

23 April 2026

At 5.00 pm

Central Sydney Planning Committee

Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Matters Arising from the Minutes**
- 4. Development Application: 20-26 Bourke Road, Alexandria - D/2025/1070**
- 5. Public Exhibition – Planning Proposal – 44-78 Rosehill Street, Redfern – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment and Sydney Development Control Plan 2012 Amendment – Student Accommodation**
- 6. Public Exhibition - Planning Proposal - 103-109 George Street, Redfern - Sydney Local Environmental Plan 2012 Amendment**



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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each Central Sydney Planning Committee meeting, the Chair may reorder agenda items so that those items with speakers can be dealt with first.

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Item 1.**Disclosures of Interest**

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 19 March 2026

Item 3.

Matters arising from the Minutes

Matters arising from the minutes of the Central Sydney Planning Committee of 19 March 2026.

Item 4.**Development Application: 20-26 Bourke Road, Alexandria - D/2025/1070****File Number:** D/2025/1070**Summary****Date of Submission:** 5 November 2025**Applicant:** City West Housing**Architect:** Bates Smart**Developer:** City West Housing**Owner:** City West Housing**Planning Consultant:** Beam Planning**Cost of Works:** \$116,832,000

Zoning: The site is zoned E3 Productivity Support and the proposal is for a mixed-use development that is comprised of ground floor commercial and community facility uses with residential accommodation (shop top housing) above for affordable housing. The proposal is permissible.

Proposal Summary: Development consent is sought for:

- early works and site preparation including the demolition of existing structures, and retention of existing Mecca Coffee building at 26 Bourke Road, and
- construction of a new 15 storey mixed-use development comprising of ground floor commercial and community facility uses and 14 stories above for the purpose of 161 affordable housing units, and
- associated landscape and public domain works, and
- dedication of land to the City of Sydney via a Voluntary Planning Agreement.

The proposed development triggers the requirement for a competitive design process because it is over 25m in height outside Central Sydney and an estimated cost of works greater than \$100M.

Pursuant to Clause 6.21D(2), this assessment recommends that a Competitive Design Process is unreasonable and unnecessary in the circumstances. This affordable housing project is a 'pilot' for the incoming LEP amendment which allows an optional alternate design excellence pathway for social and affordable housing through design review rather than design competition. This LEP amendment, endorsed by Council and Central Sydney Planning Committee is in parliamentary drafting, and is regarded as certain and imminent.

The proposed development also triggers the requirement for the preparation of a site-specific development control plan. Pursuant to Clause 7.20(3), this assessment recommends that the preparation of such a plan is both unreasonable and unnecessary in the circumstances.

The proposal seeks a variation to Clause 4.3 Height of Building under the Sydney Local Environmental Plan 2012. The applicant has submitted a Clause 4.6 variation with this application to justify the 51.4m height (6.4m exceedance / 14.2% variation) to the development standard. The proposed variation is supported.

The proposal also seeks a variation to Clause 4.4 Floor Space Ratio under the Sydney Local Environmental Plan 2012. The applicant has submitted a Clause 4.6 variation with this application to justify the 3.81:1 FSR (0.31:1/ 8.9% variation) to development standard. The proposed variation is supported.

The application was notified for a period of 28 days, between 10 November 2025 and 9 December 2025. One submission in support and one other submission was received during this period. This submission questioned whether the proposed development has considered the delivery of the rear future lane, impacts on vehicular access, swept paths, and flood risk.

The proposed development largely complies with the applicable controls and design criteria within the Housing SEPP, including Chapter 4 Design of Residential Apartment Development, the Apartment Design Guide and the Sydney Development Control Plan 2012. Where there are non-compliances, they have been discussed within the 'discussion' section of this report.

Under the City of Sydney Act 1988, this application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed development is defined as a 'major development' with an estimated cost of works exceeding \$50,000,000.

Summary Recommendation: The development application is recommended for deferred commencement approval.

Development Controls

- (i) Environmental Planning & Assessment Act NSW 1979
- (ii) Environmental Planning & Assessment Regulations 2021
- (iii) City of Sydney Act 1988
- (iv) Airports (Protection of Airspace) Regulations 1996
- (v) Airports Act 1996
- (vi) State Environmental Planning Policy (Housing) 2021
- (vii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (viii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (ix) State Environmental Planning Policy (Sustainable Buildings) 2022
- (x) Sydney Local Environmental Plan 2012 (SLEP 2012)
- (xi) Sydney Development Control Plan 2012 (SDCP 2012)
- (xii) Planning Proposal PP-2024-709 - Policy and Housekeeping Amendments 2023 to the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Height of Building
- D. Clause 4.6 Variation Request - Floor Space Ratio
- E. Design Statement - Alternative Design Review Process
- F. Draft Voluntary Planning Agreement
- G. Submissions.

Recommendation

It is resolved that:

- (A) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2025/1070 subject to the conditions set out in Attachment A to the subject report;
- (B) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process be waived as it is unreasonable or unnecessary in the circumstances;
- (C) the requirement under Clause 7.20(3) of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances;
- (D) the variation requested (Attachment C) to Clause 4.3 Height of Buildings, is in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (E) the variation requested (Attachment D) to Clause 4.4 Floor Space Ratio, is in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in this report.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the proposed development exhibits design excellence pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012;
 - (ii) the applicant has demonstrated that compliance with the Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio development standards of the SLEP 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012;
 - (iii) the proposed development has been assessed against the aims and objectives of the relevant planning controls including; SLEP 2012, SDCP 2012, the Planning Proposal amendments to the SLEP and the SDCP, and the State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case; and

- (iv) the proposed development is in the public interest because it is consistent with the objectives of the E3 Productivity Support zone; and
- (v) the proposed development will provide affordable housing in perpetuity, managed by a registered Tier 1 Community Housing Provider under the National Regulatory System for Community Housing.

Background

The Site and Surrounding Development

1. The site is comprised of 4 allotments, known as 20, 22, 24 and 26 Bourke Road Alexandria. 20 Bourke Road is legally described as Lot 3 in Deposited Plan 230211, 22 Bourke Road is legally described as Lot 2 in Deposited Plan 230211, 24 Bourke Road is legally described as Lot 14 in Deposited Plan 546846 and 26 Bourke Road is legally described as Lot 1 in Deposited Plan 333175.
2. The site is rectangular in shape with a combined land area of 3,306sqm, with a northern Bourke Road frontage and southern rear boundary width of 45.16m and eastern and western side boundary depth of 73.22m.
3. The site is approximately 135m east of the intersection of Bourke Road and Bowden Street and is approximately 153m west of the intersection of Bourke Road and Wyndham Street. Green Square train station is located approximately 218m walking distance eastward of the site.
4. The site is currently occupied by 4 individual industrial and commercial warehouse buildings varying between 1-2 storeys.
 - 20 Bourke Road is occupied by a single storey brick workshop building currently used as a vehicle repair station.
 - 22 Bourke Road is occupied a 2-storey brick workshop building being used as a vehicle repair station. This building is separated from 20 Bourke Road by a concrete driveway which forms part of 24 Bourke Road.
 - 24 Bourke Road is occupied by a 2-storey brick building currently used as a vehicle repair station. The first floor was formerly used as a brothel under **D/2008/1247** and **D/2012/679** and is currently vacant.
 - 26 Bourke Road is occupied by a single storey brick building currently used as a coffee roasting warehouse and distribution centre, with a licenced café fronting Bourke Road (approved by **D/2023/691**). This premises and its operation is subject to a 40-year lease which requires any redevelopment at the site, to allow the retention and ongoing operation of the business. This site is currently under the ownership of City West Housing as are the other lots subject to the development. This allotment is separated from 24 Bourke Road by a 3.6m wide concrete driveway which forms part of 24 Bourke Road and is used to provide access to at-grade carparking at the rear of the site.
5. The surrounding area is predominantly characterised by a mix of commercial and industrial land uses with a scattering of residential uses. Notably, 2 other affordable housing developments have been recently approved at 330 Botany Road (under **D/2024/581**) and 20 O'Riordan Street (under **D/2024/273**).
6. The immediately adjoining site to the south is 9-13 O'Riordan Street, which is occupied by a 2-storey commercial building operated by *13 Cabs*.
7. The immediately adjoining site to the east is 16-18 Bourke Road, which is occupied by a vehicle repair station and not subject to any development applications for redevelopment.

8. The immediately adjoining site to the west is 28-32 Bourke Road, which is occupied by a single storey warehouse building. This site is subject to State Significant Development concept approval (**SSD-38600121**) for a health facility and hospital building which is 9-storey / 45m in height. The detailed development design (**SSD-59006709**) is under assessment by the Department of Planning, Housing and Infrastructure.
9. Opposite the subject site, is 9-13 Bourke Road which is subject to development approval **D/2024/782** for demolition of existing structures and construction of a 7-storey mixed-use development comprising a variety of self-storage units, ancillary offices, standalone office space, retail tenancies, and improvements to the public domain.
10. The site is not identified as a heritage item and is not located within a heritage conservation area.
11. The site is identified as being flood affected, within the North Alexandria locality under Clause 6.60A of the SLEP 2012 and within the Green Square and Southern Enterprise Area specific area under Section 5 of the SDCP 2012.
12. A site visit was carried out on 18 March 2026. Photos of the site and surrounds are provided below.

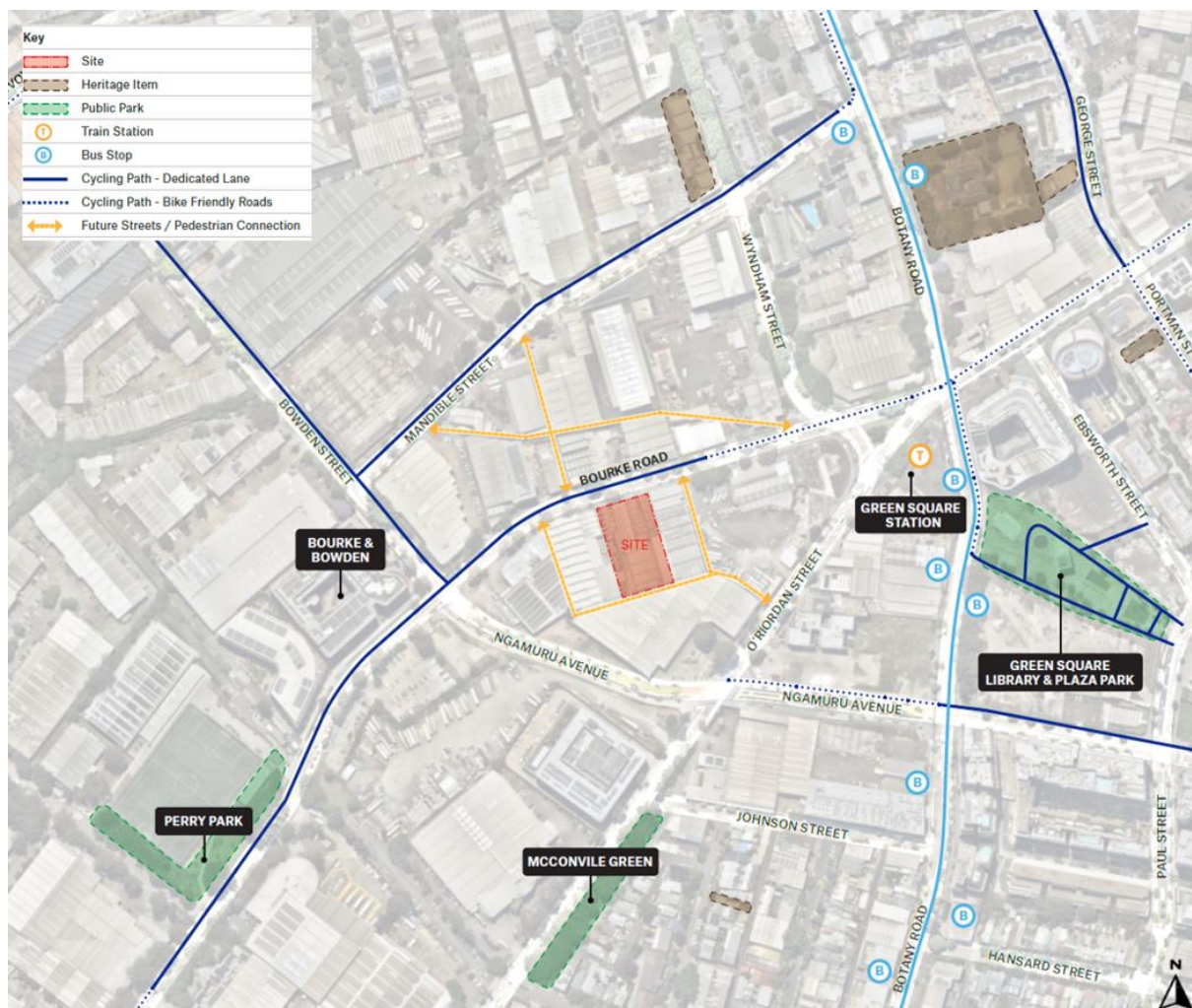
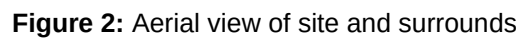


Figure 1: Contextual map of site and surrounding area



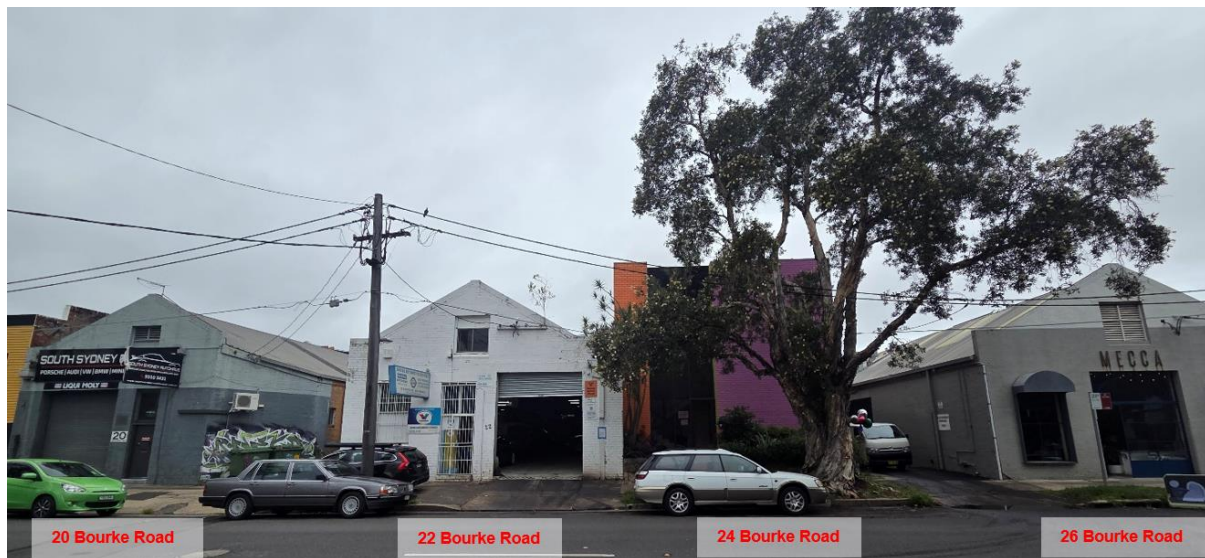


Figure 4: Subject site viewed from Bourke Road



Figure 5: Eastern adjoining site at 16-18 Bourke Road



Figure 6: Western adjoining site at 28-32 Bourke Road



Figure 7: Rear car parking area Mecca Coffee building at 26 Bourke Road

History Relevant to the Development Application

Development Applications

13. The following applications are relevant to the current proposal:

- **D/2011/1348** – Development consent was granted on 2 November 2011 for the use of Unit 2 at 26 Bourke Road Alexandria as a coffee roasting warehouse and distribution centre.
- **D/2014/548** – Development consent was granted on 8 July 2014 for the use of Unit 2 at 26 Bourke Road Alexandria for the fitout of an existing warehouse tenancy for the use as a licensed cafe with associated ancillary office space and connection with the existing approved coffee roastery to the rear.
- **D/2023/691** – Development consent was granted on 20 September 2024 for a concept development application at 20, 22, 24 and 26 Bourke Road Alexandria for a 45m tall (12 storey) commercial building with a single basement level at 20-24 Bourke Road and alterations and additions to existing Mecca Coffee building at 26 Bourke Road.

In association with this approval was Voluntary Planning Agreement **VPA/2023/23** for dedication of; 84sqm of land at Bourke Road, 135sqm at the rear for a future street and a monetary contribution of \$898,062 towards the provision of Community Infrastructure in Green Square. **VPA/2023/23** was exhibited for 28 days between 15 August 2024 to 13 September 2024.

- **PDA/2025/57** – Pre-development application was lodged with the City on 31 March 2025 for demolition of existing structure, redevelopment of affordable rental housing, retention of 26 Bourke Road (Mecca Coffee Cafe). Pre-DA advice was issued by the City on 5 June 2025.

- Draft Voluntary Planning Agreement (VPA/2025/15) (**Attachment F**) for the dedication of land and public benefits is on exhibition from 2 April 2026 to 1 May 2026.

Amendments

14. Following a preliminary assessment of the proposed development by Council officers, a request for additional information and amendments was sent to the applicant on 18 December 2025. The request related the following matters:
 - Vertical circulation - the 15-storey building with 161 affordable units must increase the proposed lifts from two to three lifts.
 - Residential amenity - to units, common areas, bathrooms window operability details, privacy screening needs to be improved and better documented.
 - Vehicular access - swept path diagrams for the City's waste truck and B99 vehicles is to be provided, clarification on the proposed driveway crossover at Bourke Road.
 - Future adaption plans - for egress via the rear future lane needs to be submitted.
 - Waste bin - design needs to be suitable for future residents via use of 240L and 660L bins, not 1,100L bins.
15. The applicant responded to the request by submitting amended plans and information on; 4 February 2026, 25 February 2026, 10 March 2026, 19 March 2026 and 20 March 2026.

Proposed Development

16. The application seeks consent for the following:
 - Demolition of existing structures at 20, 22 and 24 Bourke Road and retention of the existing Mecca Coffee building at 26 Bourke Road
 - Site preparation, earthworks, tree removal and remediation of land - approach of a mix of on-site capping and removal off site
 - Construction of a new 15-storey mixed-used development, comprising commercial and community facility uses at the ground level and 14-storeys of affordable housing above
 - The mixed-use building is to be a maximum height of 60.3m AHD measured to the lift overrun, and comprised of 12,596sqm of gross floor area, of which 129sqm will be for commercial uses and 70sqm will be for community uses. The existing Mecca Coffee building's gross floor area of 564sqm will be unaffected by the proposed development
 - The residential component will be entirely allocated as affordable housing units managed by a Tier 1 registered not-for-profit community housing provider. A total of 161 affordable housing units will be delivered with 98 x 1 bedroom units, 48 x 2 bedroom units, and 15 x 3 bedroom units

- At grade car parking at the rear for 14 residential car spaces, 2 service vehicle bays, 2 motorcycle spaces and a dedicated bicycle storage area for 182 bicycles bays
- Vehicular access will be consolidated from the four existing crossings to one 7.2m wide crossing to be located between the proposed new mixed-use building and the Mecca Coffee building at 26 Bourke Road
- Associated landscaping and public domain works, including footpath, laneway and public art
- Lot consolidation of the existing four lots and re-subdivision to facilitate dedication of land to Council. A 2.4m wide setback will be provided along Bourke Road for footpath widening. This extends the width of the frontage aside from land that is occupied by the existing Mecca Coffee Building. This area of dedication equates to 84sqm. At the rear is a 3m wide setback which runs the width of 20, 22, 24 and 26 Bourke Road and equates to a 135sqm dedication for future road delivery.

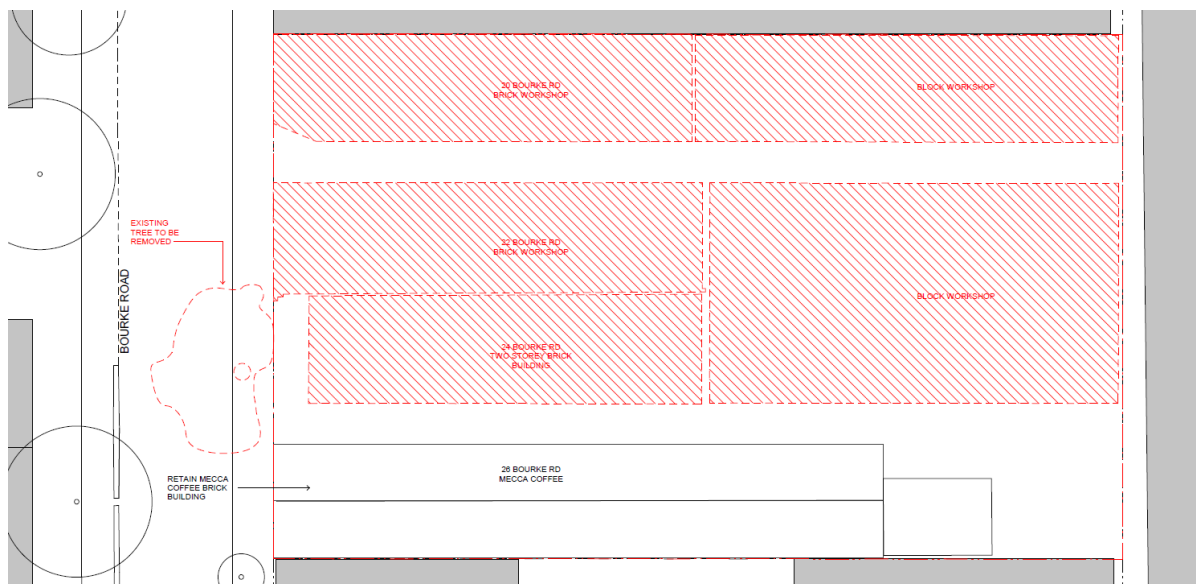


Figure 8: Proposed demolition plan



Figure 9: Proposed ground floor plan



Figure 10: Proposed level 1 floor plan



Figure 11: Proposed level 2 floor plan



Figure 12: Proposed level 3 floor plan



Figure 13: Proposed level 4 - 14 floor plan

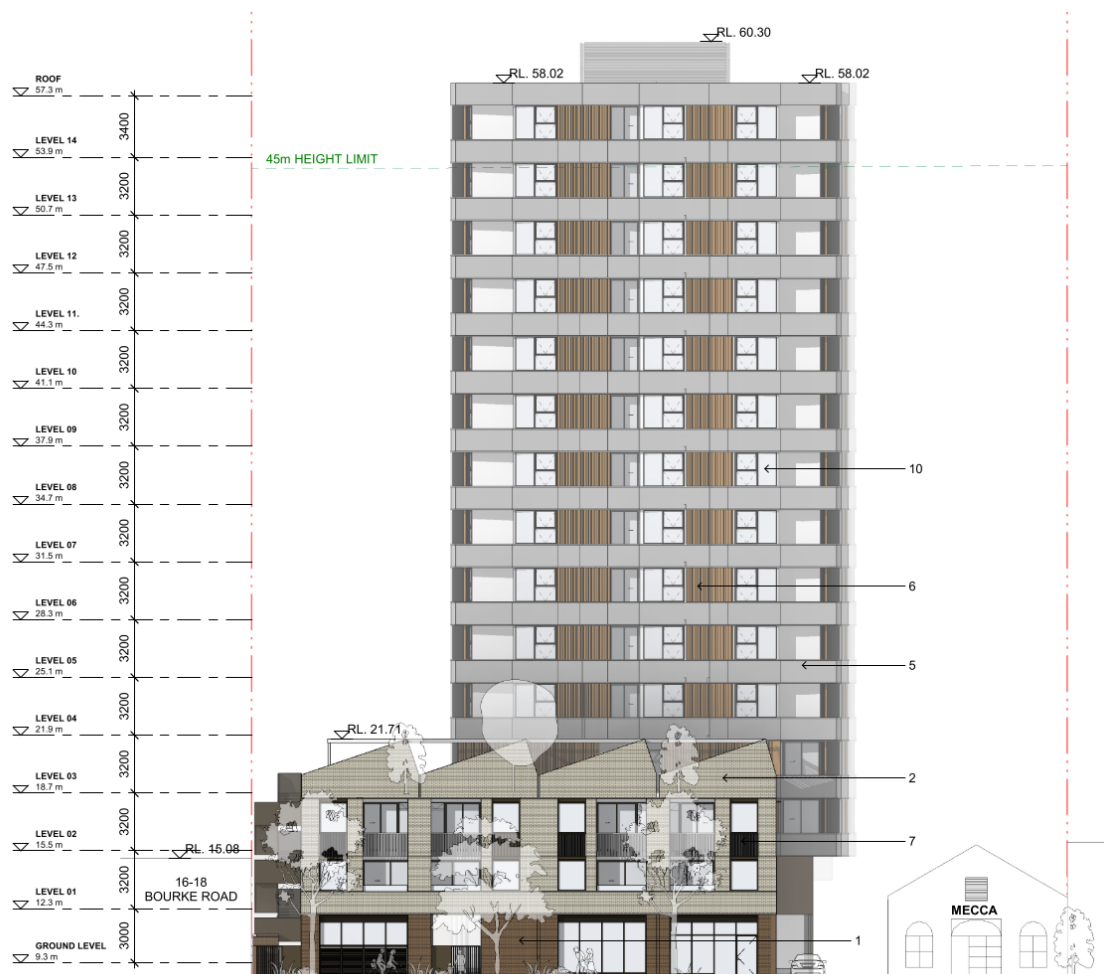


Figure 14: Proposed northern elevation (Bourke Road)



