor area (GFA)	6,617.4 m ²	6,604.8 m ² (-0.2%)
Residential GFA	5,839.2 m ²	6,001.3 m ² (+2.8%)
Non-residential GFA	778.2 m ²	602.7 m ² (-22.6%)
Communal open space	793.2 m ²	884 m ² (+11.4%)
Communal living areas	526.9 m ²	809.9 m ² (+53.7%)
Co-living rooms		
• Single Rooms	91	155 (+70.3%)
• Double Rooms	109	45 (-58.7%)
Total	200	200 (0.0%)
Parking		
• Car parking	15	0 (-100%)
• Motorcycle	13	0 (-100%)
• Bicycle parking	235	222 (-5.5%)
SUMMARY OF CHANGES PER LEVEL		
Basement	- Basement partly within railway easement 15 car parking, 13 motorcycle parking and 200 bicycle storage - End of trip facilities 2 lifts and 2 fire stairs with exits to Eveleigh and Woodburn Streets	- Deletion of area within railway easement - Deletion of car and motorcycle parking spaces - Redesign of basement level spaces including: - reduction of bicycle parking - relocation and size reduction of end of trip facilities - reconfiguration of waste management services - reconfiguration of vehicular ramp

Aspect	Approved development	Proposed modification
		– relocation of lifts and fire stairs with exits to Eveleigh and Cleveland Streets
Ground Floor	• Community multipurpose • Café/commercial tenancy, commercial/co-working and 3 other commercial tenancy spaces • Communal games, communal laundry and communal gym • Common toilets, electrical substation, OSD and other services • 4 lifts and 5 stairs • Through site link for access between Woodburn and Eveleigh Streets, which features: – 35 visitor bicycle parking – Ramps, stairs and lifts • Booster assembly, electrical substation and services/meter rooms along Woodburn Street	• Reallocation of Ground Floor spaces including: – community/multipurpose use relocated next to café/commercial – provision of new reception area, parcel room, waiting and multi-purpose room – reconfigured Common toilets, electrical substation, OSD and other services – commercial use at corner of Woodburn and Eveleigh Streets replaced with podcasting studio and cinema rooms – communal laundry redistributed to all upper floor levels – lifts reduced to 2 and stairs reduced to 3 • Reconfiguration of through site link including: – reconfiguration of entries from both Woodburn Street and Eveleigh Street – relocation of visitor bicycle racks from along commercial tenancy to along toilet facilities – changes to configuration and location of ramps, stairs, lifts – changes to landscaping • Booster relocated to middle of landscaped area along Cleveland Street frontage and electrical substation room relocated near corner of Woodburn and Cleveland Streets
Level 1	• Mix of double rooms and single rooms (total=42 units) • Commercial use at corner of Woodburn and Eveleigh Streets • Waste chute located along the southwestern wall • 3 lifts and 4 stairs	• Re-allocation of spaces including: – changes to layouts and mix of double and single rooms but retains 42 units – space of commercial tenancy (at corner of Woodburn and Eveleigh Streets) with its lift and stairs reallocated to Co-Working Space and Electrical substation – waste chute relocated next to communal laundry room

Aspect	Approved development	Proposed modification
		– addition of communal laundry room – addition of External Breakout areas – lifts relocated and reduced to 2 – stairs relocated and reduced to 3
Levels 2 to 4	• Mix of double rooms and single rooms (total=46 units) • waste chute located along the southwestern wall • 3 lifts and 3 stairs	• Re-allocation of spaces including: – changes to layouts and mix of double and single rooms but retains 46 units – waste chute next to communal laundry – addition of communal laundry room – addition of External Breakout areas – lifts relocated and reduced to 2 – stairs relocated and reduced to 3
Level 5	• Mix of double rooms and single rooms (total=20 units) • Common lounge, dining and kitchen with Manager workspace • waste chute located along the southwestern wall • 3 lifts and 3 stairs	• Re-allocation of spaces including: – changes to layouts and mix of double and single rooms but retains 20 units – changes to common lounge, dining and kitchen with provision of dedicated Manager's Room and Reception/Breakout space – waste chute relocated next to communal laundry room – addition of communal laundry room – lifts relocated and reduced to 2 – stairs relocated and reduced to 3
Roof level	Stair access and mechanical plant located at rooftop along Woodburn Street	Stair access and mechanical plant relocated to rooftop along Eveleigh Street