Figure 15: Proposed western elevation

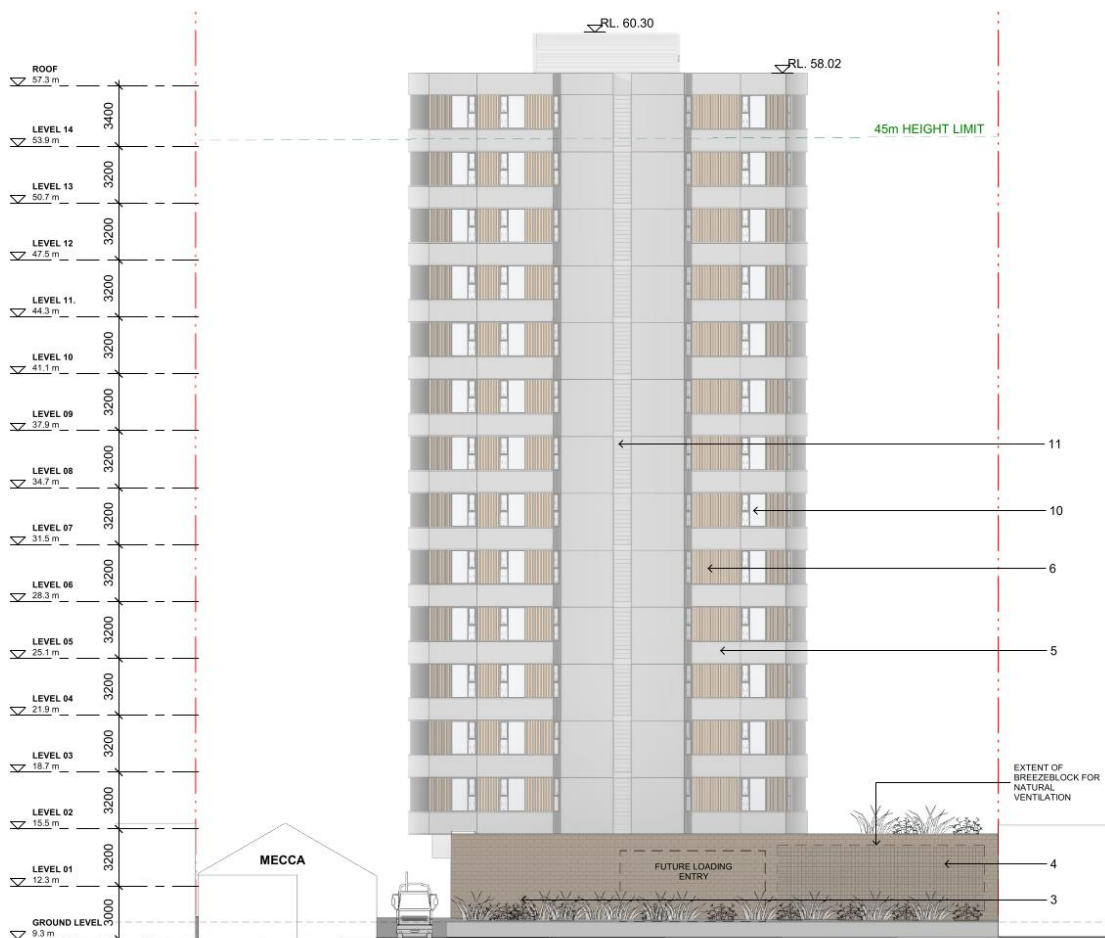


Figure 16: Proposed southern elevation - to future laneway



Figure 17: Proposed eastern elevation

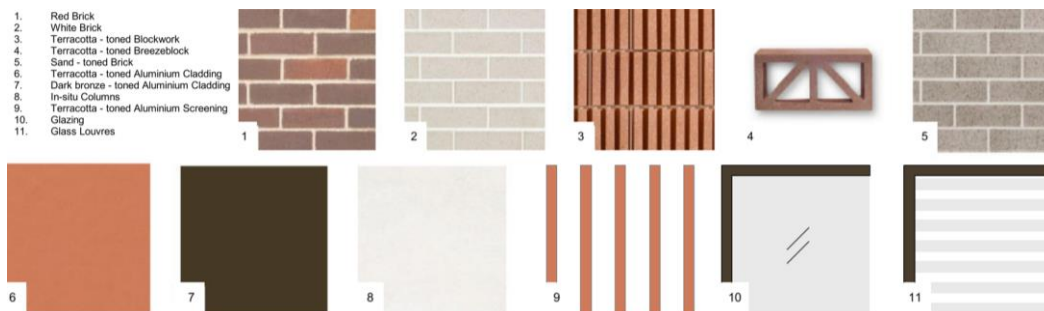


Figure 18: Proposed materiality

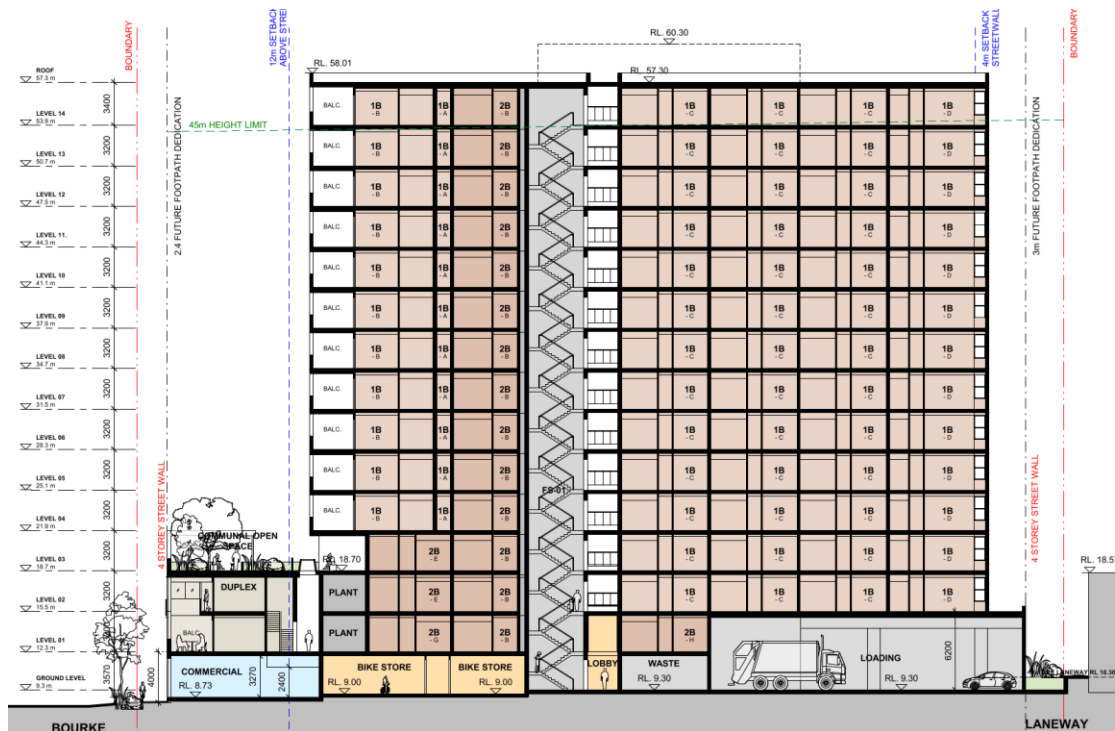


Figure 19: Proposed long section



Figure 20: Proposed photomontage - viewed from Bourke Road

Assessment

17. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Housing) 2021

18. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
19. Section 7.32 of the EP&A Act and states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
20. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. As the development is development for the purposes of residential accommodation that is used to provide affordable housing or public housing, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Chapter 2 - Affordable Housing

21. As per Section 1.9 of the SLEP 2012, the State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 - In-fill Affordable Housing and Division 5 - Residential Flat Buildings - social housing providers, does not apply to land within Green Square. An assessment against Chapter 4 is provided below.

Chapter 4 - Design of Residential Apartment Development

22. The aim of Chapter 4 is to improve the design quality of residential apartment development in New South Wales.
23. When determining an application for a residential flat development of 3 or more floors and containing 4 or more apartments, the SEPP requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 9.
24. The applicant has submitted a design verification statement and design report prepared by *Bates Smart* - (nominated architects - registration numbers: Kellie Payne - 6454, Philip Vivian - 6696, Guy Lake - 7119, and Matthew Allen - 8498) with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.
25. An assessment of the proposal against the design quality is provided as follows:

Principle 1: Context and Neighbourhood Character

26. The site is located at 20-26 Bourke Road, Alexandria within the Sydney Local Government Area (LGA). It is located within the Northern Alexandria precinct and is approximately 250m west of Green Square Town Centre and Station and 4km south of Sydney CBD. Located within a few hundred metres of Green Square Station and buses on Botany Road, the site is well served by public transport. Cycling paths on Bourke Road and Bowden Street provide cycle access to surrounding suburbs. The site also benefits from close proximity to Perry Park and Green Square Town Centre.

27. The proposed design responds to the planned future character of the precinct, recently approved developments and the existing character of the area. The well sited location will place future affordable and social housing tenants within an area of high accessibility given the range of public transport options.

Principle 2: Built Form and Scale

28. Ground level active uses, commercial and community rooms, face the street with services tucked into the laneway. Above ground on level 1, two storey duplexes offer an alternative housing type and present an articulated facade with double height balconies punctuating the street wall. The roof of the street wall building is used for a north facing landscaped space for residents. Residential entry is through a landscaped courtyard providing a transition and community connection space before entering the lobby.
29. Services and storages for bikes as well as the residential lobby are located on the ground floor of the tower with a loading area and carpark at the rear with access strategies considered for both the current condition from Mecca laneway and the future condition of access from the rear laneway.
30. After two unique floorplates on L01 and L02 the residential floorplate is repeated to provide a highly efficient residential tower which is generally in keep with the intended built forms envisaged by the apartment design guide and development control plan.

Principle 3: Density

31. 11,833sqm of gross floor area for 161 affordable housing units is proposed along with 70sqm of communal area and 129sqm of commercial floor space, in addition to the existing 564sqm Mecca Coffee building.

Principle 4: Sustainability

32. The building proposes several key features to deliver sustainable design excellence in a climate responsive approach, including:
- A well shaded facade promoting indoor comfort and maintaining views to outside, balancing fixed and operable shading, solid façade panels and transparent glazing to effectively ensure comfort, energy efficiency and natural light performance.
 - A natural ventilation solution with passive acoustic treatment for most rooms avoiding less efficient acoustic plenums.
 - A sustainable materials approach which provides, subject to final selections and procurement, reduced embodied emissions, healthy indoor environment and enhanced circularity.
 - Passive design and planning consistent with our experience in delivering the enhanced thermal comfort targets under BASIX.
 - A fully electrified energy cycle concept, incorporating Photovoltaic panels on the roof and using efficient fixtures and fittings, consistent with our experience in delivering enhanced BASIX energy.
 - Clotheslines provided for drying to reduce reliance on electric dryer.

- A highly efficient structural grid and uniformly reducing the amount of concrete and embodied carbon.
- An efficient and compact floorplate which enables sharing of walls and floors.

Principle 5: Landscape

33. The proposed landscape design is integrated with the building and communal open spaces. The ground floor entry courtyard is directly access from Bourke Road and connects the community space, residential foyer and permeable and deep soil areas for social interaction. The podium roof top that fronts Bourke Road is a communal open space with deep soil planting and shading pergolas for passive use and social interaction.

Principle 6: Amenity

34. The typical floor has 12 apartments of varying types, delivering the desired mix of unit types and a high level of amenity. The apartments have been designed and planned accordingly with consideration of Apartment Design Guide. The breezeway divides the building into 2 zones separated by glazed doors so that no more than 7 apartments share a corridor. The breezeway floor is extended, and high balustrades protect the lift zone from rain and wind.
35. The building exceeds the minimum standards for solar access and natural cross ventilation as set be the Apartment Design Guide.

Principle 7: Safety

36. At the ground floor commercial and community spaces front Bourke Road, adding to the activation provided by the Mecca coffee warehouse. Behind the entry gate, a landscaped courtyard is the centre of the ground floor providing a transition space for residents from the street to their secure lobby. Necessary services and loading are located to the rear of the site to minimise their visibility.

Principle 8: Housing Diversity and Social Interaction

37. The development is 100% affordable housing with a diversified dwelling mix of 1, 2 and 3 bedroom dwellings, configurations and mix that responds to City West Housing's tenant's requirements. The 161 unit development is comprised of:
- 98 x 1 bedroom apartments (61%),
 - 48 x 2 bedroom apartments (30%),
 - 15 x 3 bedroom apartments (9%).
38. The proposal is designed to be indistinguishable from privately developed housing and be well integrated within the neighbourhood. Various communal spaces are proposed throughout the site. These include a wide range of uses to support opportunities to bring people together and promote a sense of community.

Principle 9: Aesthetics

39. In selecting the primary facade material, City West and the design team have considered three options - brick, precast and aluminium cladding - with consideration of cost, carbon footprint, durability and on-going maintenance. Brick was selected as the best in all three categories: most durable, lowest carbon and lowest cost.
40. The material strategy proposes a palette of neutral grey brickwork complemented by terracotta toned louvres and infill panels. The ground level interface proposes orange/brown toned brickwork facing the street and terracotta coloured blockwork and breezeblocks to secondary spaces.
41. The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Yes	Build depth does not exceed 18m and appropriate articulation through the breezeway and façade design promotes good amenity for future occupants.

2F Building Separation	Consistency	Comment
Up to 4 storeys (approximately 12 metres): 12m between habitable rooms / balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms	Yes	Floor level; ground, 1, 2, 3 (up to 4-storeys) achieves the minimum 12m separation, by providing a >6m side boundary setback.
5 to 8 storeys (approximately 25 metres): 18m between habitable rooms / balconies 12m between habitable and non-habitable rooms	Yes	Floor level; 4,5,6,7 (up to 8-storey) of the building achieves the minimum 18m building separation by providing a >9m side boundary setback.

2F Building Separation	Consistency	Comment
9m between non-habitable rooms		
9 storeys and above (over 25m): 24m between habitable rooms / balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms	Partial	Floor levels 8,9,10,11,12,13,14,15 (9-storey and above), largely complies with the minimum 24m separation by providing a >12m setback to the western boundary, however point encroachments are proposed which are of negligible impact on privacy to the SSD health facility project at 28-32 Bourke Road. The development does have a greater encroachment by up to 900mm into the eastern side boundary setback, as a minimum 11.1m side setback is proposed and elements of balconies, bedrooms and living spaces make up the encroachment. The inclusion of angled façade windows and privacy screens will negate adverse privacy impacts to a future residential development at 16-18 Bourke Road. The façade articulation is a positive design to create visual interest and improve residential amenity. Refer to discussion section of this report.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	851sqm (26%) of communal open space is provided across the ground floor eastern courtyard and the northern podium rooftop.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The main communal open space is located on the northern podium rooftop. During the Alternative Design Review process, the degree of solar access to COS was explored at length and this proposed design is the superior option. 72% of the proposed COS achieves at least 2 hours under current adjoining site conditions and predicted modelling of a future envelope at 16-18 Bourke Road, would still maintain 69% solar access to the COS for at least 2 hours.

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	395sqm (12%) deep soil is achieved with a minimum 6m dimension.

3F Visual Privacy	Consistency	Comment
Up to 4 storeys (12 metres): 6m between habitable rooms / balconies 3m between non-habitable rooms	Yes	Floor levels ground, 1, 2, 3 (up to 4-storeys) achieves the minimum 12m separation, by providing a >6m side boundary setback.
5 to 8 storeys (25 metres): 9m between habitable rooms / balconies 4.5m between non-habitable rooms	Yes	Floor levels 4,5,6,7 (up to 8-storey) of the building achieves the minimum 18m building separation by providing a >9m side boundary setback.

3F Visual Privacy	Consistency	Comment
9 storeys and above (over 25m): 12m between habitable rooms / balconies 6m between non-habitable rooms	Partial	Floor levels 8,9,10,11,12,13,14,15 (9-storey and above), largely complies with the minimum 24m separation by providing a >12m setback to the western boundary, however, point encroachments are proposed which are of negligible impact on privacy to the SSD health facility project at 28-32 Bourke Road. The development does have a greater encroachment by up to 900mm into the eastern side boundary setback, as a minimum 11.1m side setback is proposed and elements of balconies, bedrooms and living spaces make up the encroachment. The inclusion of angled façade windows and privacy screens will negate adverse privacy impacts to a future residential development at 16-18 Bourke Road. The façade articulation is a positive design to create visual interest and improve residential amenity. Refer to discussion section of this report.
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	Development is design accordingly.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	78.3% of apartments (126 of 161) achieved at least 2 hours solar access to living rooms and private open space.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	All apartments will received direct solar access.

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	Windows are provided to all habitable rooms. A mix of slider, single awning, louvres and double awning windows are proposed.
Minimum 60% of apartments in the first 9 storeys of the building are naturally cross ventilated.	Yes	For floor levels ground, 1, 2, 3, 4, 5, 6, 7, 8 (first 9 storeys) of the building, 60.6% of units (54 of 89) achieve natural cross ventilation.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	Maximum of 11m depth for cross through apartments.

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Yes	3.2m floor to floor and 2.7m floor to ceiling is provided for residential unit habitable areas.
Non-habitable rooms: 2.4m	Yes	2.7m to 2.4m is provided for non-habitable rooms.
2-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	Two-storey terraces are fronting Bourke Road which have 3.2m floor to floor and 2.7m floor to ceiling is provided.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: 1 bed: 50sqm 2 bed: 70sqm 3 bed: 90sqm	Yes	1 bedroom units are a minimum of 50sqm. 2 bedroom units are a minimum of 70sqm. 3 bedroom units are a minimum of 90sqm.

4D Apartment Size and Layout	Consistency	Comment
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	Development is designed accordingly.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Achieved for rooms aside from larger combined living/dining areas which have secondary windows or sliding doors.
8m maximum depth for open plan layouts.	Yes	Open plan living, dining, kitchens are generally 7m to 8m in depth from a window face.
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10sqm • all other bedrooms: 9sqm Minimum dimension of any bedroom is 3m (excluding wardrobes).	Partial	Master bedrooms are 10sqm in area with other bedrooms being 9sqm. Unit 2B-H, is a minimum of 2.4m in dimension due to the articulated façade. Refer to discussion section of this report.
Living and living/dining rooms minimum widths: • Studio and one-bedroom: 3.6m • 2-bedroom or more: 4m	Partial	All units aside from 2B-G on level 1 and level 2 are 3.6m and 4m in width as required. Unit 2B-G are 2 bedroom units that are 3.8m in width. Refer to discussion section of this report.
4m minimum width for cross over and cross through apartments.	Yes	All cross through apartments are approximately 6m in width.

4E Private Open Space and Balconies	Consistency	Comment
One bed apartments are to have a minimum balcony area of 8sqm with a minimum depth of 2m.	Partial	1 bedroom units achieve 8sqm with a 2m depth. Several 2 bedroom units do not achieve 10sqm with a 2m depth, being; unit type

4E Private Open Space and Balconies	Consistency	Comment
2 bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m. 3 bed apartments are to have a minimum balcony area of 12sqm with a minimum depth of 2.4m.		2B-B, 2B-E, and 2B-H which a 1sqm undersized. Refer to discussion section of this report. 3 bedroom units achieve the 12sqm and 2.4m depth.

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is 8.	Yes	Level 3 have 11 units accessed via a triple lift core and Levels 4 - 14 have 12 units access via a triple lift core. The breezeway design effectively creates the separation in building wings so that no more than 8 is at a wing.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No	At lodgement, 2 lifts were proposed. This design did not follow the recommendations of the Alternative Design Review process and Panel's advice. Following amendments during the assessment of this application, three lifts are proposed to service 161 units. This equates to 53.6 units per lift. Refer to discussion section of this report.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	Development is designed accordingly.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Development is designed accordingly.

4G Storage	Consistency	Comment
Minimum storage provision facilities: • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	All units are provided with adequate storage entirely within the units.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	Subject to the recommendations contained within Noise and Natural Ventilation Impact Assessment report prepared by E-Lab Consulting, all units are provided with adequate noise attenuation measures.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

42. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
43. Section 4.6(1)(b) requires the consent authority to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.
44. A Detailed Site Investigation (DSI) was undertaken by JBS&G, which found potential for contamination on the site. The DSI assessed contamination from past and present land uses, suitability for the proposed future use, and recommended further investigation, including a Human Health Risk Assessment (HHRA) and Remedial Action Plan (RAP), which have been undertaken and reporting submitted with this development application. The DSI identified the following:
 - The site is currently used as a mechanic, panel beater and café/roaster with an extensive manufacturing and industrial use history;
 - Fill materials are present on the site to a typical depth of 1.7m;

- Soil contamination has been identified in the central, southern and northeastern portions of the site, reported as strong hydrocarbon odours between 0.5 to 1.5m below the surface;
 - High levels of lead have been reported as present in fill based soils and was widespread across the site fill;
 - Significant levels of polychlorinated biphenyls (PCBs) have been reported as present in site soils at two nearby soil borehole locations - in the central and eastern portion;
 - Detection of semi and non-volatile petroleum hydrocarbons have been reported as present as fill based soils;
 - Significant levels of PFAS contamination and hydrocarbon-based contamination have been reported in site groundwater in the northeast corner of the site;
45. The RAP, prepared by JBS&G, outlines the preferred remedial approach for the site, specifically on-site management by long-term containment of heavy metal, asbestos, PCB and PAH impacted fill materials by retention under hardstand, or where landscaping and plantings are proposed, a sufficient depth of capping soils and growing media in limited open space areas. Any imported materials will be assessed to determine its suitability, and it is fit for purpose.
46. All land that is to be dedicated to the City will be remediated through off site disposal, so that the land dedicated is not subject to a Long Term Environmental Management Plan (EMP).
47. The final condition of the site will be assessed and documented following the completion of all works. As such, the RAP confirms that the proposed remediation works are appropriate and that subject to the recommended works, the land can be successfully remediated and suitable for the proposed land use. Appropriate conditions have been recommended in Attachment A.

State Environmental Planning Policy (Sustainable Buildings) 2022

48. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings,
 - (b) to ensure consistent assessment of the sustainability of buildings,
 - (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
 - (d) to monitor the embodied emissions of materials used in construction of buildings,
 - (e) to minimise the consumption of energy,
 - (f) to reduce greenhouse gas emissions,
 - (g) to minimise the consumption of mains-supplied potable water,
 - (h) to ensure good thermal performance of buildings.

Chapter 2 Standards for residential development - BASIX

49. A BASIX Certificate has been submitted with the development application 1813736M dated 19 September 2025.
50. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy (Transport and Infrastructure) 2021

51. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**Clause 2.98 – Development adjacent to rail corridors**

52. The application is adjacent to the train rail corridor and was subsequently referred to Sydney Trains for comment. Sydney Trains have raised no objections subject to the recommended conditions which are included at Schedule 3 of the recommended conditions at Attachment A.

Clause 2.99 – Excavation in, above, below or adjacent to rail corridors

53. The application is adjacent to the train rail corridor and was subsequently referred to Sydney Trains for comment. Sydney Trains have raised no objections subject to the recommended conditions which are included at Schedule 3 of the recommended conditions at Attachment A.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.120 – Impact of road noise or vibration on non-road development**

54. The application is subject to Clause 2.120 of the SEPP as the site is adjacent to Bourke Road which is a Local Road that is expected to experience an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.
55. A Noise and Natural Ventilation Impact Assessment report prepared by E-Lab Consulting has been submitted with this development application. The reporting concludes that subject to acoustically lined soffits and/or solid balustrading and/or high-level windows, for several units that front Bourke Road, the proposed development is satisfactory when assessed against Clause 2.120. Relevant conditions of consent have been recommended to ensure that that noise affected units are designed and constructed with appropriate noise attenuation measures.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

56. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E3 Productivity Support zone. The proposed development is defined as a mixed-use development comprised of a commercial premises, community facility, and residential accommodation (shop top housing) above for the purpose of affordable housing. Residential accommodation is a use that is prohibited within the E3 Productivity Support Zone. However, subject to Clause 7.13A of the SLEP 2012, development for the purposes of a residential flat building or a mixed-use development that contains shop top housing may be carried out with development consent on land identified as “Business Area”, subject to particular criteria being satisfied. This is achieved - refer to Clause 7.13A as discussed below. Therefore, the proposed use is permitted with consent.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	Under the current LEP, a maximum building height of 45m is permitted. A maximum height of 51.4m (RL.60.30mAHD) is proposed. This is a variation of 6.4m (14.2%) to the development standard. A variation to the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the ‘Discussion’ section below.

Provision	Compliance	Comment
4.4 Floor space ratio	No	The site is 3306 sqm in area inclusive of the area of land to be dedicated to the City via a Voluntary Planning Agreement. The site is permitted a base FSR of 2:1, and is eligible for additional bonus FSR of 1.5:1 under Clause 6.14 Community Infrastructure Floor Space at Green Square - Area 9. Therefore the maximum permitted FSR that the development is eligible for is 3.5:1 (11,571 sqm). A floor space ratio of 3.81:1 (12,596sqm) is proposed. This is a variation of 0.31:1 (8.9%) to the development standard. A variation to the FSR development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio. Clause 4.6 variation requests have been submitted with the application, refer to Attachment C and Attachment D. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood planning	Yes	The site is identified as being subject to flooding. The development application has been accompanied by a Flood Risk Assessment report prepared by BG&E. The proposed development is subject to a Flood Planning Level of RL.8.73mAHD. The proposed development has a minimum finished floor level of; 8.80mAHD for the community facility, 8.73mAHD for the commercial tenancy and 9.30mAHD for the residential lobby. The submitted Flood Risk Assessment report prepared by BG&E demonstrates that the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.14 Community infrastructure floor space at Green Square	Yes	The proposed development is eligible for an additional floor space ratio of 1.5:1, as the land is located within Area 9 under this Clause. The proposed development provides community infrastructure in the form affordable housing and dedication of land and is eligible for this bonus FSR. As reported under Clause 4.4 Floor Space Ratio on the above page, the maximum permitted FSR that the development is eligible for is 3.5:1 (11,571 sqm). A floor space ratio of 3.81:1 (12,596sqm) is proposed. The proposed development seeks a variation to the maximum permitted floor space ratio under Clause 4.4 of the SLEP 2012.

Provision	Compliance	Comment
		The applicant has submitted a Clause 4.6 variation - refer to Attachment D and the discussion section further below in this report.
Division 4 Design excellence		
6.21 Design excellence	Yes	6.21C - Design Excellence The proposed development is of a high standard, design and form, that utilises materials and detailing which are compatible with the intended future character of the area. The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. 6.21D - Competitive Design Process This clause is applicable as the development will have a height greater than 25m outside of the Central Sydney, and an estimated cost of works greater than \$100,000,000 and is subject to Clause 7.20 requiring a development control plan. Pursuant to Cl.6.21D(2), the competitive design process is not required if the consent authority considers that it would be unreasonable or unnecessary in the circumstance. The proposed development has not undergone a competitive design process under the this Clause. It has however undergone an in depth alternative Design Review process consistent with the endorsed design excellence amendment to the Sydney LEP when those controls are made. This amendment introduces the optional Alternative Design Review process for social and affordable housing by a Tier 1 Community Housing Providers. The amendment sets out an optional design review process in lieu of a design competition process.

Provision	Compliance	Comment
		In anticipation of the gazettal of this amendment, the applicant has undergone the design review pathway. As per Attachment E, four DRP meetings took place, on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025. The required Design Statement was issued on 19 August 2025 which identified the development has the potential to achieve design excellence in accordance with Clause 6.21C of the Sydney LEP 2012. Given the above, the requirement to undertake a Competitive Design Process under clause 6.21D is considered unreasonable and unnecessary in this instance, as an extensive Design Review process has been conducted and states that the proposed building will achieve design excellence.
6.60A North Alexandria	No	The site is on land that is identified as 'North Alexandria' on the Locality and Site Identification Map. As such, Clause 6.21D(3)(a) does not apply to the site, meaning that a 10% height of building bonus cannot be granted to the development site. The proposed development seeks a variation to the maximum permitted height under Clause 4.3 of the SLEP 2012. The applicant has submitted a Clause 4.6 variation - refer to Attachment C and the discussion section further below in this report.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Yes	The site is identified as Category B on the Land Use and Transport Integration (LUTI) Map, which means that the following maximum carparking rates apply: • for each 1 bedroom dwelling—0.4 spaces, and • for each 2 bedroom dwelling—0.8 spaces, and • for each 3 or more bedroom dwelling—1.1 spaces, and • for each dwelling up to 30 dwellings—0.167 spaces, and • for each dwelling more than 30 and up to 70 dwellings—0.1 spaces, and • for each dwelling more than 70 dwellings—0.05 spaces. A total of 161 units are proposed in the following mix: • 98 x 1 bedroom apartments (61%), • 48 x 2 bedroom apartments (30%), • 15 x 3 bedroom apartments (9%). 14 car parking spaces are proposed, which complies with the relevant development standard for residential car parking.
7.6 Office premises and business premises	Yes	The proposed development includes one commercial tenancy. No car parking is proposed for this tenancy and therefore complies with the maximum rate.

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The affordable housing levy contribution for development on land at Green Square is 3% of the total floor area of the development that is intended to be used for residential purposes, and 1% for non-residential purposes. Notwithstanding this, the City of Sydney Affordable Housing Program states that “where social/affordable housing floor space is being provided, in accordance with the Principles of this Program, a contribution requirement will not be applied to that floor space”. The proposal also includes a 129sqm of new commercial floor area and 70sqm of a community facility area. Given that these components make up a very small area in the entire 12,596sqm development and that they are ancillary to the main affordable housing use, and that the development is by a not-for-profit community housing provider, it is considered that a contribution is not warranted in this instance.
7.13A Affordable housing in Business Area	Yes	Development for the purposes of a residential flat building or a mixed-use development that contains shop top housing may be carried out with development consent on land identified as “Business Area”, subject to particular criteria being to the satisfaction of the consent authority. (1)(a), (b) and (c) is satisfied as the proposed development relates to the purpose of affordable housing and will be managed by a Community Housing Provider and will be delivered in accordance with the City's Affordable Housing Program. (1)(d) is satisfied as the proposed development is compatible with the existing and future uses, and building forms for the locality.

Provision	Compliance	Comment
		(1)(e) is satisfied as no residential units at the ground floor front Bourke Road. (1)(f) is satisfied as the proposed development will not have adverse impact on the environment or create unacceptable environmental risk.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with 'Class 3' Acid Sulfate Soils. An Acid Sulfate Management Plan has been prepared by JBS&G, which outlines measures to manage the environmental risks associated with the disturbance of the acid sulfate soils.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface (OLS) as shown on the Obstacle Limitation Surface Map for Sydney Airport. An Aeronautical Impact Assessment has been prepared by Strategic Airspace and the concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received which is approving of the proposed development.
7.20 Development requiring or authorising preparation of a development control plan	No	Clause 7.20(2)(d) would be triggered as the proposed development is a new building in land identified as Business Area, where the development is for the purpose of a residential flat building or a mixed-use development that contains shop top housing (proposed to be used for the purposes of affordable housing in accordance with clause 7.13A). The applicant has not prepared a site specific development control plan and given the site history where a concept approval consent has been issued and the Alternative Design Review process has been undertaken, the City accepts that pursuant to 7.20(3) it is unreasonable and unnecessary in the circumstances to prepare one.

Provision	Compliance	Comment
		Refer to the discussion section of this report.
7.25 Sustainable transport on Southern Employment Land	Yes	The site is located within land mapped as Southern Employment Land. Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development will promote sustainable transport nodes and minimise traffic congestion. The proposed development promotes sustainable transport and addresses the relevant matters as: - it provides carparking at a significantly lower rate than the required by the Sydney LEP 2012, which will reduce the private vehicle use. - the site is well serviced with access to sustainable active and public transport nodes, such as bicycle, bus, train and walking.
7.26 Public art	Yes	A Public Art Plan has been prepared and lodged with this development application. The City's Public Art Officer has reviewed and is satisfied with the plan subject to the recommended conditions.

Development Control Plans

Sydney Development Control Plan 2012

57. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 (SDCP 2012) is provided in the following sections.

Section 2 – Locality Statements

58. The site is located within North Alexandria locality, falling under both the Section 2.5 Green Square and Section 2.10 Southern Enterprise Area within the SDCP 2012. The proposed development aligns with the principles of this locality by:
- delivering high quality affordable housing within walking distance to key amenities and public transport options in the Green Square Town Centre.

- enhancing the public domain and pedestrian amenity through the dedication of land for footpath widening and public domain improvements.
- offering a high-quality urban design and built form that is responsive to the surrounding development context, particularly in relation to the saw tooth roof that reflects the existing industrial character.
- activating the public domain through ground level retail uses that encourage street level activation.
- supporting the ongoing transformation of the area from traditional industrial uses to higher-density residential development.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development includes the dedication of land to accommodate a future laneway to the rear of the site and footpath widening along Bourke Road. The proposed public domain improvements will enhance pedestrian access and activity, and the siting of the building will for pedestrian permeability.
3.2. Defining the Public Domain	Yes	The proposed development has been carefully designed to positively address the street and the public domain. The development features a podium with a sawtooth roof form, which is separated into four distinct bays. This design approach reduces the overall massing of the building and reflects the pitched roof profile of the existing Mecca Coffee building on site. The result is a cohesive and visually integrated streetscape that establishes a strong, active interface with the public domain. A pedestrian wind study has been undertaken by RWDI which confirms that wind conditions within and around the development site are acceptable.
3.3 Design Excellence and Competitive Design Processes	Yes	As previously discussed. Pursuant to the Planning Proposal PP-2024-709 - Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, an alternative pathway to a Competitive Design Process is for consideration. The amendment introduces an Alternative Design Review pathway for Tier 1

Provision	Compliance	Comment
		Community Housing Providers as an alternative to a Design Competition. In anticipation of the gazettal of this amendment, the applicant has undergone an extensive design review process. As per Attachment E, four DRP meetings took place, on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025. A Design Statement was issued on 19 August 2025 which identified the development has the potential of achieving design excellence accordance with Clause 6.21C of the SLEP 2012.
3.5 Urban Ecology	Yes	The proposed development involves the removal of one street tree at the Bourke Road frontage to accommodate the new driveway crossing. Removal of this tree is accepted given the new Bourke Road street tree planting and new tree canopy planting on site which will achieve a 18.5% canopy coverage.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) section. Furthermore, a Design for Environmental Performance report has been submitted with the development application and is acceptable.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under Clause 5.21 of the SLEP 2012.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development involves lot consolidation of 20, 22, 24 and 26 Bourke Road, land dedication to the City via a Voluntary Planning Agreement and subdivision of land to accommodate the development. The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions of consent.

Provision	Compliance	Comment
3.11 Transport and Parking	Yes	Bicycle parking provision of 182 spaces (161 residential, 16 residential visitor, 1 commercial staff, 1 commercial visitor, 1 community staff, 2 community visitor) complies with DCP rates. Car parking provisions of 14 spaces complies with the maximum LEP rates.
3.12 Accessible Design	Yes	The development application is accompanied by an Accessibility Report and BCA Report. The development has been designed to promote equitable access. The DCP requires 15% adaptable dwellings. However, given the proposal is for the purposes of affordable housing, the development does not include any adaptable dwellings. Notwithstanding this, the proposal delivers 90% of dwellings to Silver Level and 10% to Gold Level under the ABCB Liveable Housing Design Standard. A Liveable Housing Report prepared by DC Partnership has been submitted with this application, confirming that this significantly exceeds the actual demand of City West Housing residents, with only 4% of residents reporting mobility needs and just 0.21% using a wheelchair.
3.13 Social and Environmental Responsibilities	Yes	The proposed development seeks to activate the ground level through the inclusion of commercial and community facilities. It will result in an improvement from the existing industrial and brothel development on the site. The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.

Provision	Compliance	Comment
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types

4.1 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	The proposed 3-storey street wall to Bourke Road complies with the maximum 4-storey street wall height.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development achieves the minimum floor to floor heights under this section of the DCP and the Apartment Design Guide.
4.2.2 Building setbacks	Partial compliance	The proposed development largely complies with the Building Setback Alignment Map which requires the 12m setback to Bourke Road and a 4m setback to the rear future lane boundary. There are however, minor point encroachments due to the articulation of the building. These encroaches are limited to a maximum depth of 1.3m. Eastern and western side boundary setback generally comply with the Apartment Design Guide aside from several minor point encroachments.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The proposed development does not adversely impact on overshadowing to other residential units. The proposed affordable housing units will achieve 2 hours solar access to living rooms and private open space areas for 78.3% (126 of 161) of the development under the existing development scenario. Modelling has

Provision	Compliance	Comment
		been undertaken based on a possible building envelope at 16-18 Bourke Road to the east of the site, and it is reported that the proposed development will maintain a compliant level of solar access, being 70.8% (114 of 161) of the development.
4.2.3.3 Internal common areas	Yes	The proposed development breaks up the building form in two distinct forms, which is separated by a breezeway. This approach ensures that all common areas have access to daylight and are naturally ventilated.
4.2.3.5 Landscaping	Yes	New high quality landscaped areas are provided on site in common areas.
4.2.3.6 Deep Soil	Yes	12% (386sqm) of the site is deep soil area.
4.2.3.7 Private open space and balconies	Partial compliance	Private open space is intended to achieve the areas set out by the Apartment Design Guide. 1 bedroom units achieve 8sqm with a 2m depth. Several 2 bedroom units do not achieve 10sqm with a 2m depth, being; unit type 2B-B, 2B-E, and 2B-H which a 1sqm undersized. 3 bedroom units achieve the 12sqm and 2.4m depth.
4.2.3.8 Common open space	Yes	851sqm (26%) of communal open space is provided across the ground floor eastern courtyard and the northern podium rooftop. The main communal open space is located on the northern podium rooftop. During the Alternative Design Review process, the degree of solar access to communal open space was explored at length and this proposed design is the superior option. 72% of the proposed communal open space achieves at least 2 hours under current adjoining site

Provision	Compliance	Comment
		conditions and predicted modelling of a future envelope at 16-18 Bourke Road, would still maintain 69% solar access to the communal open space for at least 2 hours. This complies with the Apartment Design Guide and the DCP.
4.2.3.9 Ventilation	Yes	For floor level; ground, 1, 2, 3, 4, 5, 6, 7, 8 (first 9 storeys) of the building, 60.6% of units (54 of 89) achieve natural cross ventilation. This complies with the Apartment Design Guide and the DCP.
4.2.3.10 Outlook	Yes	Affordable housing units are provided with pleasant outlooks.
4.2.3.11 Acoustic privacy	Yes	Subject to the recommendations contained within Noise and Natural Ventilation Impact Assessment report prepared by E-Lab Consulting, all units are provided with adequate noise attenuation measures.
4.2.3.12 Flexible housing and dwelling mix	No	For developments greater than 20 dwellings, the following percentage mix is stipulated: • 1 beds 10% to 30%, and • 2 beds 40% to 75%, and • 3+ beds 10% to 100%. The proposed unit mix is: • 1 beds 61%, • 2 beds 30%, • 3 beds 9%. The proposed unit mix is designed to the tenant cohort of City West Housing.

Provision	Compliance	Comment
4.2.6 Waste and recycling Management	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 5 – Specific Areas

Provision	Compliance	Comment
5.2 Green Square		
5.2.3 Community Infrastructure	Yes	The proposed development will deliver community infrastructure in accordance with clause 6.14 of the Sydney LEP 2012. The proposed development has been designed to contribute and enhance the local area, including the Green Square Precinct and will greatly benefit the local amenity and its evolving character.
5.2.9 Building design	Yes	The proposed development has been designed to create a defined street edge with a seamless transition between the public and private domain from Bourke Road. As documented within the Design Report prepared by <i>Bates Smart</i> the proposed development is of a high quality and will contribute the evolving character of the Green Square precinct and public domain and will enhance the quality of streetscape.
5.2.10 Setbacks	Yes	The proposed development aligns with the public domain setbacks required by the DCP in that it includes the dedication of land for community infrastructure, including 2.4m along Bourke Road for the purposes of footpath widening and 3m along the southern boundary for the future laneway. The land will be dedicated via a Voluntary Planning Agreement.

Provision	Compliance	Comment
5.2.12 Above ground parking spaces and adaptable car parking spaces	Yes	The proposed development includes car parking spaces at the ground floor plane and at the rear of the site. The location of the car parking at the rear of the site will not be visible from Bourke Road and not contribute to any adverse impacts to the visual appearance or quality of the building.
5.8 Southern Enterprise Area		
5.8.2.3 Affordable housing	Yes	The proposed affordable housing development is within an appropriate and well-situated location. The site is located within walking distance to the Green Square Town Centre. The built form of the proposed development has carefully been designed to consider all relevant policies and guidelines. The proposed built form will seamlessly integrate within the public domain and will further contribute to the objectives of the E3 zone, in addition to Clause 7.13A of the Sydney LEP 2012, which permits shop top housing within the E3 zone.
5.8.2.4 Addressing land use conflict	Yes	The proposed development has been sited and designed to minimise impacts to adjoining commercial and industrial land uses. The Noise Impact Assessment report prepared by E-LAB confirms that subject to appropriate noise attenuation design features the affordable housing units will be provided with acceptable noise levels within units.
5.8.3.2 Building height	No	The proposed development exceeds the maximum permitted height of building development standard and a Clause 4.6 variation request has been submitted. The 4-storey street wall height has been designed appropriately.
5.8.3.3 Building alignment and setbacks	Partial compliance	The proposed development is largely designed to comply with the relevant building setbacks and separation distances required by the Apartment

Provision	Compliance	Comment
		Design Guide, with the exception of the minor point encroachment of up to 1.3m into the setback area.
5.8.3.4 Active frontages and street level design	Yes	The proposal is not mapped as requiring an active frontage, however the inclusion of a new commercial tenancy at the ground floor and the retention of the existing Mecca Coffee building will assist in creating a vibrant and active Bourke Road frontage.
5.8.3.5 Building layout and design	Yes	The proposed development massing has considered how design, orientation, windows, and articulation can be refined to provide a high level of amenity to future residents and minimise impacts to the streetscape and adjoining property.
5.8.3.6 Landscaping	Yes	New high quality landscaped areas are provided on site in common areas.
5.8.3.7 Parking, access and loading and servicing	Yes	On site car parking, loading and egress has been designed appropriately to accommodate the number of units / tenancies at the site and their on-going use.
5.8.3.8 Adaptable parking	Yes	Adaptable car parking has been provided consistent with the DCP rates.
5.8.3.9 Storage areas	Yes	100% of residential storage is within the unit and achieves the volumes required by the Apartment Design Guide.
5.8.4.2 Street, pedestrian and cycle network	Yes	The proposed development has been designed in accordance with the public domain setbacks map and the street hierarchy and layout map under the DCP in that it will deliver the 2.4m front setback for footpath widening along Bourke Road and the 3m rear street setback to facilitate a future laneway.
5.3.5 Managing transport demand	Yes	The proposed development comprises reduced car parking and provides a significant amount of bicycle parking spaces to promote sustainable transport modes. Additionally, the site's location

Provision	Compliance	Comment
		and walking distance to Green Square Station encourages future residents and users of the site to rely on public transport.
5.3.6.1 Stormwater management and waterways	Yes	The development has been designed with consideration of flood risk and appropriate stormwater management infrastructure.

Planning Proposal - Sydney Local Environmental Plan - Policy and Housekeeping Amendments 2023

59. In December 2023, the City of Sydney resolved to endorse the draft 'Housekeeping Amendments' to the Sydney LEP 2012 and Sydney DCP 2012, with a Gateway Determination being issued in October 2024.
60. In accordance with Planning Circular PS-24-007, weight should be given to a proposed EPI depending on the likely or unlikely certainty and imminence of the relevant provisions of a proposed EPI coming into force. The planning proposal and LEP amendments were approved by Council and CSPC in June 2025. In accordance with the Gateway determination issue by DPHI, the gazettal of the Draft LEP was estimated to occur in November 2025, now making the adoption overdue.
61. Council's Strategic Planning and Urban Design unit has advised that the adoption of the controls has a moderate level of certainty and imminence given the public exhibition, consideration of public submissions and consideration of proposed amendments recommended by DPHI.
62. The proposal is generally consistent with the amendments to the SLEP 2012, in terms of deep soil, design excellence processes and car parking rates.

Discussion

Contravention of a development standard pursuant to clause 4.6 of the Sydney LEP - Height of Building

63. The site is subject to a maximum height control on the site is 45m. The proposed development is 51.4m in height (RL.60.30m AHD). This presents a variation of 6.4m (14.2%) to the development standard. The extent of the building which contributes to the height of building variation is the upper most floor, lift over run and parapets as shown below shaded in yellow.

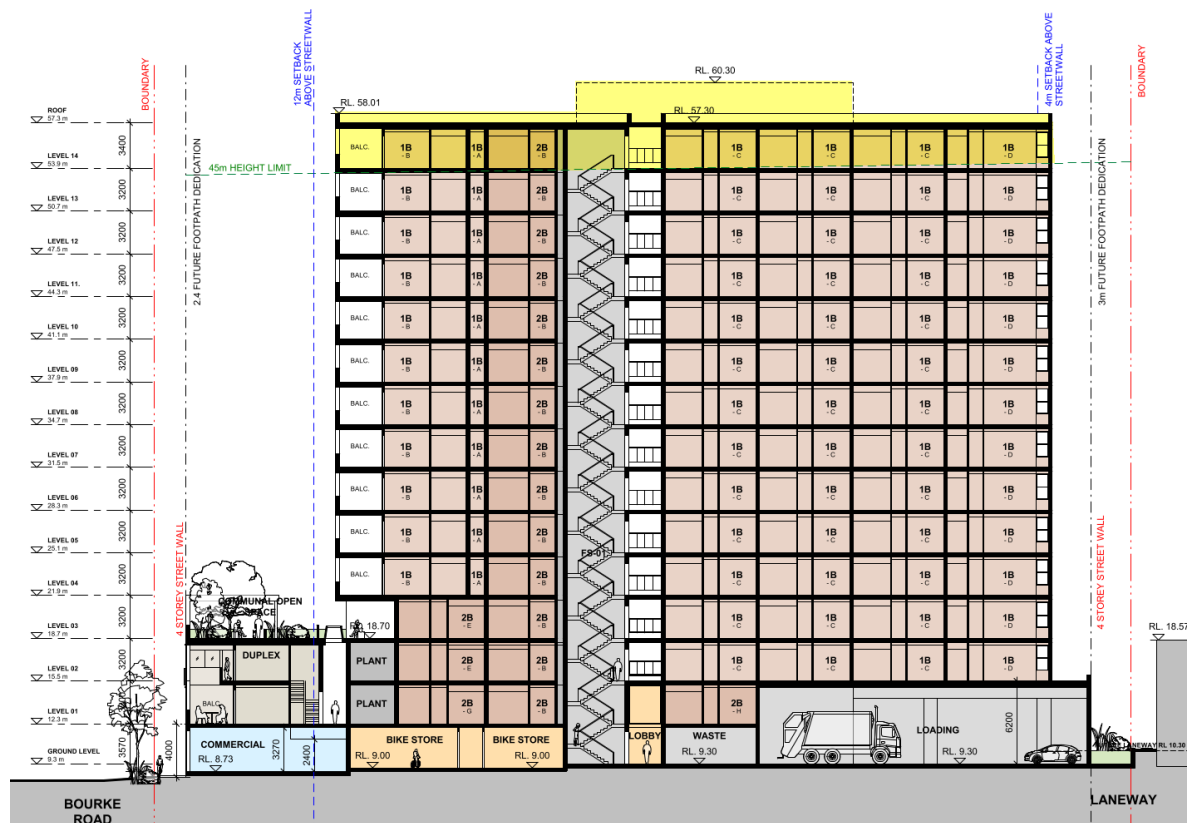


Figure 21: Height of Building variation extend

64. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - That there are sufficient environmental planning grounds to justify contravening the standard;

65. The applicant seeks to justify the contravention of the Clause 4.3 Height of Buildings development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) the proposed development achieves the objectives of Clause 4.3 of the Sydney LEP 2012 notwithstanding the numerical height exceedance; and
 - (ii) the proposed height is appropriate to the site and its context within the North Alexandria precinct and the broader Green Square Urban Renewal Area; and
 - (iii) permissible building heights within the surrounding area range from 29 to 60m (as seen at **Figure 3** within this report); and
 - (iv) the development achieves appropriate height transition relative to surrounding development; and
 - (v) the additional height is limited in extent, being largely confined to one additional storey and roof-level elements including a lift overrun and localised plant which will largely be imperceptible from the street level; and
 - (vi) the exceedance does not result in unreasonable impacts on the public domain, streetscape, surrounding properties or residential amenity; and
 - (vii) the building establishes a street wall along Bourke Road that conforms with the street wall height required by the development control plan. The podium design is articulated into 4 distinct bays with a sawtooth roof form that references the surrounding industrial character; and
 - (viii) the tower above the podium features a distinct angled façade to create articulation in facades which reduces the perceived bulk and scale and enhance visual interest of the site; and
 - (ix) that strict compliance with the 45m height limit would result in an inferior built form outcome and would reduce the number of affordable housing dwellings delivered on the site.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The delivery of a high-quality built form outcome that has been subject to detailed architectural design and review - refer to Design Statement issued at Attachment E.
 - (ii) The provision of 161 dwellings comprising 100% social and affordable housing in a highly accessible location close to public transport, employment and services.
 - (iii) The additional height facilitates the delivery of one additional storey comprised of 12 units / 17 bedrooms, which would otherwise not be delivered if strict compliance with the height standard was required.

- (iv) The absence of unacceptable environmental impacts arising from the additional height, including overshadowing, visual impacts and impacts on the public domain.
 - (v) The Planning Proposal amendment which introduces that where development exhibits design excellence, up to a 10% bonus to height and floor space is eligible, is indicative of the City's direction on future form and massing.
- 66. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- 67. The applicant has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard for the following reasons:
 - (i) The applicant has demonstrated that, in the specific circumstances of this site and this proposal, strict compliance with the maximum height of 45 metres would be unreasonable and unnecessary.
 - (ii) The assessment confirms that the objectives of Clause 4.3 are achieved notwithstanding the non-compliance. The proposed building height is appropriate to the site's context, which is characterised by transition from traditional industrial development to denser mixed-use and residential forms associated with the Green Square. The proposed height contributes to a logical height transition from the Green Square Town Centre and is consistent with the emerging character envisaged for the locality.
 - (iii) The variation does not result in an unacceptable built form outcome. The additional height does not give rise to excessive bulk or scale when viewed in the context of surrounding and approved developments. The built form has been carefully articulated through podium and tower massing, setbacks and façade articulation to reduce visual impact and protect amenity.
 - (iv) Having regard to these matters, and noting that strict compliance would constrain the design outcome and number of affordable housing dwellings and without delivering a commensurate environmental benefit, compliance with the height of building development standard is unreasonable or unnecessary in the circumstances of the case.
 - (v) The proposed variation facilitates the delivery of a significant quantum of social and affordable housing on a strategically located site within the Green Square area. The provision of 100% affordable housing represents a substantial public benefit and aligns with Planning Proposal amendment which creates eligibility for a bonus to both floor space and height, where a development exhibits design excellence.

- (vi) While the site is not eligible for a design excellence height bonus due to the operation of Clause 6.60A, it is acknowledged that there is a strategic intention to support affordable and community housing projects through incentives where appropriate. This policy direction provides relevant context in understanding the planning merits of development proposals that seek modest variations to development standards in order to achieve significant public benefits, including the delivery of social outcomes.
- (vii) Importantly, the proposed height exceedance does not result in unacceptable environmental impacts. Detailed assessment demonstrates that the proposal will not give rise to unreasonable overshadowing, visual intrusion or loss of amenity, and the development remains compliant with the applicable floor space ratio control. This confirms that the overall bulk, scale and intensity of development are consistent with the planning framework envisaged for the site.
- (viii) When considered cumulatively, the site-specific design outcomes, the absence of adverse environmental impacts, and the significant public benefit associated with the delivery of affordable housing constitute sufficient environmental planning grounds to justify the proposed variation to the height of building development standard.

68. For the reasons provided above the variation to the height of buildings development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Contravention of a development standard pursuant to clause 4.6 of the Sydney LEP - Floor Space Ratio

69. The site has a base FSR of 2:1 and is eligible for an additional community infrastructure floor area bonus of 1.5:1, resulting in a maximum permitted FSR of 3.5:1.
70. The proposed development has a maximum FSR of 3.81:1, which represents a 0.31:1 (8.9%) variation.
71. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;
72. The applicant seeks to justify the contravention of the Clause 4.3 Floor Space Ratio development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposed FSR is appropriate to the condition of the site and its context and will assist in meeting housing demand.

- (ii) The development has been designed accordingly to reflect the desired character of the precinct and minimises adverse impacts on the amenity of the locality.
 - (iii) The proposal will not result in any unreasonable traffic impacts and remains consistent with the envisaged density of development, built form and land uses for the precinct.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) There are imminent changes to the LEP that would allow the additional 10% FSR bonus to be achieved on the site through an alternative design excellence process for social and affordable housing.
 - (ii) The FSR variation will not result in any adverse environmental impacts, particularly in terms of visual impact and overshadowing.
 - (iii) Strict compliance with the FSR control will reduce the number of affordable dwellings on the site by 24 dwellings, which would otherwise provide affordable housing for 34-68 people.
- 73. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- 74. In this instance, the applicant has demonstrated that these requirements are satisfied for the following reasons:
 - (a) The proposed variation facilitates a modest increase in floor space that directly supports the delivery of additional affordable housing within a highly accessible and strategically located site. The uplift enables a more efficient use of well-located land, ensuring that the development responds to current and projected housing demand, particularly for affordable housing.
 - (b) The imminent changes to the LEP (approved by Council and CSPC in June 2025) will allow an additional 10% FSR bonus on the site through an alternative design excellence process for social and affordable housing. The design is a direct result of a rigorous and comprehensive design excellence process undertaken in collaboration with Council and the Design Advisory Panel, who have ultimately confirmed in a Design Statement that the project demonstrates the potential to achieve design excellence.
 - (c) The proposed variation facilitates the delivery of a significant quantum of social and affordable housing on a strategically located site within the Green Square area. The proposed development maintains an appropriate density and built form that is consistent with the emerging character of the Green Square precinct. The additional floor space does not result in excessive bulk or scale and has been carefully designed to integrate with surrounding developments.
- 75. For the reasons provided above the variation to the FSR development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Alternative Design Review and Design Excellence

76. Pursuant to Cl.6.21D(2), the competitive design process under the SLEP 2012 is not required if the consent authority considers that it would be unreasonable or unnecessary in the circumstance. The proposed development has not undergone a competitive design process under this Clause. It has however undergone the optional Alternative Design Review process that is to be implemented through the Planning Proposal PP-2024-709 - Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.
77. This amendment introduces the optional Alternative Design Review process for Tier 1 Community Housing Providers, negating the need for a Design Competition and the associated costs.
78. In anticipation of the gazettal of this amendment, this was regarded as a 'pilot' development. The applicant has undergone an extensive design review process. As per **Attachment E**, four DRP meetings took place, on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025.
79. A Design Statement was issued on 19 August 2025 which identified the development has the potential of achieving design excellence accordance with Clause 6.21C of the Sydney LEP 2012.

Green Square Community Infrastructure

80. Pursuant to Clause 6.14 of the SLEP 2012, the site is identified as being located in Area 9 on the floor space ratio map and therefore, is eligible for an additional 1.5:1 floor space ratio if the development includes Green Square community infrastructure, which under Clause 6.14(5) is defined as:

'Green square community infrastructure means development at Green Square for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works.'