3 Policy and Statutory context

3.1 Scope of modification and assessment pathway

Details of the legal pathway under which modification is sought and are provided in Table 3 below:

Table 3 | Permissibility and assessment pathway

Consideration	Description
Scope of modification	The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact. The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application can be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.
Consent Authority	Independent Planning Commission IPC continues to be the consent authority for the development, as originally declared under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP. Therefore, the IPC has the capacity to modify the SSD consent.
Decision-maker	Delegate position The Team Leader, Key Sites and TOD Assessments, as delegate of the IPC may determine the modification in accordance with the Instrument of Delegation, dated 14 June 2022, as: • modifications concern minimal environmental impacts • no political donation has been disclosed • no public submission by way of objection were received • Council did not object to the proposal

3.2 Mandatory matters for consideration

3.2.1 Matters of consideration required by the EP&A Act

In determining the modification, the consent authority must take into consideration such of the matters referred to in section 4.15(1) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given

by the consent authority for the grant of the consent that is sought to be modified. The Department's consideration of these matters is provided in **Appendix B**.

3.2.2 Objects of the EP&A Act

In determining whether or not to modify the consent, the consent authority should consider whether the modified development is consistent with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in **Appendix B**.

The Department is satisfied the modified development is consistent with the objectives of the EP&A Act and the principles of ESD.

3.2.3 Biodiversity development assessment report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the Biodiversity Conservation Regulation 2017)

The Department is satisfied that the modification will not increase the impact on biodiversity values and consequently a BDAR is not required to accompany the modification application.

4 Engagement

4.1 Exhibition of the Modification application

4.1.1 Public exhibition of the EIS

After accepting the modification application, the Department:

- publicly exhibited the application between 3 March and 16 March 2026 on the NSW Planning Portal
- notified previous submitters about the public exhibition
- notified and invited comment from relevant Government agencies and The City of Sydney Council.

During the exhibition period, the Department received two public submissions (one in support and one providing comments) and comments from Council and Sydney Trains.

4.1.2 Summary of advice received from Government agencies

TfNSW advised that all conditions and comments on the original approval are still applicable and should not be amended without consultation with TfNSW as the rail authority.

4.1.3 Summary of Council's submission

A summary of the comments provided by Council is provided below and a link to all submissions in full is provided in **Appendix A**:

- proposed removal of car parking spaces is supported and no objection to reduced non-residential bicycle parking spaces
- update conditions of consent E33 Transport Access Guide, E36/ E37 on Green Travel Plan and E34 on car parking, loading and servicing management plan to include Council as a referral/endorsement agency
- redesign the basement layout to be capable of being serviced by a Council standard domestic waste collection vehicle
- waste storage areas are undersized and inadequate and should be recalculated against City's guidelines on waste storage requirements
- changes to rooms at the northern end of the courtyard result to non-compliance on the required 12m minimum building separation of the ADG

- condition B3 on privacy treatments for courtyard and street facing rooms must be shown on the modification plans
- updated landscape plans should be provided showing details including:
 - maximised landscaping and tree planting with minimum of 4 canopy trees over the deep soil area
 - additional planting at through site link entrance from Woodburn Street
 - show minimum of 1m soil depth to support trees over the basement level
 - deletion of proposed planting on areas with limited maintenance access
- the following changes result to poorer outcome and are inconsistent with previous approval and should not be supported:
 - proposed “co-working space” replacing approved commercial tenancy unit and proposed reception area replacing approved community multipurpose room
 - removal of windows along Woodburn Street, adjacent to public domain and relocation of hydrant booster along Cleveland Street frontage
 - relocation of roof plant enclosure closer to Cleveland Street
 - new reference of “or similar” to approved external materials
- recommended conditions for amended location of OSD, waste and servicing and submission to Council of a physical model and electronic CAD model of proposal

4.1.4 Summary of public submissions

The Department received two public submissions during the public exhibition period (one in support and one providing comments).

The key issues raised in the public submissions is summarised below and a link to all submissions in full is provided in **Appendix A**.

- proposed removal of car parking spaces should be supported
- major development precincts such as this should include public toilets and water bubblers

The Department’s consideration of community views is provided in **Appendix A**.