81. The development seeks to provide community infrastructure and access the additional 1.5:1 floor space ratio under Clause 6.14 of the SLEP 2012. The proposed development will provide on-site community infrastructure in the form of public domain improvements including the dedication and embellishment of 2.4m of land fronting Bourke Road for footpath widening, and dedication and embellishment of 3m of land at the rear of the site for a future laneway. Furthermore, a monetary contribution to the City will also be made. These benefits are documented within the Draft Voluntary Planning Agreement at **Attachment F**.

Site-Specific Development Control Plan

82. Clause 7.20 of the Sydney LEP 2012 requires the preparation of a DCP for development on this site. This is because the site is identified as "Business Area" and the proposal is for the purpose of a shop top housing development comprising affordable housing.
83. Despite this, Clause 7.20(3) provides an exemption from the requirement to prepare a DCP where the consent authority is satisfied that the preparation of such a plan would be unreasonable or unnecessary in the circumstances, or where the development-
- (a) involves only alternations or additions to an existing building, and
- (b) does not significantly increase the height or gross floor area of the building, and

(c) does not have significantly adverse impacts on adjoining buildings or the public domain, and

(d) does not significantly alter any aspect of the building when viewed from public places.

84. The proposed development involves the construction of a new building and therefore, does not satisfy the exemption criteria outlined above.
85. Notwithstanding this, given the site history as documented under the section titled 'History Relevant to the Development Application' of this report, and the below the City concludes that the preparation of a DCP in this instance is both unreasonable and unnecessary, for the following reasons:
- A Stage 1 Concept Plan (**D/2023/691**) has already been approved for a commercial development on the site. The proposed affordable housing development whilst increases in height, largely maintains the approved building footprint from the Concept Plan. The departure from the approved concept plan is attributed to the increased building height.
 - The development has undergone the Alternative Design Review process in accordance with the Planning Proposal housekeeping amendments. The Design Statement issued by the Panel demonstrates the potential to achieve design excellence, and therefore a formal competitive design process is not required. This process demonstrates that the development has been designed with respect to the site's context and surrounding environment and can deliver a high standard of residential and environmental amenity.
 - Clause 7.20(3) of the SLEP 2012 and the Planning Proposal PP-2024-709 - Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, Amendment 8 clarifies that the City can provide exemption from needing to prepare a site specific development control plan.
 - The proposal will deliver 161 affordable housing dwellings, which is a direct response to the growing demand for housing Sydney. By proceeding without the need to prepare a site-specific DCP, the development can be delivered in a timely and efficient manner, with City West Housing expecting completion by 2030.
 - The intent of Clause 7.20 to prepare a DCP has been achieved through the approved Concept Plan (**D/2023/691**) and the Alternative Design Review pathway.

Apartment Design Guide

Building Separation

86. The proposed building setbacks are generally consistent with the relevant DCP controls for the site, including the 2.4m setback to Bourke Road and a 3m setback to the rear boundary to be dedicated to Council for public domain upgrades and a new road.

87. The proposed built form is generally compliant with Part 2F and 3F relating to building separation and visual privacy as tabulated within this report. Specifically, the minimum 12m building separation for the first 4-storeys is achieved by providing a minimum 6m side setback for habitable rooms. However it is recognised that one 3 bedroom split level unit (DU1) at the Bourke Road frontage includes a blank wall to the eastern boundary with a 3m setback. As this is a blank wall at the podium level of the building, this reduced 6m building separation (3m on the subject site and minimum 3m for a future building at 16-18 Bourke Road) is accepted.
88. For storeys 5 to 8 of the building, the minimum 18m building separation, 9m on the subject site is achieved to all building elevations/boundaries.
89. For 9-storeys plus, a minimum 24m building separation is required, 12m on the subject site and 12m on adjoining sites. The proposed development is generally compliant with this dimension, however there are minor point encroachment due to the articulation of the building façade. These points of encroachment are indicated in blue in the below **Figure 22**. Balconies, bedrooms and living spaces make up the area encroachment.
90. The proposed floor plate for floor level 8-15 (9-storey and above), has a minimum setback of 11.1m to the eastern side boundary, a departure by 900mm from the minimum required 12m. Whilst there is an encroachment of 1m into the building separation control under the ADG Part 2F, the design criteria under Part 3F is achieved as impacts from the encroachment are minimised. The angled façade windows and privacy screens will negate adverse privacy impacts to a future residential development at 16-18 Bourke Road. The façade articulation is a positive design to create visual interest and improve residential amenity.
91. Furthermore, the minor point encroachments at the western façade are of no impact as the western adjoining site is occupied by a single storey warehouse building and is subject to the State Significant Development for a Health Facility that is not for a residential purpose or applicable under the Housing SEPP / ADG. The minor 400mm would not contribute to any adverse privacy or amenity impacts to this western adjoining property under the current site conditions or the proposed State Significant Development.
92. The minor 700mm encroachments to the Bourke Road frontage are of no consequence. The rear lane encroachment of 900mm to 1.3m at the rear southern boundary is also of little consequence given that once the future lane is delivered, the proposed building will have a separation distance of 11.2m to the centre line of the road pavement.



Figure 22: Point encroachments into the ADG Part 2F building separation distances - typical floor plate 4-14

Private Open Space

93. The proposed development achieves the minimum private open space areas for each unit type aside from 3 x 2 bedroom units; 2B-B and 2B-H at Level 1 and 2B-E at Level 3.
94. These 3 units have a 9sqm private open space where 10sqm is required as per Part 4E of the ADG. Whilst these 3 units are deficient by 1sqm (10%) when assessed against the ADG, Unit 2B-B and 2B-H are located at Level 1 of the building and can easily access the large communal open space that is below and Unit 2B-E at Level 3 is located directly adjacent to the podium level communal open space and the internal area of this unit is also 75sqm, 5sqm greater than the minimum internal area.

Bedroom and Living Area Dimensions

95. One unit in the development has a bedroom that does not comply with the minimum 3m depth dimension. Unit 2B-H also has a reduced bedroom dimension of 2.4m with only a small portion of the room being 3m in depth - extract of unit 2B-H is below at Figure 23 (left). This reduced dimension is due to the fire stairs adjacent to the western and the articulated eastern façade. To compensate for the reduced depth, a 5m bedroom width is provided. The configuration of this second bedroom is accepted despite not providing a minimum 3m dimension for the room as a whole.

96. Two units in the development have a living area that does not comply with the minimum living room depth of 4m for 2 bedroom units. 2B-G at Level 1 and Level 2 - extract at Figure 23 (right). These two units at Level 1 and Level 2 are 3.8m in width, and the minor 200mm variation is inconsequential and does not significantly impact on the usability or amenity of the living space.

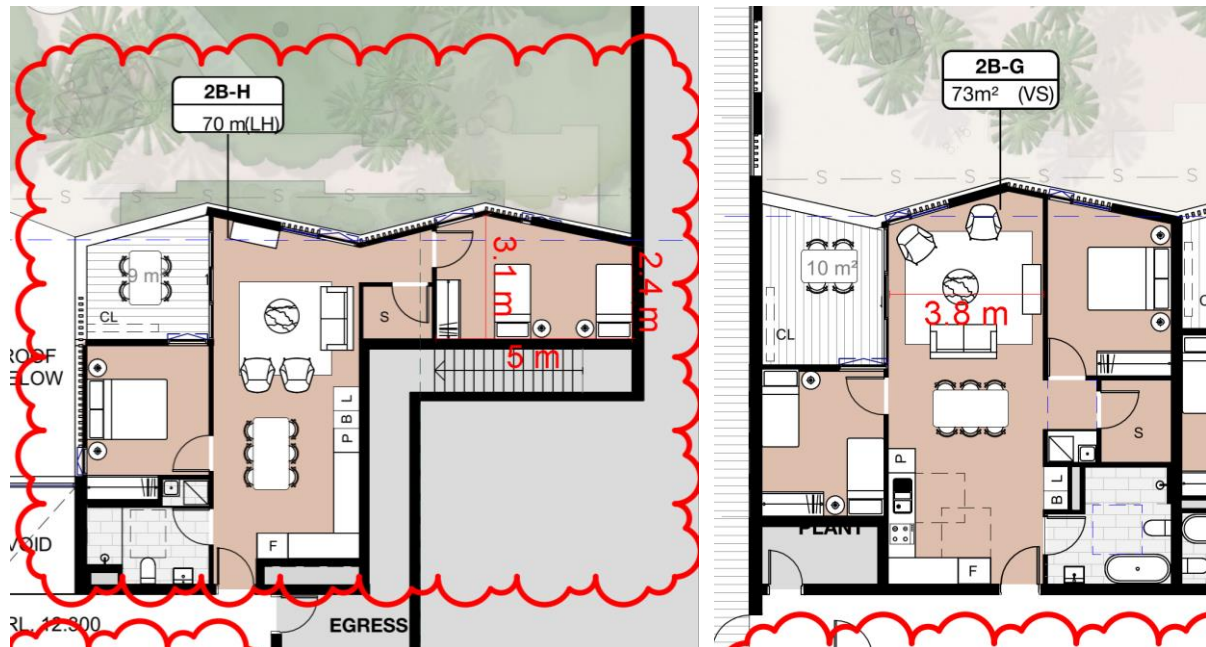


Figure 23: Unit 2B-H second bedroom dimensions (left) & 2B-G living area dimension (right)

Vertical Circulation

97. During the Alternative Design Review process, the vertical circulation strategy and serviceability was discussed with the proponent - as documented in Attachment E. During the pre-DA process, 3 lifts were initially proposed, however later the proponent chose to reduce the lifts from 3 to 2. This was not accepted by the Panel or the City staff and during the process the developer was requested to reinstate the third lift.
98. Whilst the 3 proposed lifts equates to approximately 53 units per lift and does not strictly comply the ADG Part 4F of 40 units per lift for buildings over 10-storey, the City is accepting of this ratio and that the 3 lifts can adequately service the proposed development.

Subdivision

99. The proposed development involves the subdivision of 20, 22, 24 and 26 Bourke Road, including land dedication to the City. Five new lots will be created, extract of the proposed subdivision plan and associated easements is provided below at Figure 24, along with a description of each newly proposed lot. The City's Specialist Surveyor has reviewed the proposal and provided recommended conditions in Attachment A.
100. Lot 1 (yellow): 2.4m setback along Bourke Road, extending from the eastern boundary of 20 Bourke Road to the façade line of the existing Mecca Building. This lot will have a total site area of 84sqm and will be dedicated to Council for footpath widening.

Future Laneway Adaption

106. Figure 5.199 of the SDCP 2012 - extract below at Figure 25, requires the future lane delivery - Local Street 9m wide, at the rear of the subject site.

107. As part of this application, the proposal has demonstrated that:

- The rear lane as indicated by Figure 5.199 of the SDCP 2012, can be facilitated by the dedication of land and the Voluntary Planning Agreement (Attachment F) and once other adjoining land is also developed and land dedicated to the City, and
- The proposed building is provided with adequate setbacks to manage residential amenity impacts to adjoining sites,
- Amended Appendix C - Traffic Impact Assessment, demonstrates through swept path analysis that the City's 10.6m long waste truck can enter and exit the site in a forward direction,
- Figure 26-27 provides a concept scenario to indicate the subject site's levels and vehicular access arrangement pre and post laneway delivery. The City's Waste officer and Access & Transport officers are satisfied with this arrangement and head heights within the car park area.

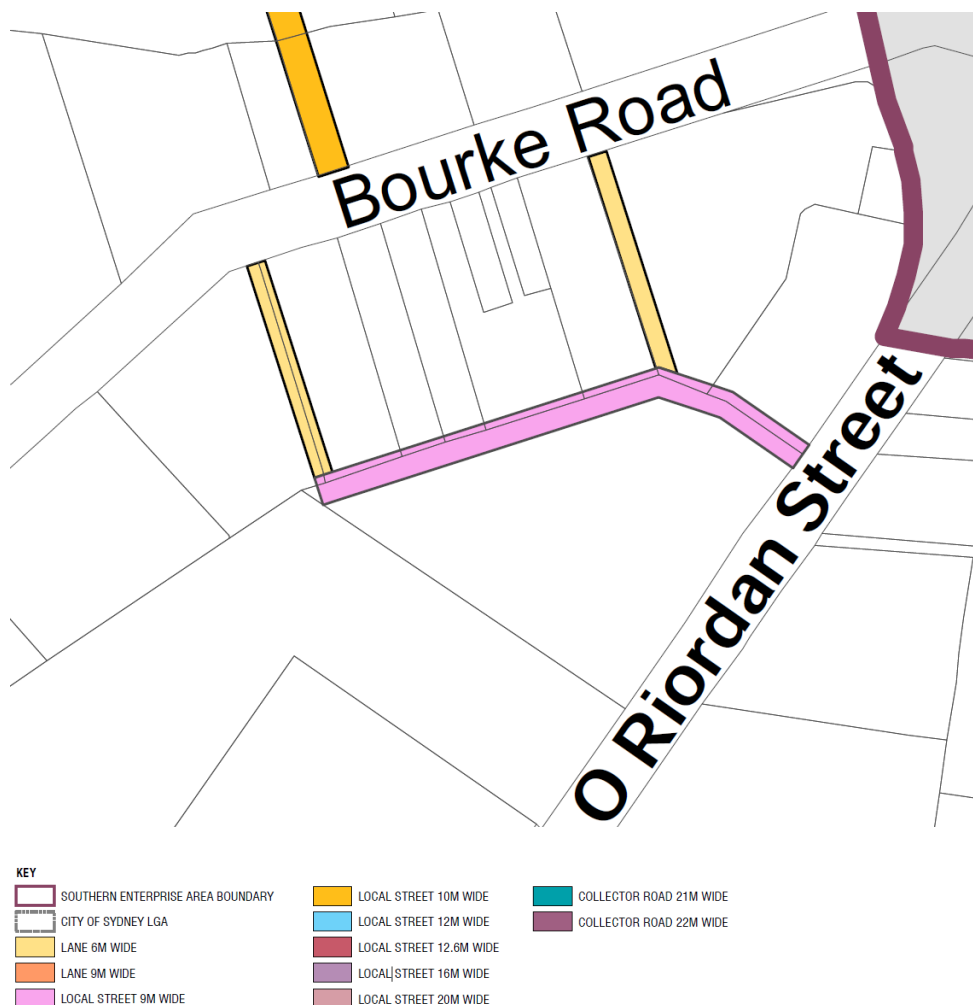


Figure 25: Extract of 5.199 SDCP 2012

Future Service Access

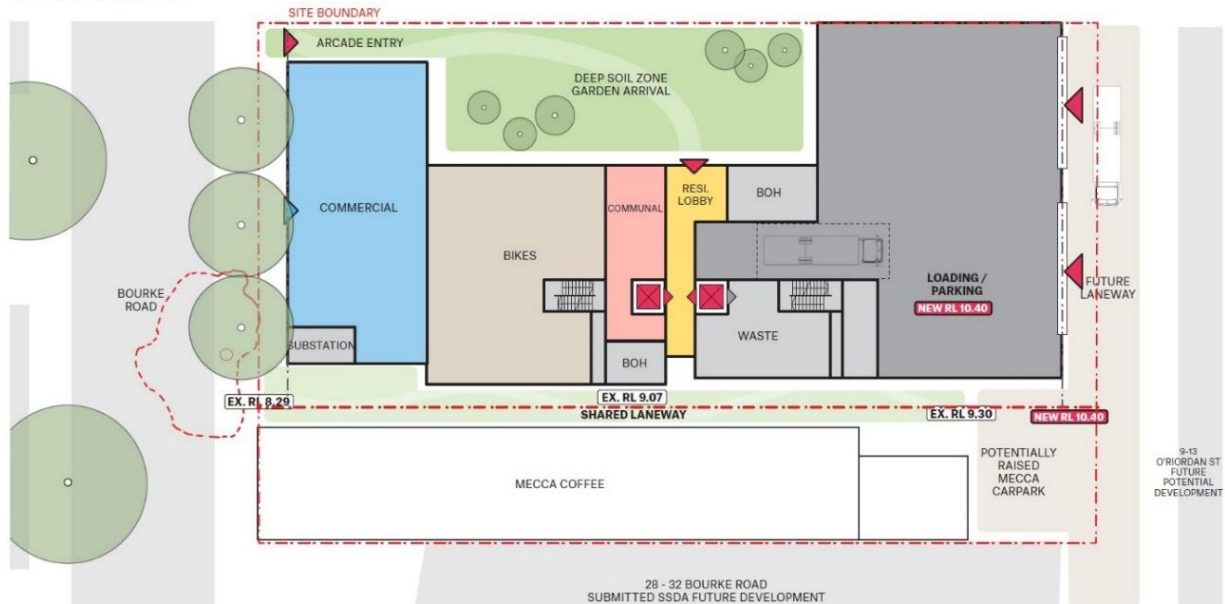
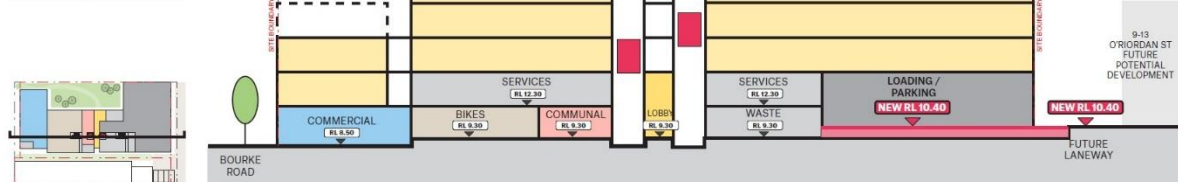


Figure 26: Ground floor plan - post laneway delivery and site access arrangements

Future Service Access



Section AA
Loading dock and waste raised to new RL 10.40 via installation of a new slab, loading access from proposed future laneway.



Section BB
Future Laneway raised to new RL 10.40. Reduced traffic along easement provides opportunity for shared laneway.

Figure 27: Section plan - post laneway delivery and site access arrangements

Tree Removal

108. One street tree (Melaleuca Quinquenervia - Broad Leaved Paperbark) at the Bourke Road frontage is proposed for removal. This tree is located adjacent to the driveway crossing that services 24 Bouke Road and 26 Bourke Road - refer to Figure 4 within this report.
109. The removal of this street tree was identified as risk at the very first Alternative Design Review meeting held on 11 February 2025. Following design exploration regarding vehicular access and Arboricultural advice, there is no practical means to retain this tree and any repair works to the existing driveway crossing or new driveway crossing in this location, would require the trees removal.

110. With the removal of this existing street tree, new street tree planting is proposed by this application. As detailed on the proposed landscape plans, four new *Lophostemon Confertus* - Queensland Brush Box trees are proposed at the Bourke Road frontage.
111. Subject to this new street tree planting, the proposed tree removal is supported.

Dwelling Mix

112. The proposed development does not comply with the City's current or proposed amendment controls in relation to dwelling mix. The proposed amended dwelling mix under the housekeeping Planning Proposal is for at least 30% as 1-beds, up to 50% as 2-beds and at least 20% as 3-beds. The proposed mix is 61% as 1-beds, 30% as 2-beds and 9% as 3-beds.
113. This proposed dwelling mix is accepted as it conforms with the preferred dwelling mix and tenant cohort as required by Tier 1 Community Housing provider City West Housing waiting list and that Amendment 2 in the draft SDCP 2012 excludes social and affordable housing providers from needing to comply with the imposed rates.

Consultation

Alternative Design Review Panel 'Pilot'

114. Pursuant to Planning Proposal PP-2024-709, for Local Environmental Plan - Amendment 8 and Development Control Plan - Amendment 11, the proposed development has undergone the Alternative Design Review process instead of a Design Competition. This future optional pathway is considered certain and imminent.
115. Independent Members appointed to the Panel were of Ken Maher (chair of the City's DAP), Kerry Clare (chair of the City's DAP residential subcommittee), Matthew Pullinger (urban designer and former NSW President AIA).
116. As per Attachment E, four DRP meetings took place on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025. The Panel provided written design advice to the applicant regarding the design of the affordable housing development.
117. The Panel issued the required Design Statement on 19 August 2025 which identified the development has the potential of achieving design excellence accordance with Clause 6.21C of the Sydney LEP 2012.
118. Submitted with this development application, is the Design Report prepared by *Bates Smart*, which reports on how the Panel's design advice has been responded to and the design evolved through each of the above referenced meeting dates.

Internal Referrals

119. The application was discussed with the following internal Council specialists and the development application is supported subject to conditions of consent which have been recommended in the recommended conditions at Attachment A:
 - (a) Access and Transport
 - (b) Cleansing and Waste
 - (c) Design Excellence

- (d) Environmental Health - noise and land contamination
- (e) Environmental Projects
- (f) Landscaping
- (g) Planning Agreements
- (h) Public Art
- (i) Public Domain
- (j) Specialist Surveyor
- (k) Tree Management

External Referrals

Sydney Airport

- 120. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity. The proposed development encroaches 10m into the Obstacle Limitation Surface (OLS).
- 121. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
- 122. The Sydney Airport Acting Director Airspace Protection and Airport Safeguarding, as an authorised person of the CASA, provided to the City on 10 March 2026, a letter dated 24 November 2025 confirming approval for the controlled activity. Those recommended conditions provided have been included in the recommended conditions at **Attachment A**.

Sydney Trains

- 123. Pursuant to Section 2.99 of the SEPP (Transport and infrastructure) 2021, the application was referred to Sydney Trains for concurrence.
- 124. Concurrence was received on 12 December 2025. Conditions of consent were recommended which are included in the recommended conditions at **Attachment A**.

Advertising and Notification

- 125. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 10 November 2025 and 9 December 2025. A total of 44 properties were notified and 2 submissions were received, one in support and one as comment.
- 126. The submission in support of the proposed development was from an individual living in Darlington which is approximately 2km-3km north-west of the subject site.

127. The submission as comment, was made on behalf of the immediately southern adjoining property at 28-32 Bourke Road. This submission made comment on the below matters:

- (a) **Issue:** Future laneway vehicular access, traffic flow and floodwater impact is unclear in the proposal

Response: The applicant has provided adequate information to demonstrate that; the proposed pre and post laneway delivery complies with the minimum flood planning level and that the post laneway delivery swept path access is achievable.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

128. The City of Sydney Development Contributions Plan 2015 applies to the site.
129. The site is currently occupied by four individual industrial and commercial warehouse buildings varying between 1-2 storeys. 20 Bourke Road, 22 Bourke Road and 24 Bourke Road are occupied by vehicle repair stations and 26 Bourke Road is occupied by a coffee roasting warehouse and distribution centre, with a licenced café.
130. The buildings at 20, 22 and 24 Bourke Road are proposed for demolition. These three buildings that are used for general industrial uses are greater than 2,000sqm in gross floor area and will offset contributions for the proposed 129sqm commercial tenancy and the 70sqm community facility. Therefore, no Section 7.11 contribution is levied for the proposed commercial or community facility component of the development.
131. Furthermore, Table 2 within the plan outlines development that is excluded from the need to pay a Section 7.11 contribution. Item 7 in Table 2 list development that is for the purpose of "affordable housing or social housing by a social housing provider". The residential component of the proposed development is entirely for the purpose of affordable housing and to be managed by a Tier 1 Community Housing Provider - City West Housing. Therefore, this residential component of the development is excluded from the need to pay a Section 7.11 contribution.
132. Given the above offset credits for non-residential uses and that the residential use is for affordable housing, no Section 7.11 contributions are levied.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

133. Section 2.2 of the City of Sydney Affordable Housing Program, states: "where a building is predominantly affordable housing (with a small proportion of floorspace dedicated to ancillary non-residential uses), provided in accordance with the Principles of this Program, and does not include any market housing, a contribution requirement will not be applied to the entirety of the floor space in that building".
134. Therefore, as the development is development for the purposes of residential accommodation that is used to provide affordable housing or public housing, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

135. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, as it constitutes an affordable housing development and is listed as exempt under Schedule 2 of the Order.

Relevant Legislation

136. Environmental Planning and Assessment Act NSW 1979
137. Environmental Planning and Assessment Regulations 2021
138. City of Sydney Act 1988
139. Airports (Protection of Airspace) Regulations 1996
140. Airports Act 1996
141. State Environmental Planning Policy (Housing) 2021
142. State Environmental Planning Policy (Resilience and Hazards) 2021
143. State Environmental Planning Policy (Transport and Infrastructure) 2021
144. State Environmental Planning Policy (Sustainable Buildings) 2022
145. Sydney Local Environmental Plan 2012 (SLEP 2012)
146. Sydney Development Control Plan 2012 (SDCP 2012)
147. Planning Proposal PP-2024-709 - Policy and Housekeeping Amendments 2023 to the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012

Conclusion

148. The proposed development comprises the construction of a new 15 storey mixed-use building at 20-24 Bourke Road. The proposed residential component will be used for the purposes of affordable housing, providing 161 units and be managed by City West Housing, a not-for-profit Tier 1 Community Housing Provider.

149. Subject to conditions, the proposal is generally consistent with the applicable planning provisions including Chapter 4 of the Housing SEPP 2021, Sydney LEP 2012, Sydney DCP 2012 and the housekeeping amendments that are subject to Planning Proposal 2024-709. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case; and
150. The proposal exhibits design excellence, with a high standard of architectural design, materials, finishes and a built form that is consistent with the future desired character of the area.
151. The development is in the public interest and is recommended for approval subject to the conditions in Attachment A.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Gavin Ho, Senior Planner

Georgia Martin, Senior Planner

Attachment A

Recommended Conditions of Consent
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DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance this Deferred Commencement Condition are to be complied with.

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and the CITY WEST HOUSING PTY LTD shall be exhibited, executed and submitted to Council, and
- (b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

Evidence that will sufficiently enable Council to be satisfied that the matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Schedule 1 over page.