4.2 Response to submissions

Following the public exhibition period, the Department asked the Applicant to respond to submissions and addresses key issues raised by the Department. The Applicant provided an RtS report to the Department on 4 May 2026, including revised ground floor plans (see **Appendix A**).

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation, and
- the advice of Council and agencies, and public feedback.

The Department's consideration of the key issues is summarised in the sections below.

5.1 Community multi-purpose space

The Applicant is seeking to relocate and reconfigure the approved community/multi-purpose space to adjoin the proposed café/commercial tenancy unit at the corner of Cleveland Street and Eveleigh Street. The Applicant stated that this allows the provision of a defined reception area for the co-living development.

Council expressed concern that the removal of the community multipurpose room and its replacement with reception area is inconsistent with the public and social benefit offer as outlined in the previous approval.

In response, the Applicant submitted a revised Ground Floor Level plan showing a dedicated community multipurpose room with a fixed wall separating it from the café tenancy.

The Department has carefully reviewed the proposed new location and reconfigured layout of the community multi-purpose room and notes that it will continue to offer the approved public and social benefits in providing:

- a dedicated multi-purpose space that facilitates opportunities for cultural activities, education and other needs of the local community
- visible and has direct access from Eveleigh Street
- opportunities for the relocation of the existing indigenous public art and creation of Indigenous inspired artwork, consistent with the Connection to Country Report and Public Art Strategy
- flexible use of the space and access to the Indigenous groups without time restrictions.

The Department accepts the modifications to the proposed community multipurpose room and concludes that the revisions are acceptable in the context of the approved public and social benefits and will not have any major impact to the original approval.

5.2 Streetscape and street frontage activation

The Applicant seeks changes to the internal configuration of the building from the ground level to the roof level which have corresponding changes on the approved building elevations, including the position and number of doors and windows.

Council noted that the following modifications result in poorer streetscape outcome, limit street activation and reduced public domain outlook for the approved development, noting reduction in glazing/deletion of windows and relocation of services and access.

In response, the Applicant submitted amended plans showing windows along Cleveland Street and Woodburn Street have been reinstated, except for those that will result in non-compliances with the electrical substation safety requirements. The Applicant noted that the hydrant booster is in a compliant location and will not impact the Level 1 windows or the streetscape.

Similarly, the roof level changes will not result to any significant visual impacts since the approved building heights and screens remain the same. The Applicant also clarified that the modification does not seek any changes to either the approved material schedule or the garage door along Eveleigh Street.

Finally, the Applicant noted the proposed additional planters at the stairwells of Levels 2 to 4 in the north elevation have now been deleted. The Applicant stated that the planters at the west elevation will be retained to reduce the visual impact of the relocated fire stairs and since the planter can be maintained through the balconies.

The Department has carefully reviewed the proposed modifications in the context of streetscape presentation and street frontage activation and notes that the amended proposal appropriately addressed Council's concerns and is acceptable because:

- the changes to the façades are minor, will not impact the approved built form and compatible with the existing streetscape and character of the locality
- windows have been reinstated where possible along Woodburn Street and Cleveland Street in accordance with advice received from Codex Building Consultants and Acme Automated Solutions Pty Ltd
- the proposal maintains the approved external materials and finishes, façade design and articulation of the original approval

- there is limited visual impacts along Cleveland Street from the relocation of booster assembly since it is behind proposed landscaping works and existing trees
- there is limited visual impacts along Cleveland Street from the relocation of the plant screening at the roof level due to its high-level location from street level view and the character of approved screening design and facade materials are retained.

The Department also acknowledges the proposed changes to the planters in response to Council's comments.

The Department accepts the proposed modifications will have minimal impact to the presentation of the building at street level and will maintain the approved streetscape and street activation.

5.3 Internal building separation/visual privacy

The application includes modifications to the layout and distribution of single and double co-living rooms across Levels 1 to 5 due to the changes to the lift and fire stairs arrangements.

Council noted that changes to the co-living rooms at the northern end of the courtyard do not meet the required 12 m minimum building separation of the ADG. Council advised that that Level 1 rooms should be provided with higher window-sill heights and privacy treatments for courtyard and street facing rooms as required by Condition B3.

In response, the Applicant submitted a typical Level 1 to 4 modification plan of the internal courtyard area with dimensions showing majority of the co-living rooms achieve the required minimum separation distances of the ADG, except those identified in

Figure 3. For units with reduced building separation, the Applicant proposes the inclusion of privacy screens and obscure window glazing.

The Department has carefully reviewed the proposed modifications and considers the changes are minor and would continue to support a reasonable level of privacy for residents because:

- it is similar to original approval, the Break Out rooms/spaces incorporate privacy screens, obscure window glazing and landscaping to prevent direct views into opposing co-living rooms and the south-western internal rooms are angled to avoid directly facing each other (See Figure 3)
- the proposed obscure window glazing will ensure privacy is maintained for units with reduced building separation (See Figure 3)
- landscaping along internal corridors which minimise privacy impacts on adjacent rooms and improve outlook is retained.

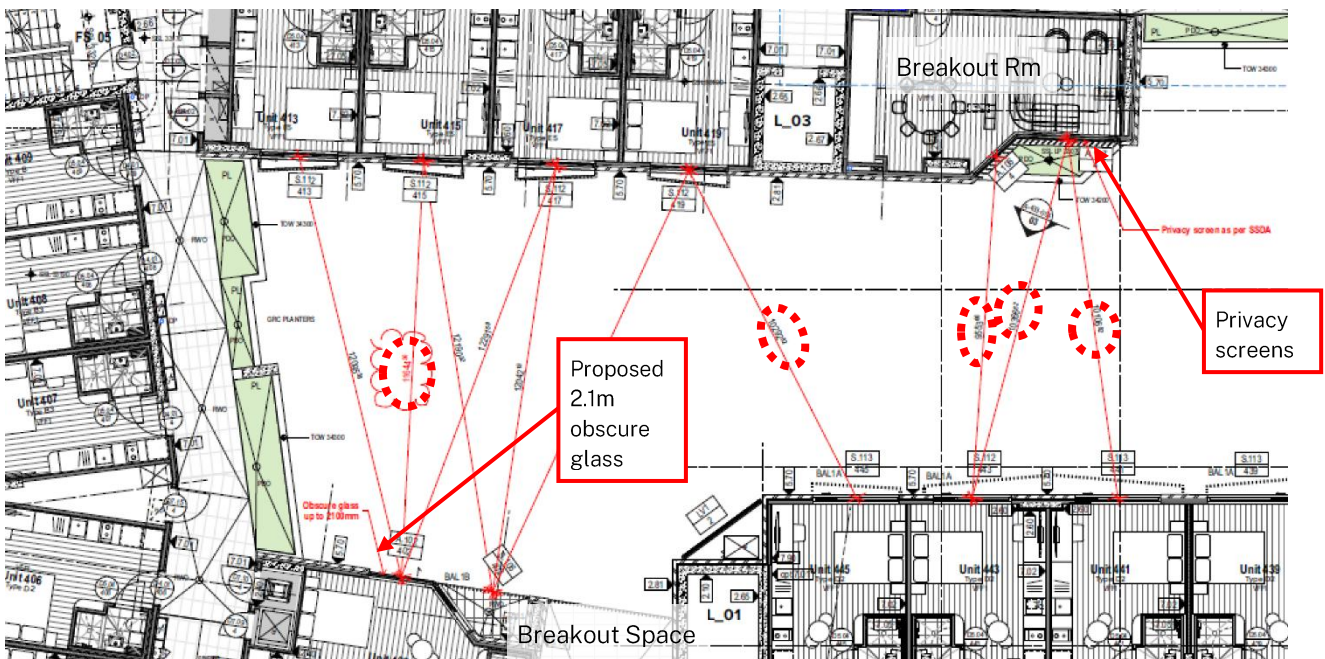


Figure 3 | Typical Level 1 to 4 internal building separation (Source: Applicant's RtS, 2026)

The Department considers that the Applicant has adequately demonstrated that the proposed modifications will not result to visual privacy impacts and continue to support acceptable levels of visual privacy consistent with the ADG subject to Condition B3 of the consent.

The Department is satisfied that Condition B3 Design Modifications-Privacy Treatments of the development consent will continue to apply in requiring the Applicant to submit revised plans to the satisfaction of the Certifier demonstrating operable external privacy treatments for courtyard facing rooms and lowest level rooms facing Cleveland/Eveleigh/Woodburn Streets.