Reason

To ensure the development complies with all terms of the planning agreement.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

GENERAL CONDITIONS

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No.D/2025/1070 dated 5 November 2025 and the following drawings prepared by *Bates Smart*:

Drawing Number	Drawing Name	Date
DA00.000 Rev C	Drawing List	20.03.2026
DA01.000 Rev A	Existing Site Plan	17.09.2025
DA01.002 Rev A	Proposed Site Plan	17.09.2025
DA01.100 Rev A	Demolition Plan	17.09.2025
DA03.000 Rev B	Ground Level Plan	03.02.2026
DA03.001 Rev C	Level 01 Plan	16.03.2026
DA03.002 Rev B	Level 02 Plan	03.02.2026
DA03.003 Rev B	Level 03 Plan	03.02.2026
DA03.004 Rev B	Level 04 – 14 Plan	03.02.2026

Drawing Number	Drawing Name	Date
DA03.015 Rev B	Roof Plan	03.02.2026
DA09.001 Rev A	North & South Elevation	17.09.2025
DA09.002 Rev A	East Elevation	17.09.2025
DA09.003 Rev A	West Elevation	17.09.2025
DA10.001 Rev A	Section 01	17.09.2025
DA10.002 Rev A	Section 02	17.09.2025
DA10.010 Rev B	Façade Sections	03.02.2026
DA13.010 Rev A	1 Bed Apartment Types	17.09.2025
DA13.020 Rev C	2 Bed Apartment Types	20.03.2026
DA13.030 Rev B	3 Bed Apartment Types	03.02.2026

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(3) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) A maximum Floor Space Ratio of 3.81:1, equating to 12,596sqm of gross floor area is approved by this development consent.
 - (i) The Floor Space Ratio for the new residential development must not exceed 11,833sqm of gross floor area (3.579:1) calculated in accordance with the Sydney Local Environmental Plan 2012, and
 - (ii) The Floor Space Ratio for the new community facility tenancy / use must not exceed 70sqm of gross floor area (0.021:1) calculated in accordance with the Sydney Local Environmental Plan 2012, and
 - (iii) The Floor Space Ratio for the new commercial tenancy / use must not exceed 129sqm of gross floor area (0.039:1) calculated in accordance with the Sydney Local Environmental Plan 2012, and
 - (iv) The Floor Space Ratio for the existing Mecca Coffee Building at 26 Bourke Road Alexandria is 564sqm of gross floor area (0.170:1) calculated in accordance with the Sydney Local Environmental Plan 2012.
- (b) Prior to the final Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use and floor plate) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier. Plans and a gross floor area schedule per floor and use must be based upon a survey being carried out and copies of the documentation submitted to Council.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(4) RESTRICTIONS TO USER - GROSS FLOOR AREA

Prior to any Occupation Certificate, a restriction on the use of land, pursuant to Section 88B of the *Conveyancing Act, 1919* must be registered in conjunction with the subdivision. The terms of the restrictions must be to the satisfaction of Council's Area Planning Manager, and satisfy the following requirements:

- (a) A restriction on the use of land, pursuant to s88B of the *Conveyancing Act 1919* shall be created burdening Lots 4 and 5. The terms of the restriction shall cap the gross floor area for the lots as per the areas outlined at Condition 2.
- (b) A restriction on the use of land, pursuant to s88B of the *Conveyancing Act 1919* shall be created, burdening Lot 5, limiting the total Gross Floor Area of that lot, where the components of the buildings occupying Lots 4 and 5, taken together, are to be no more than that permissible for the entire site by the Sydney Local Environmental Plan 2012, or the relevant Environmental Planning Instrument in existence at the time.

Reason

To ensure the orderly development of the land and regulate GFA.

(5) POSITIVE COVENANT – GROSS FLOOR AREA

Prior to any Occupation Certificate, a positive covenant shall be created, pursuant to s88B of the *Conveyancing Act 1919*, burdening both Lot 4 and 5, with terms to the satisfaction of Council's Area Planning Manager, including the following:

- a) The registered proprietor(s) of the lot, including the Owners Corporation of any future strata scheme, must maintain a schedule of the current gross floor area for the building for each level and for each use, together with a plan illustrating the gross floor area.
- b) The plans and gross floor area schedule must be based upon a survey carried out by a surveyor registered under the *Surveying and Spatial Information Act, 2002*. The plan and schedule must show the name and Surveyors ID number of the registered surveyor.
- c) The above gross floor area schedule and plan must be submitted with any Development Application lodged in respect of that lot, where there is a potential for the gross floor area to be affected.
- d) The registered proprietor(s) or Owners Corporation of the Lot burdened must provide the gross floor area schedule and plan to the registered proprietor(s) or Owners Corporation of the Lot benefited, and Council, within 14 days of written request.

Reason

To ensure the orderly development of the land and regulate GFA.

(6) EASEMENTS

Any additional easements or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision must be created over appropriate lots in the subdivision, pursuant to Section 88B of the *Conveyancing Act 1919* and to the satisfaction of Council's Area Planning Manager prior to the issue of any Occupation Certificate.

The terms within any Section 88B must ensure that easements prevail over any future building/strata management statement.

Reason

To ensure the orderly operation of the strata scheme.

(7) BUILDING HEIGHT

- (a) The height of the building must not exceed RL.60.30m AHD to the top of the building and RL.59.20m AHD to lift overrun and RL.58.02m AHD to the parapet of the building, or as otherwise detailed on the approved elevation plans.

- (b) Prior to the final Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(8) APPROVED ROOF-TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(9) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of the ground floor commercial tenancy. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for a use.

(10) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into between the Council of the City of Sydney and City West Housing as required by Part A Condition 1 of this consent are to be complied with. In accordance with the Planning Agreement, payment of the Monetary Contribution and provision of the Guarantee are required prior to the first Construction Certificate.

Reason

To ensure the development complies with all terms of the planning agreement.

(11) LAND DEDICATION AND LAND TRANSFER

- (a) Land dedicated to Council must be dedicated in compliance with the registered Planning Agreement for the site and must not be encumbered by any Long-Term Environmental Management Plan.
- (b) Public domain works within the land to be dedicated must be sufficiently completed to the satisfaction of Council's Public Domain unit prior to the issue of any subdivision certificate.
- (c) The owner must dedicate for road purposes, proposed lots 1, 2 and 3. The dedication is to be detailed in a plan of subdivision of the land. This plan is to be registered at NSW Land Registry Services prior to any Occupation Certificate being issued. The area to be dedicated must be shown as a separate lot or lots and numbered as such.

- (d) Prior to the issue of any type of Occupation Certificate, land must be dedicated in accordance with the registered Voluntary Planning Agreement as follows:
 - (i) Lot 1 must be dedicated as Public Road;
 - (ii) Lots 2 & 3 must be dedicated as Public Road or transferred to the City for future dedication;
 - (iii) Dedication may be staged if so desired.
- (e) Land must be dedicated unencumbered. All leases, restrictions, covenants, easements and planning agreements must be extinguished prior to, or with the dedication of land, other than those designated as permitted encumbrances in the registered VPA for the site.

Reason

To ensure land to be dedicated to the City is not encumbered.

(12) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect comprising *Bates Smart* are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly to Council where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the Council prior to release of the any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council's Executive Director City Planning Development & Transport.

The Registered Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of all Construction and Occupation Certificates, in accordance with written confirmation from Council.

Reason

To ensure the development maintains design quality excellence throughout all phases of the development.

(13) LAND SUBDIVISION

Any proposal for land subdivision, including any stratum subdivision of the building to separate the commercial component of the building from the residential component, will require a separate application to Council to obtain development Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Reason

To ensure separate development consent is sought for land subdivision.

(14) RESTRICTION ON AFFORDABLE HOUSING

The following restriction applies to the approved building:

- (a) The residential portion of the building must not be developed or used for purposes other than affordable housing and ancillary services, or as approved by Council.
- (b) Any proposal for the strata subdivision of the accommodation portion of the building must obtain consent from Council.
- (c) A Restriction on the Use of Land is to be registered on the title of the development site in the above terms set out in (a) and (b). The Restriction is to be registered on title prior to any Occupation Certificate being issued or the use commencing, whichever is earlier. The Restriction must contain terms reasonably required by Council and be prepared at no cost to Council.

Reason

To ensure the residential accommodation portion of the site is used for affordable housing.

(15) FANS AND AIR CONDITIONERS GENERALLY

All apartments are to be fitted with ceiling fans.

If there is to be air conditioning, no air-conditioning equipment is to be visible from the public domain. Equipment and associated wiring must:

- (a) Not be located on awnings or attached to the face of the building
- (b) Not be located on roofs in such a way that it is visible from any street, footpath or park
- (c) Be visually screened if located 1.8 metres above ground level in other locations
- (d) Wiring must be fully concealed.

Reason

To ensure the visual impact of air conditioners is minimised.

(16) NO AIR CONDITIONING UNITS TO FACADE OR BALCONIES OF BUILDING

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

Reason

To clarify the scope of the consent.

(17) ALLOCATION OF ACCESSIBLE PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor parking or to adaptable units.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(18) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

- (a) Compelling drivers to stop before proceeding onto the public way
- (b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(19) SIGNAL SYSTEM

A system of traffic lights and/or mirrors must be installed at the ends of any single lane ramp(s), to indicate traffic movement on the ramp(s). This system must be detailed in the application for a construction certificate. Any system using traffic light signals must maintain a green signal for entering vehicles at the point of entry and must maintain a red signal when an exiting vehicle is detected upon the ramp or driveway.

Reason

To maintain the orderly operation of vehicle parking areas.

(20) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 meters within the site from the street front property boundary.

Reason

To ensure the public domain is kept free from physical obstruction.

(21) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(22) SERVICE VEHICLE SIZE LIMIT

The size of space for vehicles servicing the property must be designed to accommodate a 10.6m long vehicle.

Reason

To maintain the orderly operation of vehicle parking, waste and loading areas.

(23) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(24) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway costs are borne by the developer.

(25) VEHICLE ACCESS

All vehicles are to enter and depart the site travelling in a forward direction.

Reason

To increase pedestrian safety at the site access.

(26) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(27) WASTE AND RECYCLING MANAGEMENT

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to promote safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(28) TREES APPROVED FOR REMOVAL

- (a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree Number	Species	Location
1	Melaleuca quinquenervia (Broad Leaf Paperbark)	Bourke Road (street tree)

- (b) Tree removal works must be carried out by a qualified Arborist (minimum AQF Level 3)
- (c) The removal of any street tree approved by the City of Sydney Tree Team must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following tree removal.

Reason

To identify the trees that can be removed.

(29) TREE PLANTING CONSIDERATIONS

- (a) The design should include the use of continuous trenches for tree pits and the installation of all services to be underground.
- (b) Special consideration must be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment.

Reason

To ensure the development is appropriately designed to accommodate adequate tree planting.

(30) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Reason

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

(31) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any type of Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(32) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

- (a) The public artwork must be in accordance with Preliminary Public Art Strategy V2, dated January 2026, the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (b) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning Development & Transport prior to issue of any Construction Certificate for above ground works.
- (c) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art

Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(33) APPROVED ACOUSTIC REPORT

The Acoustic Report by *ELAB Consulting* dated 29th September 2025, ref Project No. P01806, titled 'Noise and Natural Ventilation Impact Assessment' is approved.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

Reason

To specify an acoustic report for reference in other noise control conditions.

(34) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE

Prior to the issue of a relevant construction certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant is required to review the relevant building plans, specifications, and associated documentation, and must:
 - (i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.
 - (ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.
 - (iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

Reason

To ensure detailed construction and fit plans comply with the relevant standards in the approved acoustic report.

(35) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).

The plan must include but not be limited to the following:

- (a) Identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.
- (f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- (h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(36) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, **MUST** be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2021.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation, 2021).

(37) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(38) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	12
Accessible residential spaces	2
Motorcycle parking	2
Small Rigid Vehicle loading dock	1
10.6m waste vehicle loading dock	1

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(39) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	161	Spaces must be Class 2 bicycle facilities
Residential visitor	16	Spaces must be Class 3 bicycle rails
Non-residential	2	Spaces must be Class 2 bicycle facilities
Non-residential visitor	3	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	2	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(40) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The approved plan must be complied with during any demolition and/or construction work.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(41) SITE AUDIT STATEMENT

- (a) Before a construction certificate related to the built form of the development is issued, a Section A Site Audit Statement (SAS) must be obtained from a NSW Environment Protection Authority accredited site auditor. This statement must be submitted to the Council via email hbapplications@cityofsydney.nsw.gov.au.
- (b) The SAS and accompanying site audit report must confirm that the site has been remediated in accordance with the approved Remediation Action Plan and must clearly state that the site is suitable for the proposed use.
- (c) If the SAS includes conditions requiring ongoing review by the Site Auditor or Council, these conditions must be reviewed and approved in writing by Council.
- (d) Any conditions attached to the SAS will form part of this consent. If there is any inconsistency between the SAS conditions and this consent, the development must not proceed until the inconsistency is resolved to Council's satisfaction (e.g. Section 4.55 modification under the Environmental Planning and Assessment Act 1979).
- (e) The accredited Site Auditor must provide Council with a copy of the Site Audit Report and the SAS confirming it is suitable for the proposed land use.
- (f) A construction certificate must not be issued by the Certifier unless the SAS has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(42) DEWATERING - APPROVAL NSW OFFICE OF WATER

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

NOTE: The Department's instructions to Council are that they will not endorse the extraction of groundwater in perpetuity i.e. permanent dewatering around a development site, because it considers such development to be unsuitable. For this reason any proposed basement or other area that requires dewatering on an on-going basis may need to be fully tanked.

Reason

To ensure dewatering is undertaken appropriately.

(43) LAND REMEDIATION

- (a) Before any aboveground work begins and before the issue of a Construction Certificate, the site must be remediated and validated in accordance with the Remediation Action Plan prepared by *JBS&G*, dated 25th September 2025, reference: 156,927, 66304, Rev 3, and the Letter of Interim Advice or Section B Site Audit Statement issued by a NSW EPA accredited Site Auditor Rowena Salmon of *Ramboll* dated 26th September 2025, reference 318002266. All remediation must comply with the current guidelines under the Contaminated Land Management Act 1997.
- (b) Any changes to the approved Remediation Action Plan, including any longterm Environmental Management Plan, must be approved in writing by both the Site Auditor and Council before the work begins.

Reason

To ensure that the site is appropriately remediated.

(44) SITE VALIDATION REPORT

- (a) Before the issue of the construction certificate associated with the built form of the development (excluding building work directly related to remediation), the proponent must submit a detailed validation report to the Council and the Certifier.
- (b) The validation report must be prepared in accordance with:
 - (i) Council's Contaminated Land Policy.
 - (ii) NSW Contaminated Land Planning Guidelines (1998) as amended.
 - (iii) Relevant EPA Guidelines, noting in particular the NSW EPA (2020) Consultants Reporting on Contaminated Land – Contaminated Land Guidelines.
 - (iv) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).
 - (v) The validation report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant.
- (c) The validation report must be included within a Site Audit Report, verifying that the land is suitable for the proposed use(s) and that the remediation and validation of the site have been undertaken in accordance with the Remediation Action Plan prepared by *JBS&G*, dated 25th September 2025, reference: 156,927, 66304, Rev 3.

Reason

To ensure that the site is appropriately remediated.

(45) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- (a) Before the issue of a construction certificate, a construction environmental management plan (CEMP) must be prepared for the site by a suitably qualified environmental consultant and submitted to the Certifier and Council.
- (b) The CEMP must consider all potential environmental impacts from the approved works including but not limited to sediment and erosion control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.
- (c) All works must be undertaken onsite in accordance with the approved CEMP.

Reason

To ensure that construction is appropriately managed to prevent pollution impacts.

(46) MATERIALS AND SAMPLES BOARD - MAJOR

A physical material sample board which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued.

The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Reason

To require the submission of a materials and samples board following assessment of the development.

(47) LETTERBOXES

- (a) Details of the location and design of all letterboxes are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.
- (b) Letterboxes are to be discreetly located, must not obstruct and/or dominate the public way and must be of a type and specification that minimises opportunities for mail theft.
- (c) Where possible, consideration should be given to locating letterboxes within secure building lobbies.

Note: The applicant is strongly advised to contact Australia Post to discuss how the letterboxes within the lobby will be accessed.

Reason

To ensure letterboxes are located in an appropriate location on the site to prevent mail theft.

(48) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Registered Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(49) SYDNEY AIRPORT CORPORATION APPROVAL

An approval for the proposed height of the development must be obtained from Sydney Airport Corporation Limited in accordance with the Civil Aviation (Building Control) Regulations 1988 prior to the issue of a Construction Certificate.

Reason

To ensure the required approval is obtained from Sydney Airport Corporation Limited.

(50) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(51) PUBLIC DOMAIN DAMAGE BOND

- (a) A Public Domain Damage Deposit calculated on the basis of 210 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.
- (c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

To allow for the appropriate management and rectification of damage to the public domain.

(52) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager. This evidence must include either:

- (a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or
- (b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Note: Refer to Clause 4.7 in the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure the preservation of existing survey infrastructure.

(53) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(54) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professionals must be submitted to and approved by the City's Public Domain Unit and must include:

- (i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;
- (ii) Council's Sydney Streets Technical Specifications, Standard Drawings;
- (iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;
- (iv) Council's Stormwater Drainage Manual; and
- (v) All relevant Australian Standards.

This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(55) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(56) STORMWATER QUALITY ASSESSMENT

The development must comply with the Flood Risk Assessment report prepared by *BG&E Consulting Engineers* dated August 2025 approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified Registered Professional Civil Engineer (NER/RPENG) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(57) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 5 of the Flood Risk Assessment report prepared by *BG&E Consulting Engineers* dated August 2025.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

(58) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5 and B8*, *Sydney Lights Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Bourke Road and shall be designed to include the following requirements; supply and install City of Sydney standard steel galvanized poles fitted with new LED luminaires and disconnect & remove redundant Ausgrid poles, and lighting to comply with requirement of AS1158.1.1 Category V5 on the roadway and AS1158.3.1 Category PP2 over the footways. All new lights must be connected to the nearest City of Sydney metered supply point or if required, supply and install a new City of Sydney 3 phase MSB. All new lights will have Schreder NEMA 7P smart controller, including mesh node and DataLift node. The smart controller will be supplied by Schreder and installed by an electrical contractor.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

(59) LANDSCAPE OF THE SITE

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a registered landscape architect, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
 - (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
 - (iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

- (iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
 - (v) Details of drainage, waterproofing and watering systems.
 - (vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) Relevant drawings cross referenced in the landscape package, such as architectural details, stormwater and hydraulic plans etc, should also be submitted to demonstrate a fully coordinated design.
 - (c) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.
 - (d) The landscape maintenance plan is to be complied with during occupation of the property.

Reason

To ensure the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

(60) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE (PLAN PRIOR TO CC)

- (a) A Tree Planting Plan must be submitted and approved by the City of Sydney Public Domain Unit prior to the issuing of any Construction Certificate. The approved Tree Planting Plan must:
 - (i) Four trees to be planted on Bourke Road. Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.
 - (ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document. The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).
 - (iii) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

- (b) If the applicant is nominating to undertake all tree supply, planting, and maintenance requirements, the following requirements must be met:
- (i) Tree(s) must be planted prior to issuing of the Occupation Certificate;
 - (ii) Tree(s) supplied in minimum container size of 200 litres, at the time of planting;
 - (iii) Tree(s) grown in accordance with the Australian Standard 2303 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting;
 - (iv) Prior to the tree(s) being planted, certification from the tree supplier submitted to the City of Sydney Tree Team and Public Domain Officer that the tree(s) have been grown and comply with the requirements of AS2303. Any new tree(s) which do not conform will be rejected by the City of Sydney;
 - (v) Tree(s) planted by a qualified Horticulturist or Arborist (minimum AQF Level 3);
 - (vi) Tree(s) inspected and approved by the City of Sydney Tree Team (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period;
 - (vii) Tree(s) maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 12 months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree;
 - (viii) At the end of the 12 month maintenance period, written acceptance of the tree(s) obtained from the City of Sydney before release of the Public Domain Bond;
 - (ix) If the tree(s) fail to thrive and successfully establish during the maintenance period, then the City of Sydney will request payment for a replacement tree(s) and establishment period according to the City of Sydney Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(61) UPDATED LANDSCAPE PLANS

The Landscape Plans must be updated, submitted and approved by the City of Sydney Tree Team prior to the issue of any Construction Certificate. The amended plan must address the following:

- (a) Planting Schedule Revision – the planting schedule must be revised to remove all species not recommended for planting within the City of Sydney LGA, including but not limited to: *Raphiolepis indica* (listed as a weed), and *Banksia integrifolia* (listed as “not reliable” and “limit use” in the City of Sydney Tree Species List). All replacement species must be selected from the City of Sydney Tree Species List.
- (b) Deep Soil Planting Requirements – the number of palm trees proposed within the deep soil zone must be reduced. Deep soil areas are required to prioritise medium to large canopy trees to maximise longterm canopy cover. A minimum of two (2) *Livistona australis* proposed within the central courtyard must be substituted with suitable medium to large canopy tree species selected from the City of Sydney Tree Species List. Palms and fruit trees will only be accepted where site constraints limit the use of medium or large canopy species. Their placement must be justified on the amended Landscape Plan.
- (c) Tree Species Selection Criteria – all tree species must be selected in accordance with the City of Sydney Tree Species List, including:
 - Height and canopy spread classifications, and
 - Reliability rating, and
 - Recommended usage for urban conditions.

A qualified Arborist (minimum AQF Level 5) must assess the updated plans prior to being submitted to the City of Sydney.

Reason

To ensure suitable species selection and maximise longterm canopy cover in accordance with Council’s requirements and the City of Sydney Tree Species List.

(62) CONSTRUCTION ACCESS

Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved.

Reason

To protect the health, structure, and long term viability of trees to be retained by minimising physical damage, root disturbance, and unnecessary pruning during construction activities

(63) DESIGN FOR ENVIRONMENTAL PERFORMANCE

- (a) Prior to the issue of any Construction Certificate, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Jarrod Parker dated September 23, 2025, are incorporated into the relevant construction plans and accompanying documentation:
 - (i) Section 3 – BASIX

A copy of the required completed BASIX certificate(s) accepted as part of this consent/as amended above must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate(s) must be specified on the plans submitted with the Construction Certificate application.
 - (ii) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement
 - (iii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design
 - (iv) Section 6 – On site Renewable Energy Generation and Storage
 - (v) Section 7 – Design for Resilience to Climate Change
 - (vi) Section 8 – Designing for mains potable water savings and water efficiency
 - (vii) Section 9 – Storm water quality
 - (viii) Section 10 – City Greening
 - (ix) Section 11 – Promoting Active Transport and Reducing Transport Emissions
 - (x) Section 12 – Materials, Embodied Carbon and Circularity
 - (xi) Section 13 – Waste Management and Resource Recovery
 - (xii) Section 14 – Third Party Certification and Design, Construction or Technology Innovations
- (c) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development.

(64) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) bin storage;
- (b) bin travel paths from storage to collection;
- (c) collection point;

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(65) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must comply with Council's Development Control Plan and *Guidelines for Waste Management in New Developments*. The plan must address:

- (a) bin storage;
- (b) bin travel paths from storage to collection;
- (c) collection point;

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(66) WASTE INFRASTRUCTURE – RESIDENTIAL

Prior to the issue of Construction Certificate, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

- (a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of *Council's Guidelines for Waste Management in New Developments*. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

- (b) Integrated on-site waste collection and loading infrastructure to accommodate Councils standard 10.6m waste collection vehicle.

Reason

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

BEFORE BUILDING WORK COMMENCES

(67) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:
 - (i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
 - (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with SafeWork NSW. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
 - (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
 - (iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.
 - (v) Plans and elevations showing the location, construction and installation of temporary site fencing and any construction related temporary structures placed on and/or above roads used in connection with the development.

Note: Construction related temporary structures, including hoardings and scaffolding, proposed for erection on and/or above City-owned and controlled land (footways and roadways), and other activities, must comply with Council's Code of Practice: Construction related Temporary Structures On and Above Roads and the Code of Practice: Hoisting and Construction Activities On and Above Roads including obtaining all required approvals from Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

- (b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:
 - (i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
 - (ii) The name and address of the company/contractor undertaking demolition/excavation works.

- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) Induction training for on-site personnel.
- (xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.
- (xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.
- (xv) Disconnection of utilities.
- (xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xviii) Waterproofing of any exposed surfaces of adjoining buildings.
- (xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xx) Working hours, in accordance with this development consent.

- (xxi) Any SafeWork NSW requirements.
- (c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.
- (d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

(68) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

- (a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(69) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(70) RUN-OFF, EROSION AND SEDIMENT CONTROL

- (a) Before the commencement of any works, all sediment and erosion controls must be implemented and maintained in accordance with the document titled Managing Urban Stormwater Soils & Construction Volume 1 (Landcom, 2004).
- (b) Sediment control structures must be maintained throughout remediation works to prevent runoff of any potentially contaminated water or soil to the surrounding environment.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that construction is appropriately managed to prevent pollution impacts.

(71) STREET TREE PRUNING AND REMOVAL

- (a) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any street tree pruning works including tree roots greater than 40mm diameter. Only minor pruning works will be approved by Council.
- (b) Any pruning that has been approved by Council, must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture, and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.
- (c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that approval is obtained for any pruning works to, or removal of, street trees and that such works are carried out in an appropriate manner.

(72) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

Reason

To ensure relevant approvals for public domain work are obtained.

(73) SURVEY SETOUT

Prior to the commencement of construction all footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor.

The building shall be sufficiently set back to ensure that no component of the building (such as the roof, guttering, or downpipes) encroach upon or overhang the boundaries of the site.

The registered surveyor shall provide a survey and report to the Principal Certifier indicating the position of the footings, walls and floor slabs in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

DURING BUILDING WORK

(74) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Note: Refer also to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To protect the amenity of the surrounding area.

(75) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2025* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and

- (iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(76) COMPLIANCE WITH DEMOLITION, EXCAVATION & CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- (a) All works conducted on site which form part of this development must be carried out in accordance with the Demolition, Excavation and Construction Management Plan.
- (b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

Such periods must be set and agreed to by Council's Health and Building Unit.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(77) CLASSIFICATION OF WASTE

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility or otherwise lawfully managed.
- (b) The classification, and the volume of material removed, and the receipt facility's details must be reported to the Certifier or Council (where a Certifier is not required).

Reason

To ensure that waste from site is classified and disposed of appropriately.

(78) NOTIFICATION – NEW CONTAMINATION EVIDENCE

- (a) Council and the Certifier must be notified immediately of any new information which arising during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.
- (b) Once identified, remediation, demolition or construction work must immediately cease.
- (c) A certified environmental consultant must be appointed to undertake an assessment of the potential contaminants and works required to make the site safe from potential human health and environmental harm.
- (d) If the duty to report contamination to the NSW EPA under Section 60 of the Contaminated Land Management Act 1997 is triggered, the NSW EPA and Council must be notified immediately.

Reason

To ensure that any new contamination evidence or unexpected finds is reported and the site is appropriately remediated.

(79) IMPORTED FILL MATERIALS

- (a) All fill material imported to the site must be certified and validated by a certified environmental consultant. It should be accompanied by documentation from the consultant that confirms its classification and suitability for the intended use. The fill must also be compatible with the existing soil characteristics to support site drainage.
- (b) Imported fill must be limited to the following:
 - (i) Virgin excavated natural material (VENM), classified in accordance with the Protection of the Environment Operations Act 1997.
 - (ii) Excavated natural material (ENM), certified in accordance with the Protection of the Environment Operations (Waste) Regulation 2014.
 - (iii) Waste-derived materials subject to a Resource Recovery Exemption under Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW EPA as “fit for purpose” for the proposed development.
- (c) Any waste-derived material received under a resource recovery exemption must be accompanied by documentation from the NSW EPA confirming compliance with the exemption conditions. This documentation must be provided to the Certifier and Council:
 - (i) Upon request.
 - (ii) Before the commencement of works under the Protection of the Environment Operations Act.