5.4 Through site link

The Applicant is seeking changes to the through site link, including the reconfiguration of entries at both Eveleigh Street and Woodburn Street, revised lift and stair arrangements and reconfiguration of landscaping at the internal courtyard.

Council noted that the approved landscaping and tree planting has been reduced. Council stated that a revised Landscaping Plan for the courtyard should be submitted showing maximised landscaping, additional shade tolerant planting at the Woodburn Street entrance, a minimum of four canopy trees and minimum of 1 m soil depth for trees over the basement level.

Council also noted safety concerns on the revised stair access arrangements at the entry through Eveleigh Street, particularly on the delineation of public and private use of spaces. The Department noted that the width of the Eveleigh Street entry has been reduced significantly.

In response, the Applicant submitted an amended Ground Floor Plan showing additional planting at Woodburn Street through site link entrance. The Applicant also stated that although some planters have been removed, the modifications include new raised planters in other parts of the courtyard to ensure the amount of landscaping works remains consistent with approval.

The Applicant also submitted a revised Ground Floor plan showing an amended Eveleigh Street entry width and stair access arrangement with the security gate relocated further inside the through site link.

The Department has carefully considered the modifications and considers the proposed modifications to the through site link to be minor and acceptable because:

- the modified entry and stair access arrangement provides a better outcome than the original approval in providing better legibility and visual connectivity from Eveleigh Street, passive surveillance of the inner courtyard and safe access for residents
- similar to original approval, the modifications support permeability and activation of the ground floor, with restricted hours to complement the safety, function and amenity requirements of both public and residential uses
- it retains the same quantity of approved landscaped areas and bicycle parking spaces.

The Department considers that the Applicant has adequately demonstrated that the proposed modifications will not result to any significant amenity and safety impacts and will continue to support the requirements of both the community and the residents subject to Condition B15 of the consent.

The Department is satisfied that Condition B15 Landscaping of the development consent will continue to apply in requiring the Applicant to prepare detailed landscaping plans in consultation with Council to be submitted prior to issue of construction certificate.

5.5 Reduced basement extent and deletion of parking

The Applicant is seeking modifications at the basement level including a reduced basement footprint, changes to floor layout, building services, lift cores and stairs, deletion of the approved carparking spaces and motorcycle parking spaces and reduction of bicycle parking spaces

The application is supported by technical reports, statements and certificates including an updated BASIX certificate, draft BCA Report, Engineering Report, updated Operational Waste Management Plan, Transport Statement and updated Stormwater Management Plan.

A public submission expressed support for the proposed removal of the car parking.

TfNSW requested the Department retain all approved conditions and comments applied to the original approval to protect rail land, assets and operations. Any changes to the approved conditions should be done in consultation with TfNSW.

Council raised no objection to the proposed deletion of car parking spaces or to the reduction in non-residential bicycle parking spaces. However, Council maintained its position the development should be designed to accommodate Council's standard domestic waste collection vehicles. Further, Council noted the proposal included undersized and inadequate designated waste storage areas to service the development of this size.

In response, the Applicant stated that the original approval includes waste servicing by a private waste collection contractor and that accommodating Council's waste collection vehicle in the basement will include substantial amendments to building design.

The Department acknowledges Council's advice and preference for the basement level to accommodate Council's waste collection service. However, the Department accepts that the proposed modifications at the basement level does not include changes to approved waste collection arrangements, noting constraints in respect to rail corridor protection and headroom and access restrictions.

The Department has carefully considered the proposed modifications at the basement level and notes:

- the supporting technical reports indicate that there will be no significant environmental impacts, the proposed modifications comply with BCA and the NCAA requirements, and the basement will continue to support the building services requirements
- modifications to the approved car, motorcycle and bicycle parking spaces satisfy the requirements of the SEPP (Housing) 2021 and are adequate because the site is well-served by existing public transport including the Redfern Station which is about 300m away and Central Station which is about 900m away
- the deletion of car parking spaces aligns with Council's objectives of reducing car reliance within highly accessible areas
- the proposal maintains the approved private waste contractor arrangements.
- the reduction in excavation and related construction impacts to adjoining properties and rail corridor.

The Department, therefore, accepts the modification and concludes that the amendments are acceptable since the proposed changes will have minimal impact to the environmental outcomes of the approved development.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act. This includes consideration of supporting documents accompanying the modification application.

The Department's assessment concludes that the proposed modification is acceptable, as:

- it complies with the relevant statutory provisions and remains consistent with the relevant EPIs and strategic planning context
- the proposal would not result in further visual, traffic, amenity or construction impacts beyond those already assessed and approved
- it is substantially the same development as the approved development.

The Department considers the impacts of the proposed modifications are acceptable and can be appropriately managed or mitigated through the implementation of the recommended conditions of consent. Consequently, the Department recommends the proposed modification application be approved.

7 Recommendation

It is recommended that the Director, Key Sites and TOD Assessments, as delegate of the IPC:

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to approve the modification
- modifies the consent for SSD 32275057, subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix C**).

Prepared by:



Abigail Bautista
Planning Officer
Key Sites and TOD Assessments

Recommended by:



James Groundwater
Principal Planning Officer
Key Sites and TOD Assessments

8 Determination

The recommendation is adopted by:

A handwritten signature in black ink, appearing to read 'Annie Leung', with a stylized, cursive script.

Annie Leung

Team Leader Key Sites and TOD Assessments

Appendices

Appendix A – List of referenced documents

The following supporting documents and information to this assessment report can be found on the Department's website, as follows:

1. Modification Report and supporting documents

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-reduced-basement-and-deletion-site-car-parking>

Appendix B – Statutory considerations

Section 4.55(1A) of the EP&A Act

A consent authority may modify the consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the EP&A Act. An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is included in Table 4.

Table 4 | Consideration of section 4.55(1A) of the EP&A Act

Object	Consideration
(a) it is satisfied that the proposed modification is of no or minimal environmental impact, and	As discussed in Sections 3 and 5, the proposed modification results in no environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The development to which the consent relates, as modified, will be the same development for which consent was originally granted.
(c) it has notified the application in accordance with – (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The Department publicly exhibited the proposal on the NSW Planning Portal. Comments made in submissions have been considered in Sections 4 and 5 of this report.

Object	Consideration
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	The Department has considered the submissions received from Council and two individuals during the public exhibition period.

Section 4.15(1) of the EP&A Act

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. Table 5 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 5 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	The Department considers the development, as modified, is consistent with the relevant environmental planning instruments.
EP&A Regulation	The Department considers the development, as modified, is consistent with the relevant requirements of the EP&A Regulation.
Likely impacts	The Department considers the development, as modified, would not result in any adverse impacts.
Suitability of the site	The Department considers the site remains suitable for the proposed development.
Public submissions	The Department has considered the comments received from Council and two private individuals during the public exhibition period.
Public interest	The Department considers the development, as modified, to be in the public interest as it would facilitate the orderly and efficient development of the site.
Reasons given by the consent authority for the grant of the consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent and it is satisfied the modification does not affect these reasons.

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 below.

Table 3 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(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,	- The Department concluded the approved development would promote 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. - The modified development would not result in adverse impacts to the social and economic welfare of the community and does not have any impacts on the State's natural or other resources.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	- The approved development included 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 modification does not seek to change these measures.
(c) to promote the orderly and economic use and development of land,	The modification continues to represent an orderly and economic use of the land primarily, as it will increase employment and housing opportunities near services and public transport.
(d) to promote the delivery and maintenance of affordable housing,	The modification will continue to deliver 200 co-living rooms, which contributes to housing supply.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The modification will not adversely affect the protection of the environment.

Object	Consideration
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The modification will not have any unreasonable heritage impacts.
(g) to promote good design and amenity of the built environment,	The proposal has been designed to minimise amenity impacts on the surrounding residential locality and to provide good levels of internal amenity for future occupants.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	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.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	- The Department publicly exhibited the project on the NSW Planning Portal and notified Council and relevant government agencies. - Council provided comments and the Department received two submissions from individuals during the public exhibition period (see Section 4)
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the project on the NSW Planning Portal and notified previous submitters. The Department received two submissions from individuals during the public exhibition period (see Section 4).

Appendix C – Recommended Instrument of Modification

The Instrument of Modification can be found on the Department's website, at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-reduced-basement-and-deletion-site-car-parking>