- (iii) Before the issue of a construction certificate or occupation certificate or
- (iv) As part of the validation report for the remediation, as applicable.
- (d) All imported fill must be accompanied by certification from the supplier confirming the material is not contaminated, based on analysis of the source site's history and/or sampling and analysis must be conducted in accordance with the NSW EPA (2022) Sampling Design Guidelines.
- (e) Any existing soils proposed for reuse onsite must be analysed and classified by a suitably qualified and experienced environmental consultant. This assessment must follow the relevant NSW EPA guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended in 2013), to confirm suitability for the proposed land use. The results must be included in the validation report for the remediation

Reason

To ensure that imported fill is not contaminated.

(80) DISCHARGE OF CONTAMINATED GROUNDWATER

- (a) Contaminated groundwater must not be discharged into the City's stormwater drainage system.
- (b) Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by an EPA NSW licensed liquid waste contractor and disposed of by transporter to an appropriate licensed waste treatment/processing facility.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that the discharge of ground water is appropriately managed.

(81) STOCKPILES

- (a) Soil or other materials must not be stockpiled on footpaths or nature strips without prior written approval from Council.
- (b) All stockpiles must be managed to prevent contamination of the underlying soil.
- (c) Potentially contaminated soil must be stockpiled on a hardstand surface or over polyethylene sheeting.
- (d) Stockpiles must:
 - (i) Be bunded to prevent runoff of potentially contaminated materials.

- (ii) Be stabilised through compaction and contouring to minimise wind exposure and allow access for water trucks.
- (iii) Not exceed the height of perimeter fencing to assist in controlling dust and odour emissions.
- (iv) Be clearly labelled with a unique identification number and include records of the soil's volume and origin to enable tracking from excavation to final disposal or reuse.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure that stockpiles of soil or other materials are appropriately managed.

(82) COMPLIANCE WITH ACID SULFATE SOILS MANAGEMENT PLAN

- (a) All works on site must undertaken in accordance with the Acid Sulphate Soil Management Plan prepared by JBS&G dated 25 September 2025 reference 66304, 167,213.
- (b) If acid sulphate soil is removed or remediated, a validation report must be prepared or reviewed and approved by an appropriately qualified and certified environmental consultant and submitted to Council for approval.

Reason

To ensure that acid sulphate soils are appropriately managed to prevent their formation by avoiding any activities that result in soil drainage or excavation, to minimise environmental impacts.

(83) TREE PRUNING – FURTHER APPROVAL REQUIRED

- (a) Consent from the City of Sydney Urban Forest Team must be obtained prior to undertaking the pruning of any tree to be retained, including trees roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone must be planned to avoid adversely impacting any tree to be retained. Alternative work zone locations must be provided and suitable size cranes/machinery/equipment utilised to minimise tree pruning requirements. Only minor pruning works will be approved by the City's Urban Forest Team.
- (c) Any approved pruning must be carried out by a qualified Arborist (minimum AQF Level 3) in accordance with Australian Standard 4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice - Amenity Tree Industry.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' and the 'Code of Practice: Construction related Temporary Structures On and Above Roads' for further information.

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(84) PROTECTION OF NATIVE WILDLIFE IN TREES

- (a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.
- (b) In the event that the tree(s) have nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities on and Above Roads' and the 'Code of Practice: Construction related Temporary Structures On and Above Roads' for further information.

Reason

To ensure that wildlife is adequately protected during tree removal / pruning works.

(85) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(86) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

Reason

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

(87) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code*, *Sydney Street Tree Masterplan*, *Sydney Lights: Public Domain Design Code* and *Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirements*. Plans must be based on an accurate survey prepared, signed and dated by a registered surveyor, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/detailed-works>.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

Reason

To ensure the public domain complies with Council's requirements.

(88) HOLD POINTS

Prior to an approval being issued for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works, a set of hold points will be provided by the City's Public Domain Unit in accordance with the City's Public Domain Manual and Sydney Streets Technical Specification. The list of hold point inspections will be included in the Public Domain works approval letter.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

Reason

To ensure hold points are adhered to during construction works.

(89) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

Reason

To ensure approval of connection into the Council's drainage system is sought.

(90) PUBLIC DOMAIN LIGHTING RETICULATION

Prior to the issue of any relevant approval for the construction of public domain works, a detailed Public Domain Lighting Reticulation Plan for pedestrian and street lighting in the public domain must be submitted to and approved by the City's Public Domain Unit in accordance with the City's *Sydney Lights Design Code*, *Sydney Streets Code*, *Sydney Streets Technical Specification* and *Public Domain Manual*.

The Public Domain Manual and all other relevant documents are available for download from Council's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works>.

If applicable, this public domain lighting documentation must include pole footing locations and structural details, location and details of underground electrical reticulation including connections and conduits, pit cabling and certifications as described in the City's *Public Domain Manual*. The public domain lighting is to be superimposed on the public domain plan to show any conflicts between lighting and the proposed landscape design.

Reason

To ensure the public domain lighting documentation complies with Council requirements.

(91) LAND DEDICATION – REMEDIATION CAPPING LAYER

Any contaminants remaining on land to be dedicated to Council must be covered by a marker layer and be capped by a minimum 1.5m depth of clean fill below the top most surface of the future road, pathway or landscaping.

The Site Auditor is required to submit an interim report to Council for approval after the remediation has been completed and prior to the construction of the public domain works confirming the depth and the placement of the marker layer.

Reason

To ensure remediation has been satisfactorily completed.

(92) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Code of Practice: Construction related Temporary Structures On and Above Roads.

Reason

Prescribed condition EP&A Regulation 2021, Section 70.

(93) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(94) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Note: Refer also to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To protect the amenity of the public domain.

(95) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To protect the amenity of the public domain.

(96) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To allow adequate vehicular access to the site.

(97) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure mobile cranes are used appropriately.

(98) CHECK SURVEYS DURING CONSTRUCTION

Prior to the concrete pour of the main slab at each level, a survey shall be made by a surveyor registered under the Surveying and Spatial Information Act, 2002, confirming the formwork adjacent to existing or proposed boundaries is clear of those existing or proposed boundaries and is in accordance with approved setbacks. This survey shall be provided to the Principal Certifier prior to the concrete pour. The concrete pour must not take place until the Principal Certifier receives a survey proving that the formwork has been constructed within the existing and proposed boundaries of the site, and is compliant with the setbacks approved under this consent.

Reason

To ensure the development does not encroach onto neighbouring properties.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(99) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

- (a) All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report, as approved must be complied with.
- (b) Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Reason

To ensure that hazardous materials on the site are appropriately managed.

(100) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to any Occupation Certificate being issued.

Reason

To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 75 EP&A Regulation 2021).

(101) PHYSICAL MODELS

- (a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

- (i) The models must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.
- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

To ensure the provision of an appropriate physical model of the development.

(102) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

- (a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.
- (b) The data required to be submitted within the surveyed location must include and identify:
 - (i) building design above and below ground in accordance with the development consent;
 - (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
 - (iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

To ensure the provision of an appropriate electronic model of the development.

(103) REGISTRATION OF COVENANT – EMP/LEMP

- (a) Before the issue of any occupation certificate, the applicant must register a covenant on the land title under the Conveyancing Act 1919, indicating that contaminated material has been contained onsite. The covenant must nominate Council as the sole authority with the power to release, vary, or modify its terms.
- (b) The covenant must bind the current and future registered owners to the ongoing responsibility for maintenance, monitoring, and rehabilitation works, as required under any active or passive Environmental Management Plan. This includes managing any encapsulated or residual

contamination, preventing the discharge of contaminants, and undertaking any works required by the NSW EPA.

- (c) A copy of the updated certificate of title, showing the registered covenant, must be submitted to Council and the Certifier before the issue of any Occupation certificate.

Reason

To ensure that contamination is appropriately managed.

(104) SITE AUDIT STATEMENT – ENVIRONMENTAL MANAGEMENT PLAN

- (a) Where the ongoing suitability of the land and the issuance of the final Section A Site Audit Statement is dependent on the implementation of an Environmental Management Plan (EMP) or Long Term Environmental Management Plan (LTEMP) for managing residual contamination, the EMP must be approved by the Site Auditor. A copy of the approved EMP must be submitted to Council before the release of the final Site Audit Statement.
- (b) The EMP must be prepared, or reviewed and approved, by an appropriately qualified and certified environmental consultant.
- (c) The EMP must comply with the relevant EPA guidelines for Site Auditors. It must clearly describe the nature and location of the residual contamination, outline the long-term management and monitoring measures, identify responsible parties, and specify the legal mechanism by which the plan will be enforced.
- (d) The EMP must also include a contingency plan detailing the actions to be taken in the event of failure of any containment or management systems for the residual contamination.

Reason

To ensure that contamination is appropriately managed.

(105) SURVEY CERTIFICATE PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any type of Occupation Certificate for the building, a Final Identification Survey prepared and signed by a Surveyor registered under the Surveying & Spatial Information Act 2002 must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane that are not approved in the DA must be removed, or where approved, appropriate easements under Section 88B of the Conveyancing Act 1919, with terms to the satisfaction of Council, must be lodged with the office of NSW Land Registry Services, and evidence of lodgement provided to the Principal Certifier prior to the issue of any type of Occupation Certificate. Encroachments upon public roads must, if supported, be approved by

Council's Area Planning Manager prior to the issue of any type of Occupation Certificate.

Reason

To ensure that either the building does not encroach, or that any encroachments are formalised on title.

(106) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
 - (i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), the approved acoustic report, and all applicable noise-related conditions and documentation of this consent.
 - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.
 - (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

Reason

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

(107) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an Occupation Certificate or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s). A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(108) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to the issue of an Occupation Certificate, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
 - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
 - (ii) All waste rooms, corridors, doors, and gates to be accessed by Council's collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an Occupation Certificate. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.
- (c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Council's Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to the issue of an Occupation Certificate.
- (e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an Occupation Certificate.

Reason

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council's policies and contractual service provisions.

(109) SYDNEY WATER CERTIFICATE - SUBDIVISION

Prior to the issue of a Subdivision/Strata Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Accredited Certifier prior to any Occupation Certificate or Subdivision/Strata Certificate being issued.

Reason

To ensure requirements of Section 73 under the Sydney Water Act 1994 are met.

(110) UTILITY SERVICES

Prior to the issue of a subdivision certificate, the applicant must provide written confirmation from the relevant telecommunications provider (e.g. Telstra, Optus, or NBN Co.) that satisfactory arrangements have been made for the provision of telecommunications services, including broadband internet, to each lot in the subdivision. The applicant must provide written confirmation from the relevant electricity supply authority (e.g. Ausgrid or Endeavour Energy) that satisfactory arrangements have been made for the provision of electricity supply to each lot in the subdivision.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection to the subdivision.

(111) ENCROACHING AND/OR SHARED SERVICES

All pipes, service lines and the like servicing each lot shall be contained within their respective lots or, if any service lines encroach upon adjoining lots within or adjoining the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the *Conveyancing Act 1919*, over the service lines where any such encroachment or shared situation occurs.

In particular, the location of any water, electrical, sewerage or stormwater drainage lines must be determined and, if necessary, a suitable easement must be created where any such encroachment or shared situation occurs.

Prior to the issue of a subdivision certificate, the registered surveyor must provide a report (to be submitted with the final plan of subdivision) confirming all such service lines are either located within their respective allotments or will be addressed by an appropriate easement, which will also be shown on the final plan of subdivision.

Reason

To ensure that existing services do not encroach, or alternatively that any encroachments are formalised on title by appropriate easement

(112) STREET ADDRESSES OF LOTS

In accordance with Clause 61 of the Surveying and Spatial Information Regulation 2024, the street addresses for each lot must be shown on the Administration Sheet for any plan of subdivision. An application must be made to Council's Spatial Information Systems Team, by email, prior to the lodgement of the subdivision application, to obtain the correct street address for each lot.

The street addresses allocated by Council must be provided to the Registered Surveyor by the applicant for inclusion in a schedule on the Administration Sheet.

Reason

To ensure street addresses are appropriately allocated, and subsequently issued to the State's emergency services divisions, police departments and postal service.

(113) ADVANCE TREE PLANTING

- (a) Tree planting within the property must be to satisfaction of the City of Sydney Urban Forest Team prior to the issuing of any Occupation Certificate and in accordance with the following:
 - (i) The City of Sydney Tree Species List must be used for referencing tree heights and canopy spreads. Palms and fruit trees will only be accepted where site constraints limit the use of medium or large canopy species. Their placement must be justified on the amended Landscape Plan.
 - (ii) The design must provide a minimum 15% canopy cover across the site, provided by a minimum of 20 trees of 100 litre container size. The City of Sydney Tree Species List must be used to for referencing tree canopy spreads for canopy cover calculations;
 - (iii) Tree selection must include a diverse range of species selected from the City of Sydney Tree Species List;
 - (iv) The new tree(s) must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;
 - (v) The new tree(s) must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - (vi) The new tree(s) must be planted at the completion of all construction works;

- (vii) The tree(s) must be grown in accordance with Australian Standard 2303 'Trees stock for landscape use';
- (viii) The new tree(s) must be planted by a qualified Horticulturalist or Arborist (minimum AQF Level 3) and in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity;
- (ix) Prior to the issuing of any Occupation Certificate, suitable documentation (including a written statement and photographic evidence) is to be submitted to the City of Sydney for review and written confirmation is to be obtained from the City of Sydney Area Planning Coordinator or Area Planning Manager confirming all trees have been planted to their satisfaction (excluding tree maintenance);
- (x) Any newly planted tree(s) which fail to establish within 2 years of the initial planting date must be replaced with tree(s) of comparable qualities.

Reason

To ensure the provision and maintenance of adequate tree planting on site.

(114) AERIAL BUNDLING OF WIRES

Overhead wires along Bourke Road must be converted to aerial bundled conductors (ABC) or relocated underground. The works must be completed prior to the issuing of any Occupation Certificate. The City of Sydney must be notified in writing once the approval of Ausgrid has been given and once the bundling works have been completed.

Reason

To ensure the protection of street trees.

(115) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual*, *Stormwater Drainage Manual*, *Sydney Lights Design Code* and *Sydney Streets Technical Specification*.

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

Reason

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

(116) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Reason

To ensure Council receives works-as-executed documentation for public domain works.

(117) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

- (a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.
- (b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To protect underground drainage system.

(118) SURVEY INFRASTRUCTURE – RESTORATION

- (a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:
 - (i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;
 - (ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;

- (iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Note: Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Reason

To ensure all requirements for survey mark removal are complied with.

(119) SURVEY INFRASTRUCTURE

Prior to the issue of the subdivision certificate, sufficient survey infrastructure, including reference marks and permanent marks with the plan of subdivision, must remain in place in order to satisfy the requirements of the *Surveying and Spatial Information Regulation 2024*, and to the satisfaction of Council.

Reason

To ensure the integrity of the Cadastre.

(120) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the the Flood Risk Assessment report prepared by *BG&E Consulting Engineers* dated August 2025.

Reason

To ensure the development achieves the required floor levels.

OCCUPATION AND ONGOING USE

(121) LOADING DOCK MANAGEMENT PLAN

Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

The Plan should also address measures to reduce conflicts between service vehicles exiting the site and residential vehicles within the waiting bay at the site access.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the loading dock is appropriately managed.

(122) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(123) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(124) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE

During ongoing use of the premises, the cumulative emission of noise from commercial and industrial activities must comply with Requirement 4 – *NOISE FROM COMMERCIAL AND INDUSTRIAL ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(125) MANAGING NOISE

The premises must be operated and managed in accordance with the approved acoustic report for this consent.

All physical aspects of the building's structure must be installed to meet performance parameters in accordance with this condition, and requirements of this consent, must be maintained and correctly used at all times. Where there is a conflict with the approved acoustic report and a requirement of this development consent, this consent prevails.

Reason

To protect the amenity of the local area.

(126) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(127) TRANSPORT ACCESS GUIDE

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

The following information shall be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Reason

To ensure that sustainable transport options are considered and communicated effectively.

(128) SCHEDULED COLLECTIONS – COMMERCIAL

- (a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan,

Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.

- (b) On site collection - In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. Waste collection will occur within the site at all times. Unimpeded access must be provided to the waste and recycling stream(s) storage area(s) at all times.
- (c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.
- (d) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(129) ONGOING WASTE MANAGEMENT – COMMERCIAL

- (a) The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.
- (c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.
- (d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:
 - (i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.
 - (ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.
 - (iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.

- (iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.
- (e) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Reason

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(130) SCHEDULED COLLECTIONS - RESIDENTIAL

- (a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the developments Conditions of Consent and the City's Local Approvals Policy Managing Waste in Public Spaces.
- (b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993*. Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.
- (c) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance the *Sydney Local Environmental Plan 2012* dictionary.
- (d) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste and recycling storage area(s), loadings bays and supporting infrastructure between the hours 6am and 6pm on collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(131) ONGOING WASTE MANAGEMENT – RESIDENTIAL

- (a) The ongoing use of development must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.
- (b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.

- (c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.
- (d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.
- (e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.
- (f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Reason

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimised.

(132) MAINTENANCE OF TREES ON SITE

- (a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of 6 metres in height and 4metres canopy width.
- (b) The newly planted tree on site must be appropriately maintained on an on-going basis.
- (c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.
- (d) If the newly planted tree fails to establish or does not reach a height of 6 metres and canopy width of 4 metres it must be replaced with a tree of comparable qualities and container size of 100 litres.
- (e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Reason

To ensure the ongoing maintenance of trees planted on the site.

(133) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

Reason

To ensure all works to the City's public domain are protected under a liability period.

(134) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development and other agency requirements are as follows:

A. Sydney Trains

- (a) Prior to the issue of a Construction Certificate, a geotechnical report is needed to evaluate the impact of the development on the rail tunnel below the subject site. The Applicant shall submit a Geotechnical Report for review by Sydney Trains to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail tunnel.
- (b) Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- (c) Prior to the issue of a Construction Certificate, the Applicant shall provide Cross Sectional Drawings (both architectural and structural) to Sydney Trains showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor, TAM Land/easements and tunnel reserves. The measured distances between the proposed development, property boundary and rail asset(s) at the closest point must be shown. All measurements are to be verified by a Registered Surveyor.
- (d) Prior to the issue of a Construction Certificate, the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifier with the application for a Construction Certificate. The Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- (e) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifier is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (f) If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation

report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

- (g) If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Certifier is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (h) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- (i) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (j) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is **Illawarra Interface**, and they can be contacted via email on **Illawarra_Interface@transport.nsw.gov.au**.
- (k) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

B. Sydney Airport

- (a) The building must not exceed a maximum height of 61 metres AHD, including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
- (b) Separate approval must be sought under the Regulations for any equipment (e.g. cranes, concrete pumps) required to construct the building. Construction cranes or concrete pumps may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (e.g. cranes, concrete pumps) be obtained prior to any commitment to construct.
- (c) The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-1061.
- (d) On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.
- (e) A separate assessment and approval under the Regulations will be required for any further addition to the height of the building (including the installation of antennas) as it will increase the penetration of the OLS.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf).

<https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf>

The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Attachment B

Selected Drawings

Banksia

20-26 Bourke Road, Alexandria

Development Application

Development Application - Drawing List

Sheet Number	Sheet Name	Current Revision	Current Revision Date
DA00.000	Drawing List	C	20.03.26
DA01 - Site			
DA01.000	Existing Site Plan	A	17.09.25
DA01.002	Proposed Site Plan	A	17.09.25
DA01.100	Demolition Plan	A	17.09.25
DA03 - General Arrangement Plan			
DA03.000	Ground Level	B	03.02.26
DA03.001	Level 01	C	16.03.26
DA03.002	Level 02	B	03.02.26
DA03.003	Level 03	B	03.02.26
DA03.004	Level 04-14	B	03.02.26
DA03.015	Roof Plan	B	03.02.26
DA09 - Elevations			
DA09.001	North & South Elevation	A	17.09.25
DA09.002	East Elevation	A	17.09.25
DA09.003	West Elevation	A	17.09.25
DA10 - Sections			
DA10.001	Section 01	A	17.09.25
DA10.002	Section 02	A	17.09.25
DA10.010	Facade Sections	B	03.02.26
DA13 - Apartment Types			
DA13.010	1 Bed Apartment Types	A	17.09.25
DA13.020	2 Bed Apartment Types	C	20.03.26
DA13.030	3 Bed Apartment Types	B	03.02.26
DA22 - Compliance			
DA22.000	Overshadowing Diagrams	A	17.09.25
DA22.100	Sun Eye Diagrams	A	17.09.25
DA22.300	Solar Access	C	20.03.26
DA22.400	Cross Ventilation	C	20.03.26
DA22.500	Open Space and Deep Soil	B	25.02.26
DA23 - Area Calculation Plans			
DA23.000	Gross Floor Area Plans	B	25.02.26
Notification			
NOT.001	Site Plan	A	17.09.25
NOT.002	Elevations	A	17.09.25

NatHERS and BASIX Building Fabric Requirements

The following building fabric requirements apply to all dwellings except where noted otherwise

Element	Specification
Glazing Values	Type A windows (awning windows) U-Value = 3.6, SHGC = 0.28 Type B windows (Fixed, Sliding) U-Value = 3.0, SHGC = 0.28
Glazing Upgrade 1	Type A windows (awning windows) U-Value = 3.0, SHGC = 0.28 Type B windows (fixed, Sliding) U-Value = 2.7, SHGC = 0.28
Glazing Upgrade 2	Upgrade applied to the following units – 2.09, 6.10, 7.10, 8.10, 9.10, 10.10, 11.10, 12.10, 13.10, 14.01, 14.02, 14.09, 14.11 Type A windows (awning windows) U-Value = 2.4, SHGC = 0.28 Type B windows (fixed, Sliding) U-Value = 2.1, SHGC = 0.28
Wall Construction Types	Upgrade applied to the following units – 14.10 General External Walls = Brick Veneer Concrete Column External Walls = Concrete Column, insulated both sides Internal walls (within units) – Plasterboard Stud Wall, no insulation required Intertenancy walls – Plasterboard Stud Wall, insulated Walls adjacent to corridors – Plasterboard Stud Wall, insulated Unit walls adjacent lifts and stairs = Minimum 200mm concrete, insulated
Wall R-values Types	General External Walls = R3.5 insulation only value Concrete Column External Walls = External to internal – 28mm Rockwool loose fill (k = 0.04), 200mm concrete, Rockwool batt R2.0 Internal walls (within units) = none required Intertenancy walls – adjacent to neighbour = R2.0 insulation only value Walls adjacent to corridors = R3.5 insulation only value Internal walls – lifts and stairs = R2.0 insulation only value

Element	Specification
Ceiling/Roof Construction	Concrete – minimum 150mm
Ceiling/Roof R-values	Exposed ceiling/roof (including balconies) or plant = R4.0 insulation only value
Ceiling Penetrations	All ceiling penetrations to be sealed. Downlights: Zones 5m² or less = 1 downlight Zones 5-10m² = 2 downlights Zones greater than 10m² = 1 downlight per 2.5m² Downlights (50mm penetration and 50mm clearance) Bathroom exhaust (250mm penetration and 50mm clearance)
Floor Construction	Concrete – minimum 150mm
Floor R-values	Exposed floor = R2.0 insulation only value As per plans
Floor covering	Wet areas (excluding kitchens) = tiles All other areas = timber
Ceiling Fans	1200mm Ceiling fans to all living areas and bedrooms



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Client
City West Housing

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

C 20.03.26 Amended DA Issue
B 16.03.26 Amended DA Issue
A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title

Drawing List

Phase
Development Application

Status
For Approval
Scale
1 : 100 @ A1

Drawing no.
DA00.000
Revision
C

C:\temp\BANKSIA_BS_DA001_170315\BANKSIA_BS_DA001_170315.dwg



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LEGEND - EXISTING SITE PLAN
— Property Boundary
● Existing surrounding tree
○ Trees to be removed

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA01 - Site
Existing Site Plan

Phase
Development Application

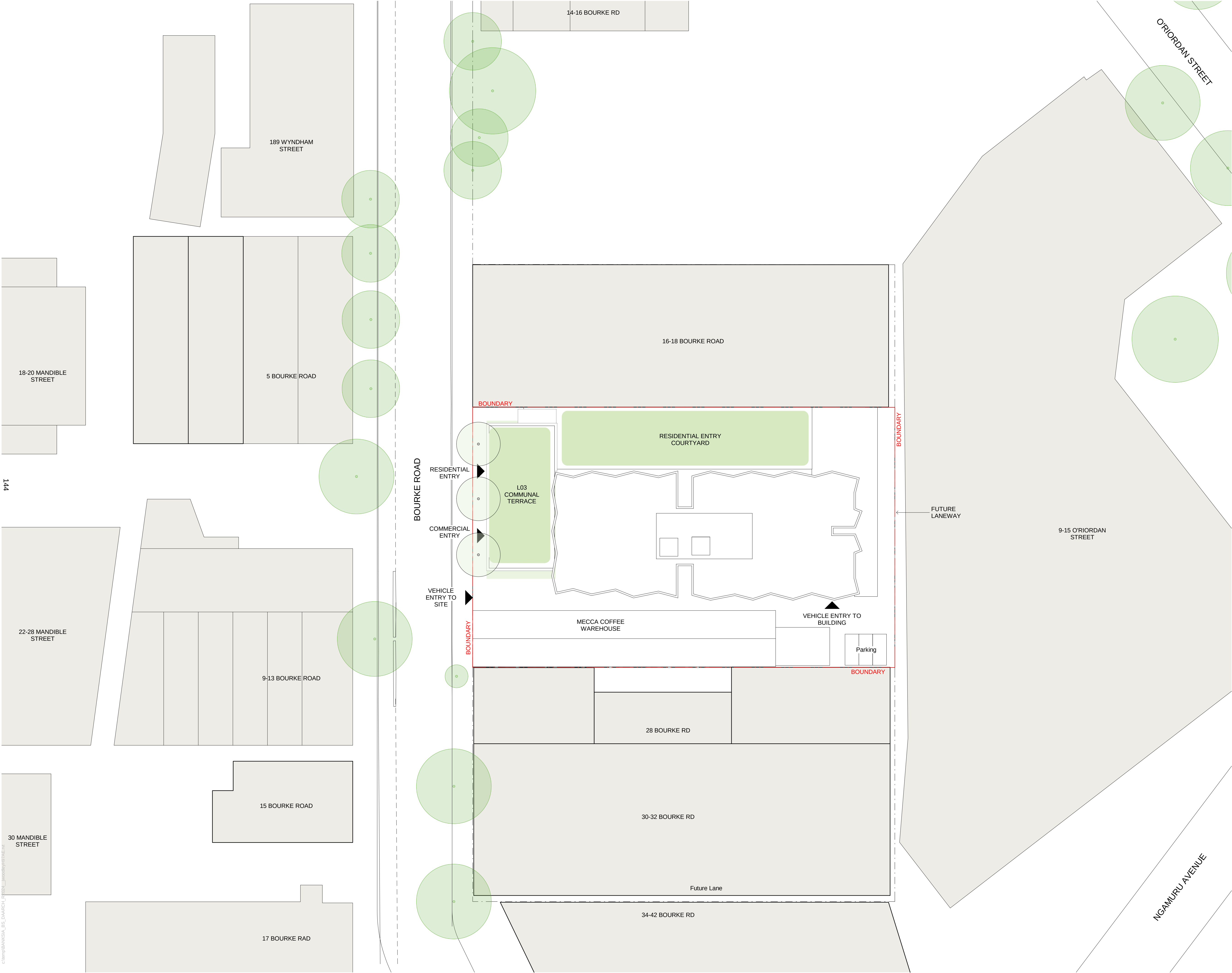
Status
For Approval

Drawing no.
DA01.000

Scale
1 : 300 @ A1

Revision
A





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LEGEND - EXISTING SITE PLAN

- Property Boundary
- Future Footpath Dedication
- Existing surrounding tree
- New tree on Site

Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

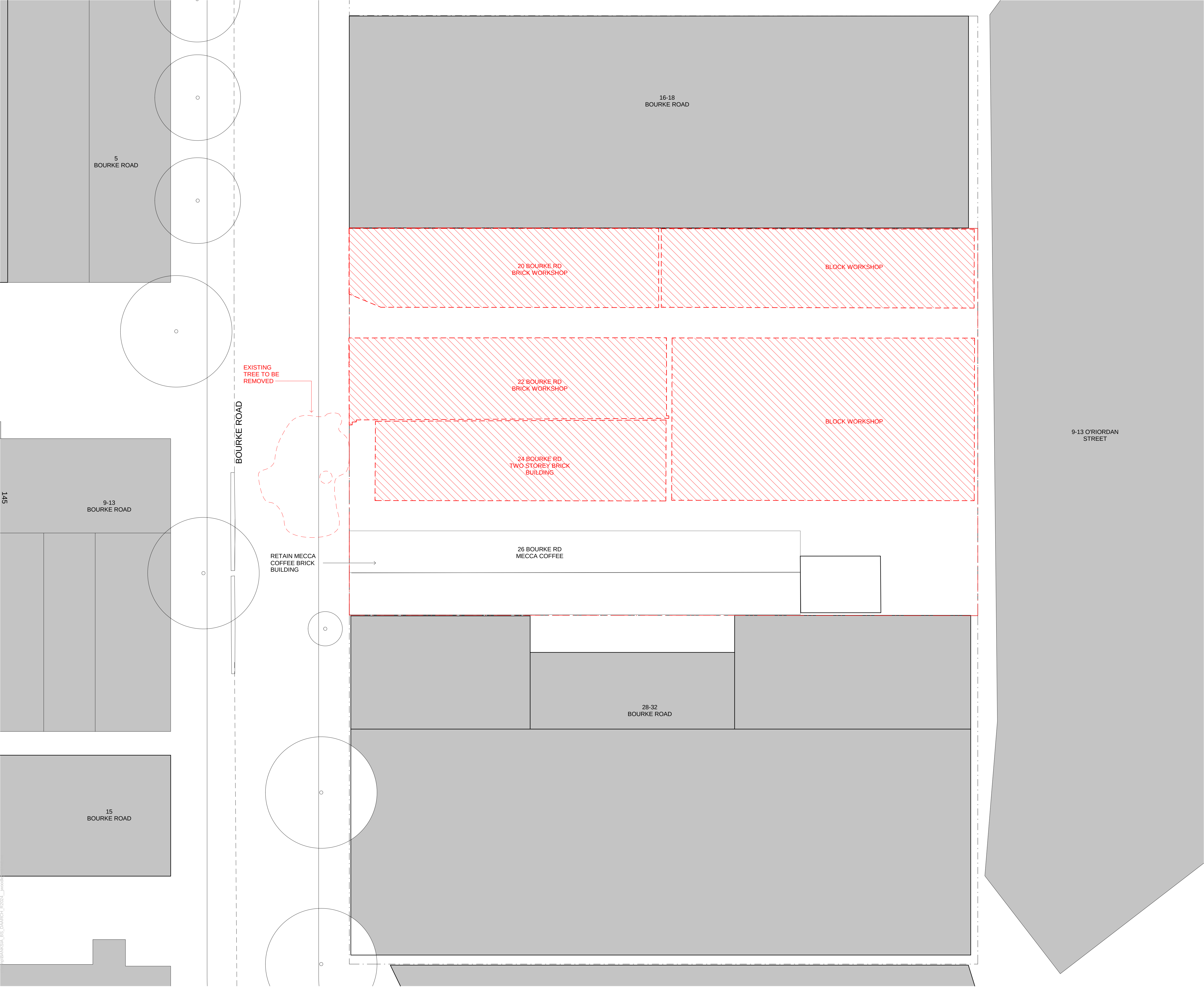
Drawing Title
DA01 - Site
Proposed Site Plan

Phase
Development Application

Status
For Approval

Drawing no.
DA01.002

Scale
As indicated
@ A1
Revision
A



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LEGEND - DEMOLITION PLAN

Property Boundary

Proposed for removal and demolition

Current Revision Description

Data Issue Record

Rev	Date	Description
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A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA01 - Site
Demolition Plan

Phase
Development Application

Status

Drawing no.
DA01.100

Scale
As indicated
@ A1
Revision
A



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City West Housing

LEGEND - GENERAL ARRANGEMENT PLANS

- Property Boundary
- Future Footpath Dedication
- Boundary Setbacks
- M Mechanical
- E Electrical
- H Hydraulic
- F Fire
- C Comms
- LH Livable Housing Design
- VS Livable Housing Design Beyond Voluntary Standard
- Fixed Glass - Clear
- Operable - Sliding
- Operable - Awning
- Operable - Louvres
- Surrounding Tree
- Proposed Landscape - Refer to Landscape Architects documentation

Current Revision Description

SUMMARY OF CHANGES

- Lift added
- Ground floor bathroom replanned
- Additional window to L01 East
- Townhouse
- L03 Common Bathroom replanned
- Updates to L03 Communal Outdoor Space
- L03 door to Communal Open Space noted as glazed
- SRV Loading space added
- Commercial bike parking relocated
- Waste room updated

Data Issue Record

Current Revision released by

Rev Date Description

B 03.02.26 Amended DA Issue
A 17.09.25 DA Issue

Project Title

Banksia

First Nations Country

Gadigal

Project Address

20-26 Bourke Rd
Alexandria

Project No.

S12877

Drawing Title

DA03 - General Arrangement Plan
Ground Level

Phase

Development Application

Status

For Approval

Drawing no.

DA03.000

Scale

As indicated

@ A1

Revision

B





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Client

City West Housing

LEGEND - GENERAL ARRANGEMENT PLANS

- | | |
|---|---|
|  | Property Boundary |
|  | Future Footpath Dedication |
|  | Boundary Setbacks |
| M | Mechanical |
| E | Electrical |
| H | Hydraulic |
| F | File |
| C | Comms |
| LH | Livable Housing Design |
| VS | Livable Housing Design
Beyond Voluntary Standard |
|  | Fixed Glass - Clear |
|  | Operable - Sliding |
|  | Operable - Awning |
|  | Operable - Louvres |
|  | Surrounding Tree |
|  | Proposed Landscape - Refer to Landscape Architects
documentation |

Current Revision Description

SUMMARY OF CHANGES

- Lift added
- Ground floor bathroom replanned
- Additional window to L01 East Townhouse
- L03 Common Bathroom replanned
- Updates to L03 Communal Outdoor Space
- L03 door to Communal Open Space noted as glazed
- SRV Loading space added
- Commercial bike parking relocated
- Waste room updated

Data Issue Record

Rev	Date	Description
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Rev	Date	Description
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C	16.03.26	Amended DA Issue
B	03.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title

Banksia

First Nations Courts

Codigol

Gauliyai

Project Address

20-26 Bourke

Alexandria

Project No.

Project No.
C12077

312877

Drawing Title

DA03 - General

Level 01

Phase

Development /

Status

For Approval

Drawing no

Drawing No.
DA 00 00

DA03.00

Scale
As indicated
@ A1
Revision
C

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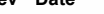
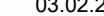
Do not scale drawings

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Client

City West Housing

LEGEND - GENERAL ARRANGEMENT PLANS

- | | |
|---|----------------------------|
|  | Property Boundary |
|  | Future Footpath Dedication |
|  | Boundary Setbacks |
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Current Revision Description

SUMMARY OF CHANGES

- Lift added
- Ground floor bathroom replanned
- Additional window to L01 East Townhouse
- L03 Common Bathroom replanned
- Updates to L03 Communal Outdoor Space
- L03 door to Communal Open Space noted as glazed
- SRV Loading space added
- Commercial bike parking relocated
- Waste room updated

Data Issue Record

Rev	Date	Description

B	03.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia

First Nations Country
Gadiagal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

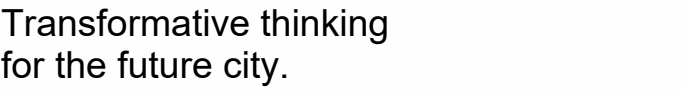
Drawing Title
DA03 - General Arrangement Plan
Level 03

Phase
Development Application

Status
For Approval

Drawing no.
DA03.003

Scale
As indicated
@ A1
Revision
B



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LEGEND - GENERAL ARRANGEMENT PLANS

- ### Current Revision Description

SUMMARY OF CHANGES

- Ground floor bathroom replanned
- Additional window to L01 East Townhouse
- L03 Common Bathroom replanned
- Updates to L03 Communal Outdoor Space
- L03 door to Communal Open Space noted as glazed
- SRV Loading space added
- Commercial bike parking relocated
- Waste room updated

Data Issue Record

Rev	Date	Description
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B	03.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

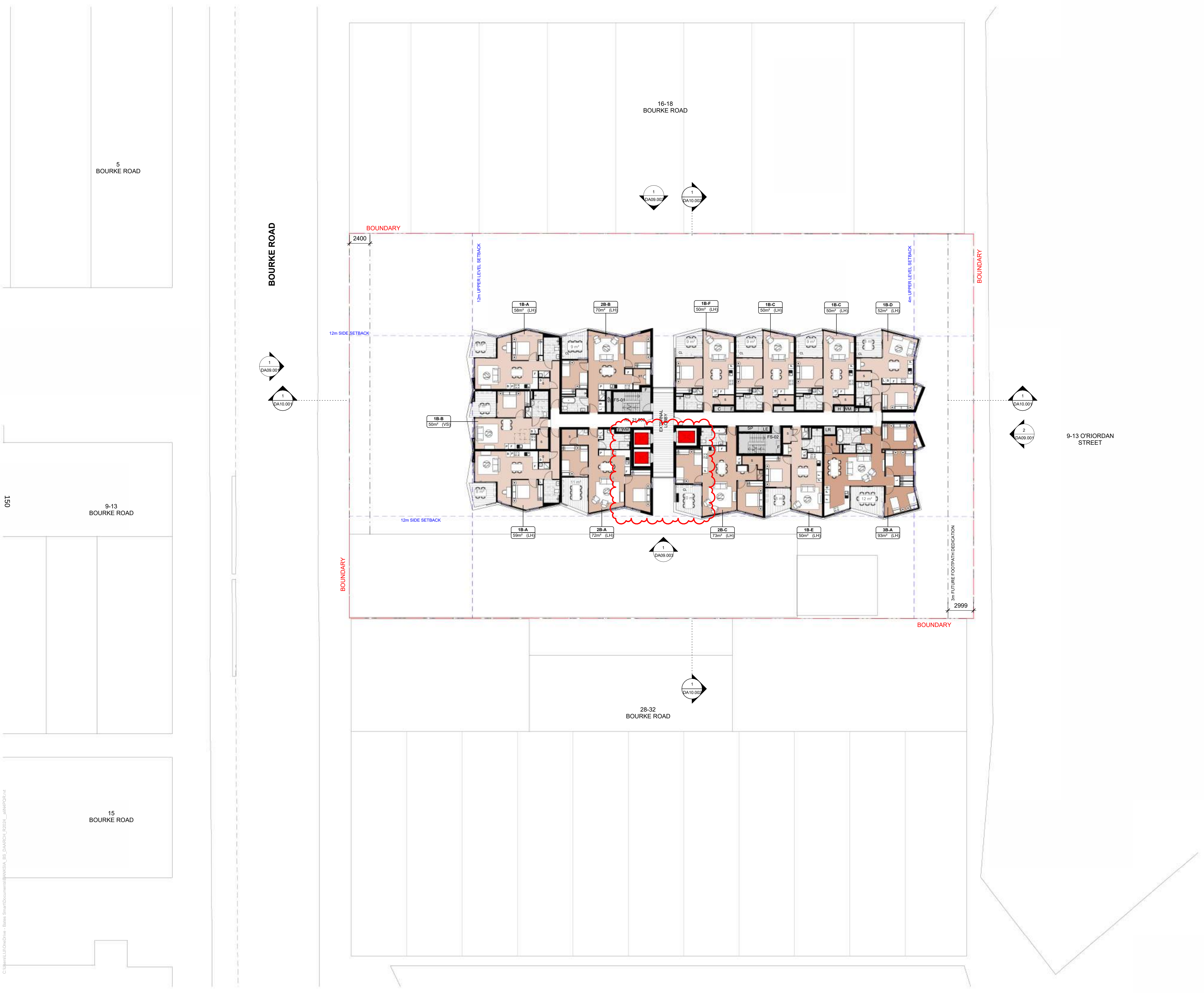
Project No. S12877

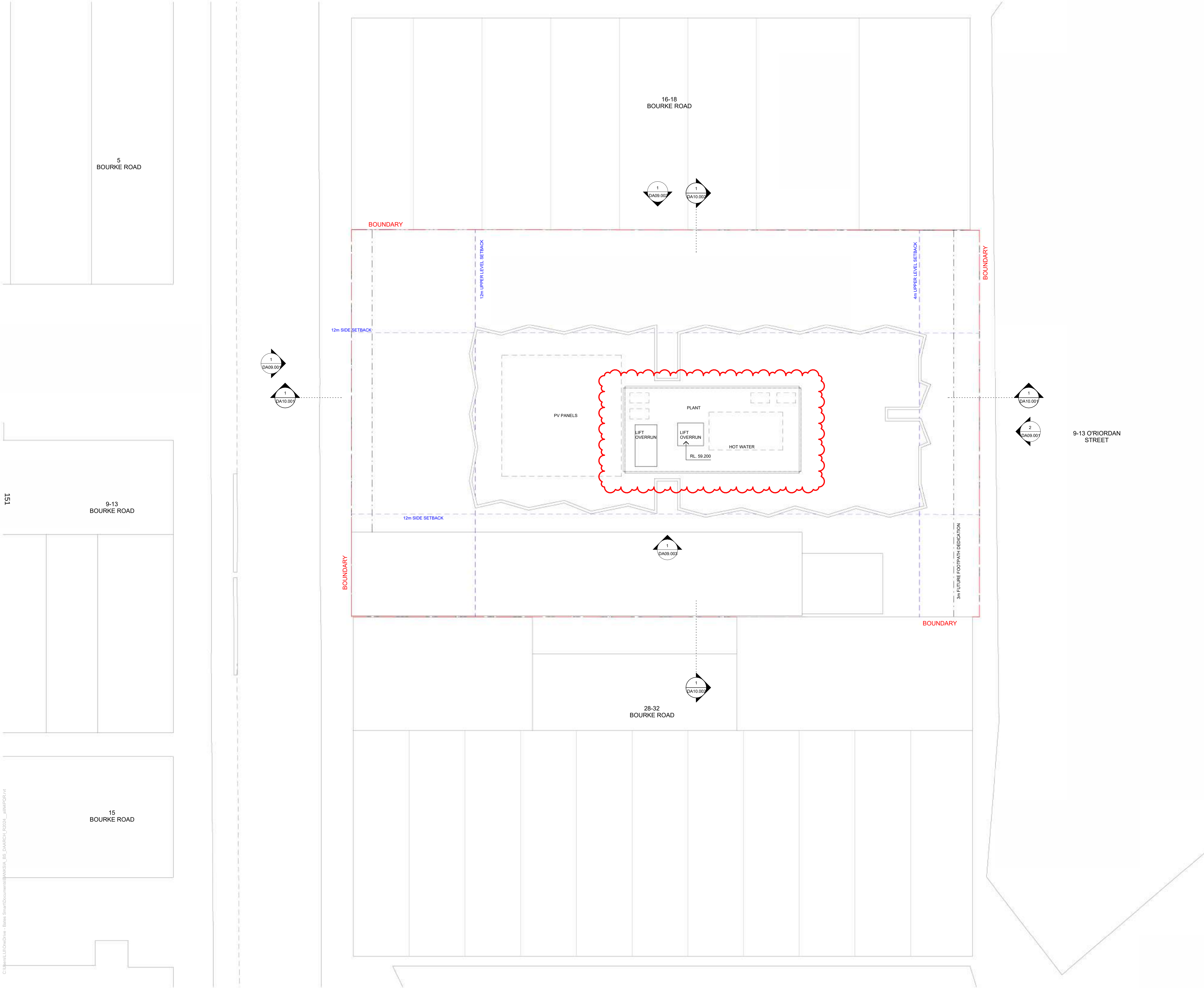
Drawing Title
DA03 - General Arrangement Plan
Level 04-14

Phase
Development Application

Status	Scale
For Approval	As indicated

Drawing no. **DA03.004** Revision **B**





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Client
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LEGEND - GENERAL ARRANGEMENT PLANS

- Property Boundary
- Future Footpath Dedication
- Boundary Setbacks
- M Mechanical
- E Electrical
- H Hydraulic
- F Fire
- C Comms
- LH Livable Housing Design
- VS Livable Housing Design Beyond Voluntary Standard
- Fixed Glass - Clear
- Operable - Sliding
- Operable - Awning
- Operable - Louvres
- Surrounding Tree
- Proposed Landscape - Refer to Landscape Architects documentation

Current Revision Description

- SUMMARY OF CHANGES
- Lift added
 - Ground floor bathroom replanned
 - Additional window to L01 East
 - Townhouse
 - L03 Common Bathroom replanned
 - Updates to L03 Communal Outdoor Space
 - L03 door to Communal Open Space noted as glazed
 - SRV Loading space added
 - Commercial bike parking relocated
 - Waste room updated

Data Issue Record		
Current Revision released by		
Rev	Date	Description

B	03.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA03 - General Arrangement Plan
Roof Plan

Phase
Development Application

Status
For Approval

Drawing no.
DA03.015

Scale
As indicated
@ A1
Revision
B

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Client
City West Housing

LEGEND - ELEVATIONS

- Property Boundary
- Future Footpath Dedication
- Height Limit

Glazing Material & Operation

- Fixed Glass - Clear
- Operable - Sliding
- Operable - Awning
- Operable - Louvres

Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA09 - Elevations
North & South Elevation

Phase
Development Application

Status
For Approval

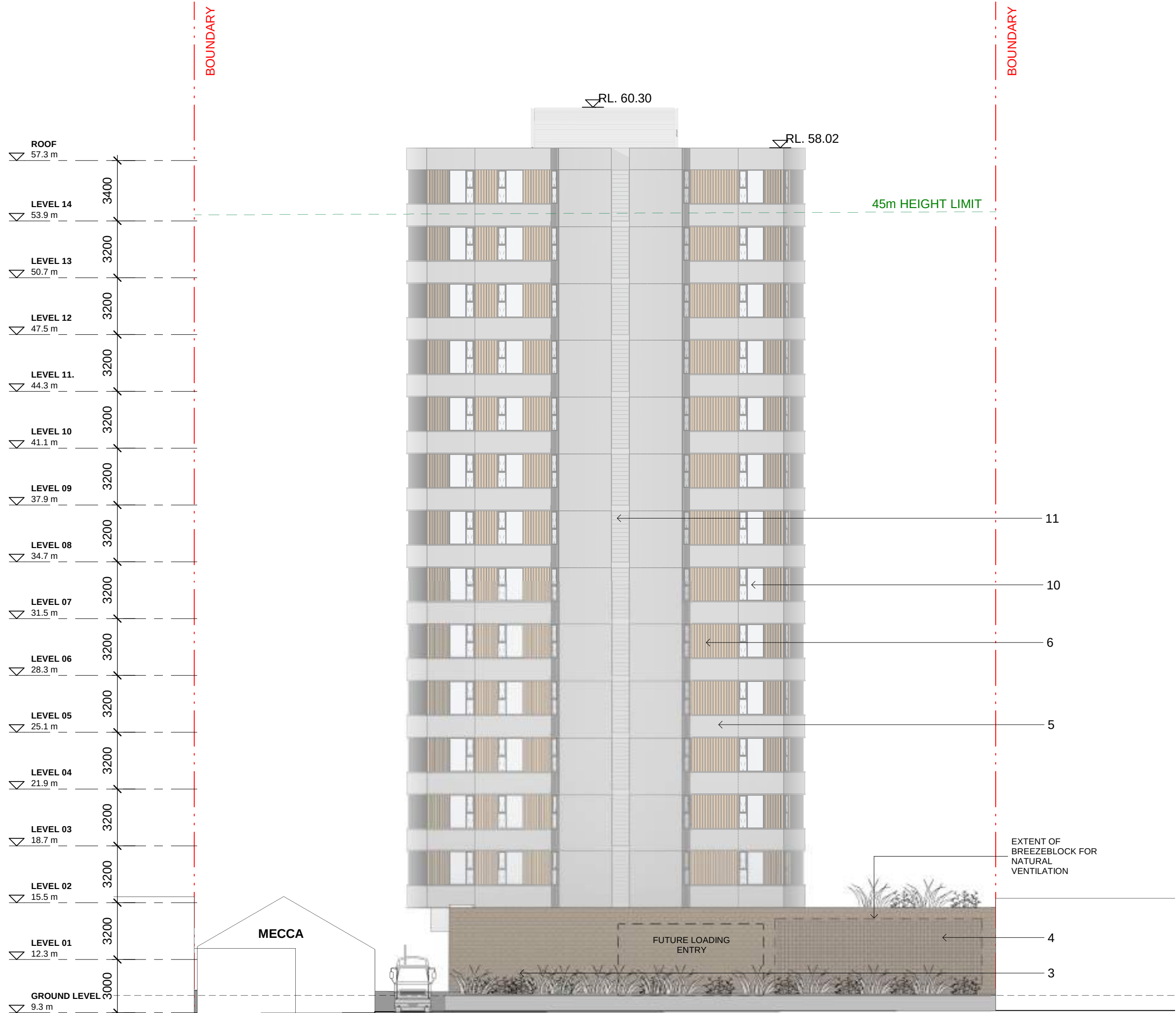
Drawing no.
DA09.001

Scale
As indicated
@ A1
Revision
A

152



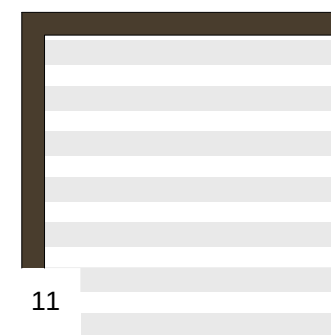
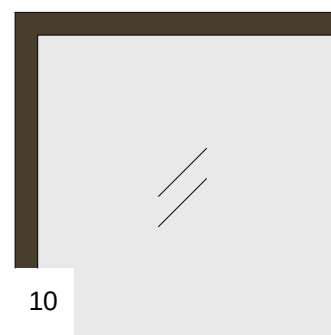
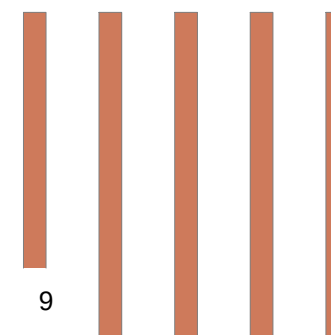
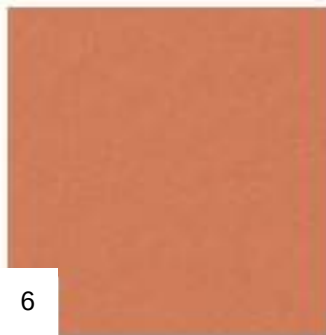
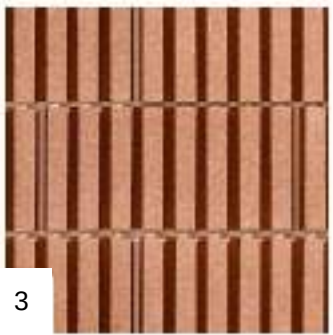
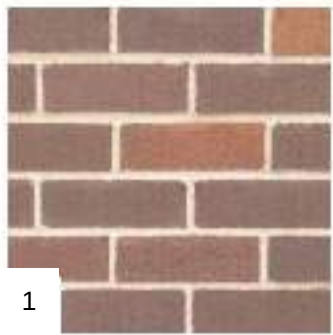
1 North Elevation
1 : 200



2 South Elevation
1 : 200

MATERIALS LEGEND

- Red Brick
- White Brick
- Terracotta - toned Blockwork
- Terracotta - toned Breezeblock
- Sand - toned Brick
- Terracotta - toned Aluminium Cladding
- Dark bronze - toned Aluminium Cladding
- In-situ Columns
- Terracotta - toned Aluminium Screening
- Glazing
- Glass Louvres





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ABN 68 094 740 986

NSW Nominated Responsible Architects
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Client
City West Housing

LEGEND - ELEVATIONS

Property Boundary
Future Footpath Dedication
Height Limit

Glazing Material & Operation

Fixed Glass - Clear
Operable - Sliding
Operable - Awning
Operable - Louvres

Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA09 - Elevations
East Elevation

Phase
Development Application

Status
For Approval

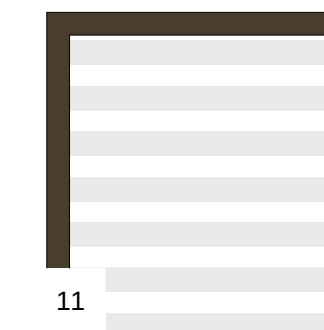
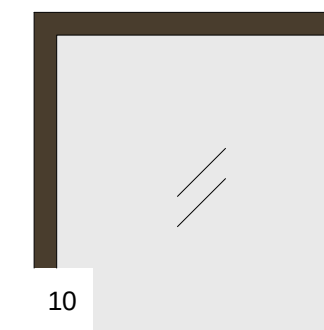
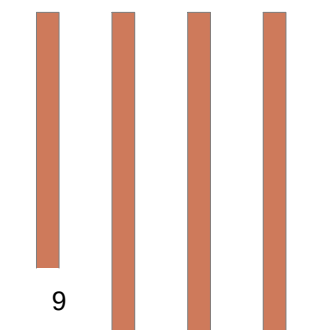
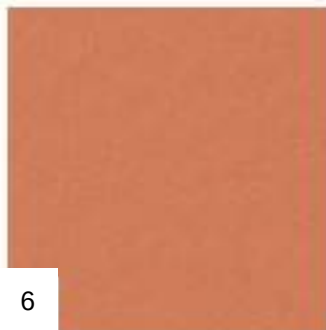
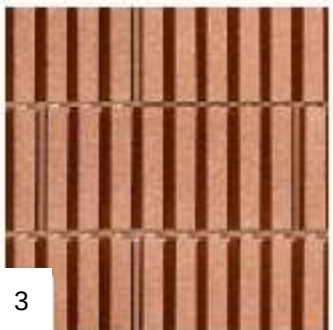
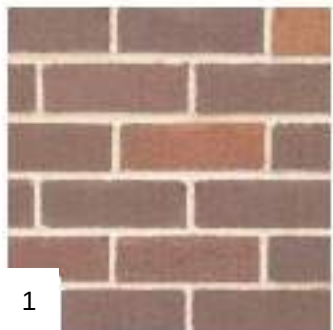
Drawing no.
DA09.002

Scale
As indicated
@ A1
Revision
A



MATERIALS LEGEND

- Red Brick
- White Brick
- Terracotta - toned Blockwork
- Terracotta - toned Breezeblock
- Sand - toned Brick
- Terracotta - toned Aluminium Cladding
- Dark bronze - toned Aluminium Cladding
- In-situ Columns
- Terracotta - toned Aluminium Screening
- Glazing
- Glass Louvres



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ABN 68 094 740 986

NSW Nominated Responsible Architects
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Do not scale drawings.

Print in Colour.

Client
City West Housing

LEGEND - ELEVATIONS

Property Boundary
Future Footpath Dedication
Height Limit

Glazing Material & Operation

Fixed Glass - Clear
Operable - Sliding
Operable - Awning
Operable - Louvres

Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA09 - Elevations
West Elevation

Phase
Development Application

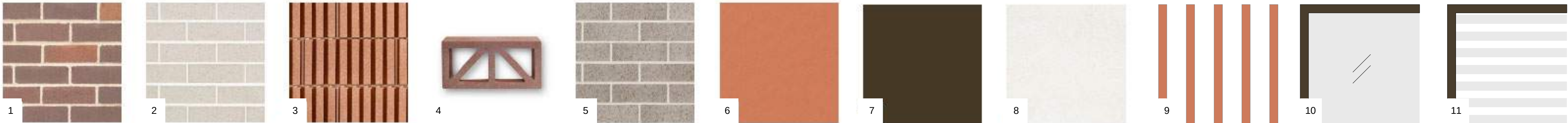
Status
For Approval

Drawing no.
DA09.003

Scale
As indicated
@ A1
Revision
A



- MATERIALS LEGEND**
- Red Brick
 - White Brick
 - Terracotta - toned Blockwork
 - Terracotta - toned Breezeblock
 - Sand - toned Brick
 - Terracotta - toned Aluminium Cladding
 - Dark bronze - toned Aluminium Cladding
 - In-situ Columns
 - Terracotta - toned Aluminium Screening
 - Glazing
 - Glass Louvres





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City West Housing

Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA10 - Sections
Section 02

Phase
Development Application

Status
For Approval

Scale
1 : 200 @ A1

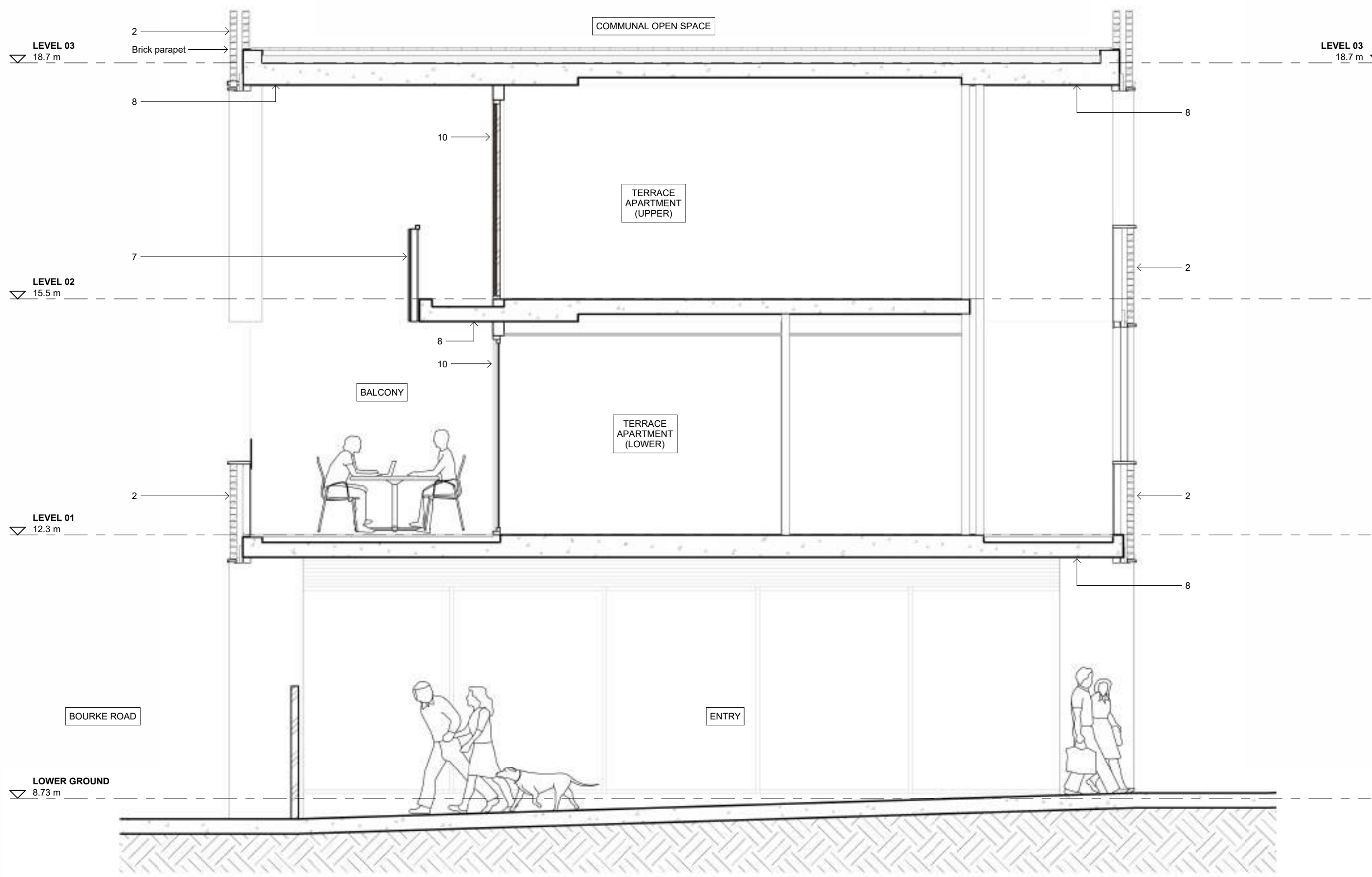
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DA10.002

Revision
A

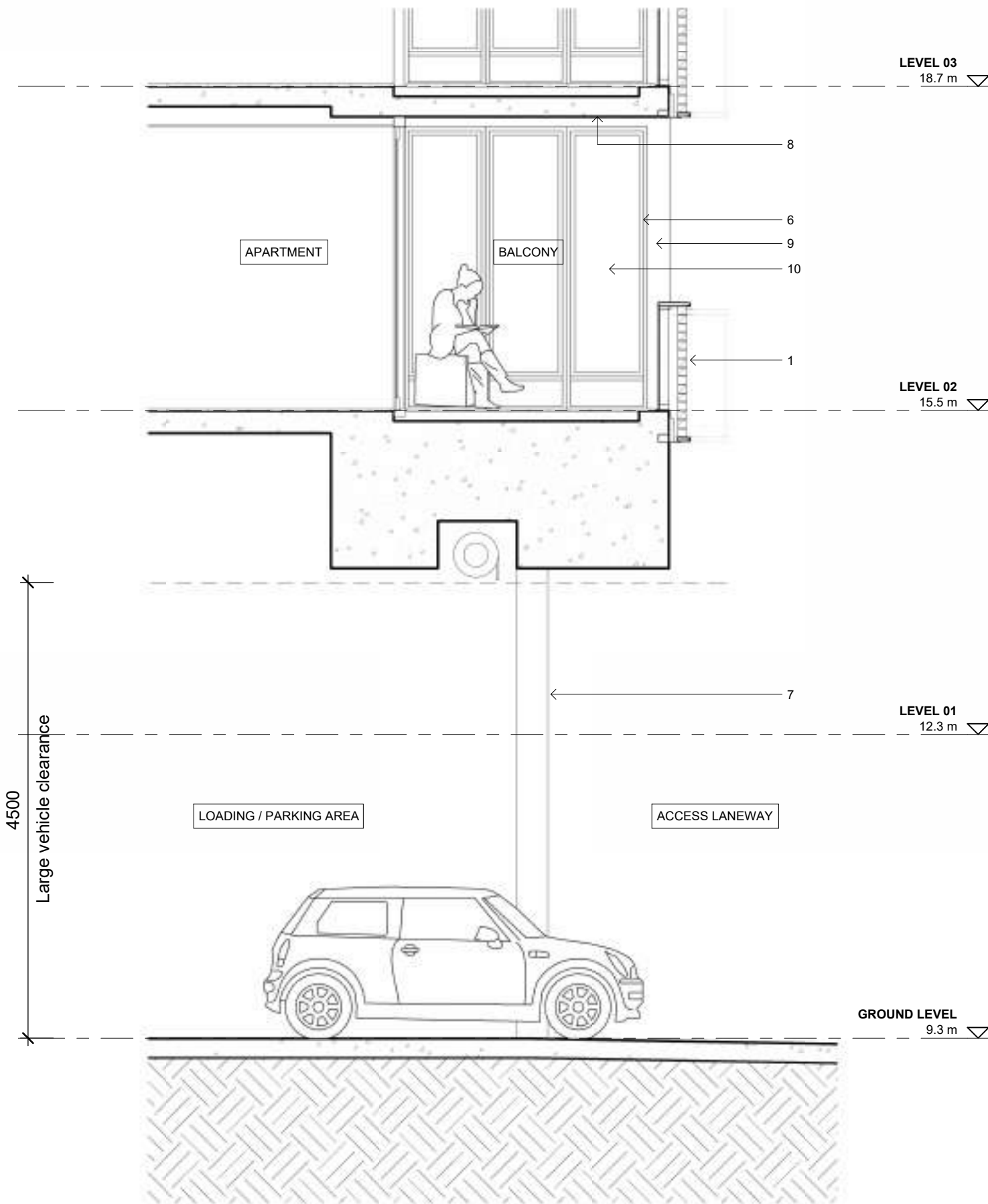




1. Sandy-tone brick to tower spandrel
2. White-tone brick to duplexes
3. Red/brown tone brick to ground level
4. Powdercoated dark bronze aluminium cladding to duplexes
5. Concrete columns to ground
6. Powdercoated aluminium framing - charcoal on tower
7. Powdercoated aluminium framing: dark bronze on podium
8. Concrete look soffit
9. Integral colour FC sheet on balcony return walls
10. Vision glass



2 Facade Section 1
1 : 50



1 Facade Section 2
1 : 50



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City West Housing



Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

B	03.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
**20-26 Bourke Rd
Alexandria**

Project No.
S12877

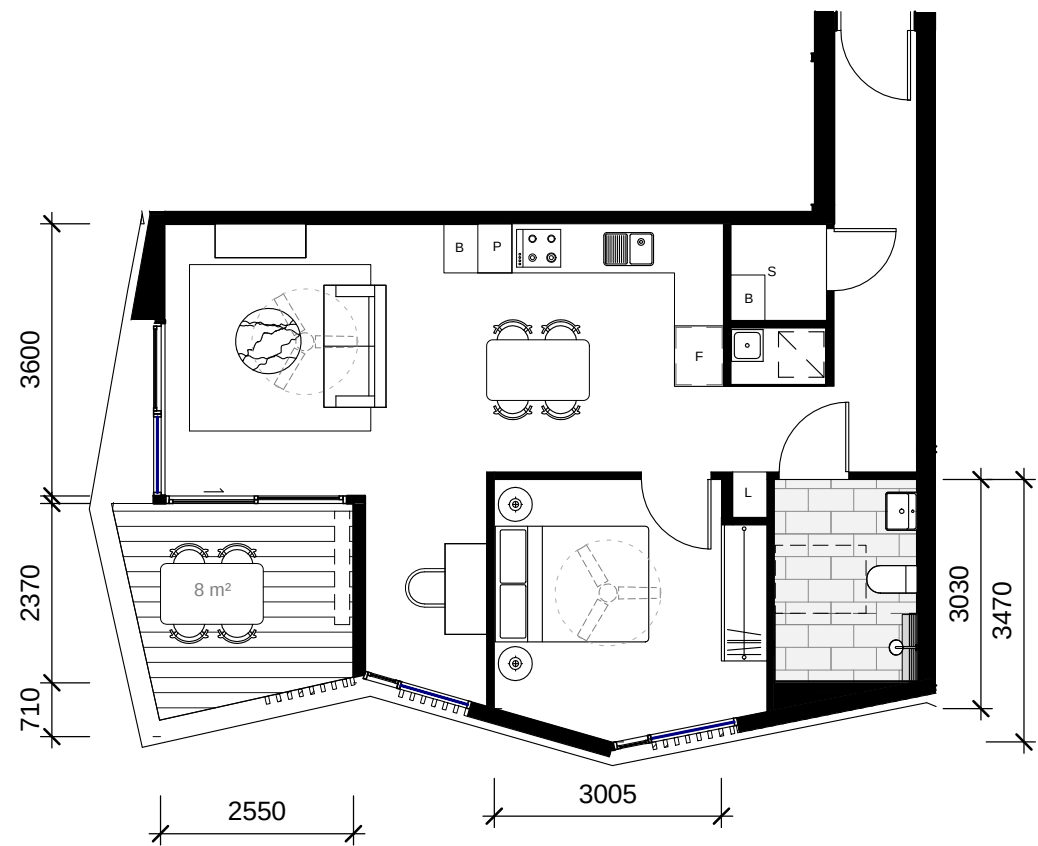
Drawing Title
**DA10 - Sections
Facade Sections**

Phase
Development Application

Status
For Approval

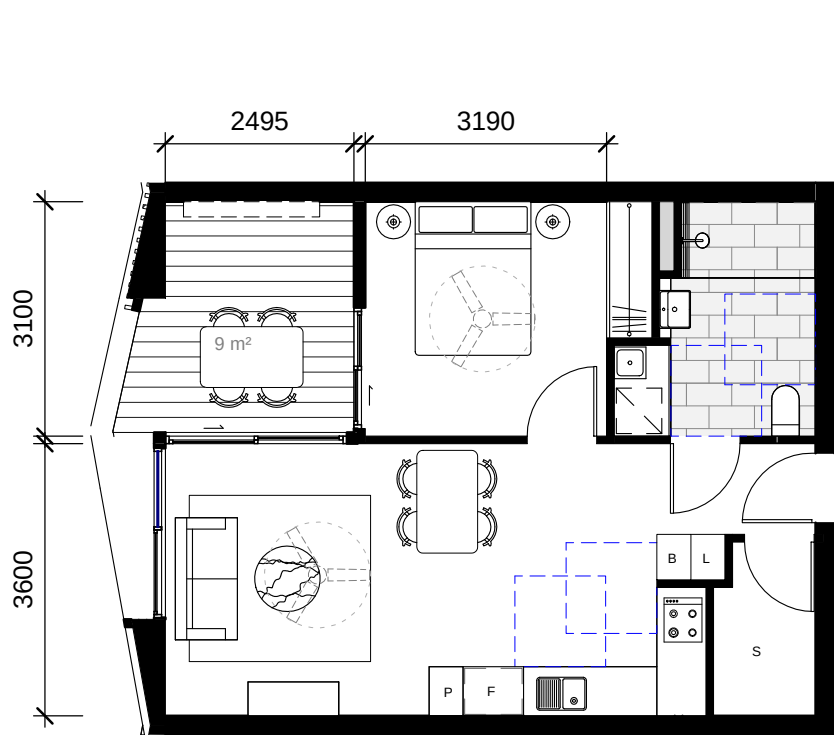
Drawing no.
DA10.010

Scale
**As indicated
@ A1
Revision
B**



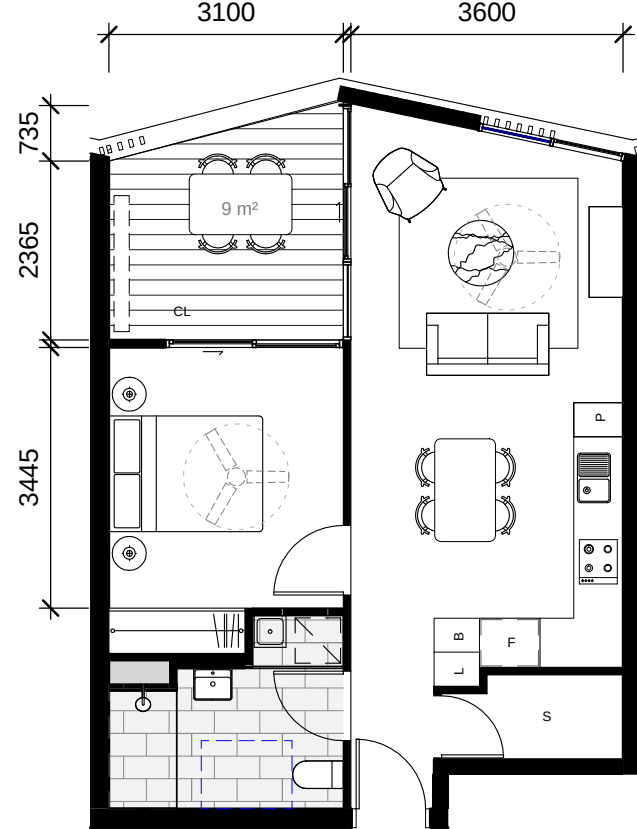
1 TYPE 1B-A
1 : 100

Apartment Type 1B-A						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
1B-A	59m ²	8m ²	Complies	L04-14	22	LH



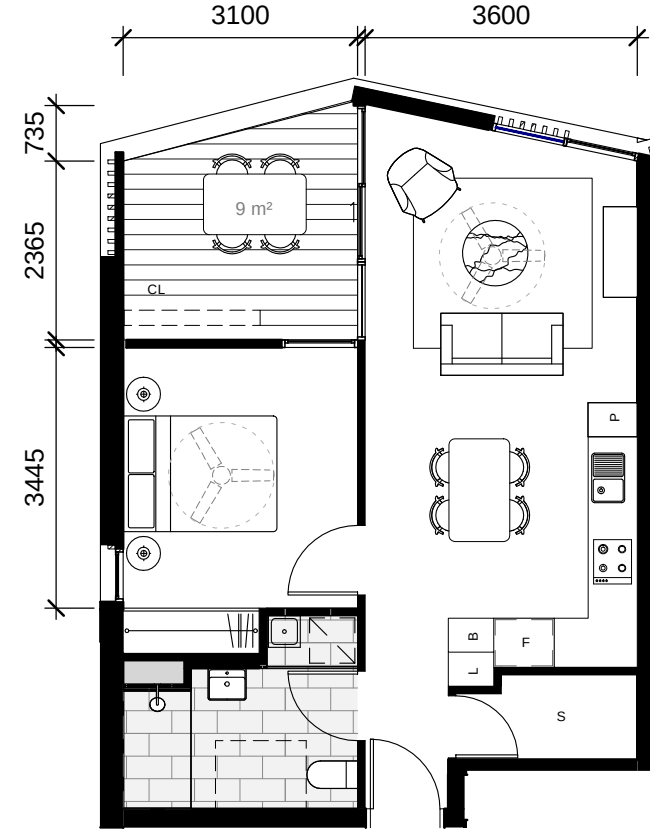
2 TYPE 1B-B
1 : 100

Apartment Type 1B-B						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
1B-B	50m ²	9m ²	Complies	L04-14	11	VS



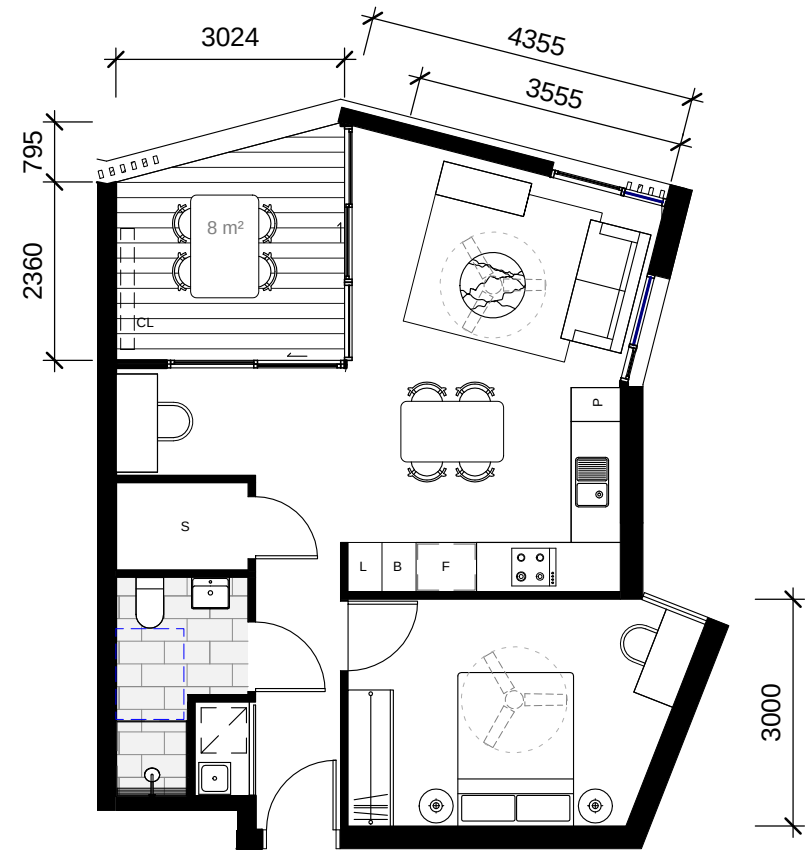
3 TYPE 1B-C
1 : 100

Apartment Type 1B-C						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
1B-C	50m ²	9m ²	Complies	L02-14	26	LH



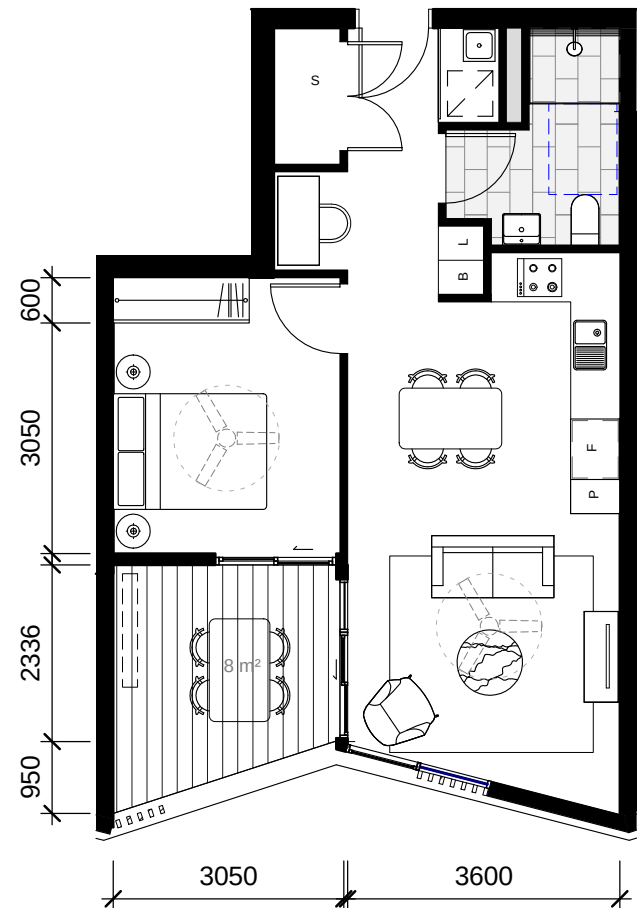
4 TYPE 1B-F
1 : 100

Apartment Type 1B-F						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
1B-F	50m ²	9m ²	Complies	L02-14	13	LH



5 TYPE 1B-D
1 : 100

Apartment Type 1B-D						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
1B-D	52m ²	8m ²	Complies	L02-14	13	LH



6 TYPE 1B-E
1 : 100

Apartment Type 1B-E						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
1B-E	50m ²	8m ²	Complies	L02-14	13	LH



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Client
City West Housing

LEGEND - APARTMENT TYPES

P Pantry
S Storage
L Linen Cupboard
F Fridge
B Broom Cupboard
CL Clothes Line



LH Livable Housing Design
VS Livable Housing Design Beyond Voluntary Standard

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA13 - Apartment Types
1 Bed Apartment Types

Phase
Development Application

Status
For Approval

Drawing no.
DA13.010

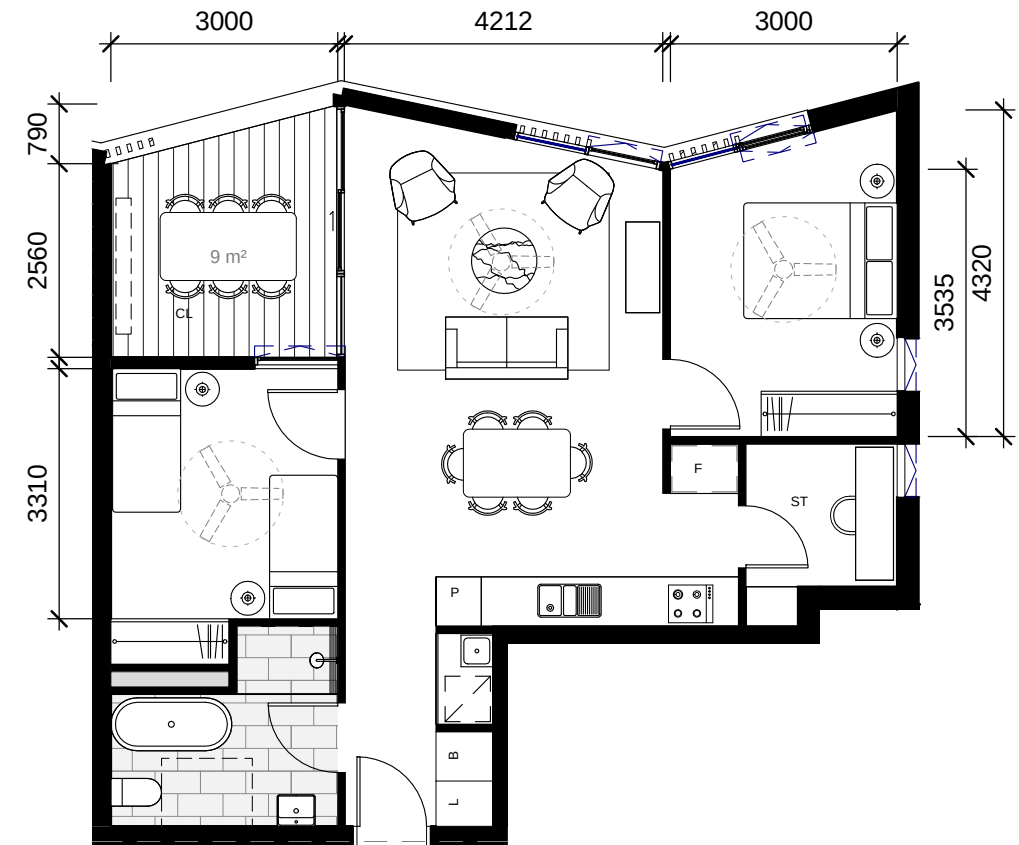
Scale
As indicated
@ A1
Revision
A





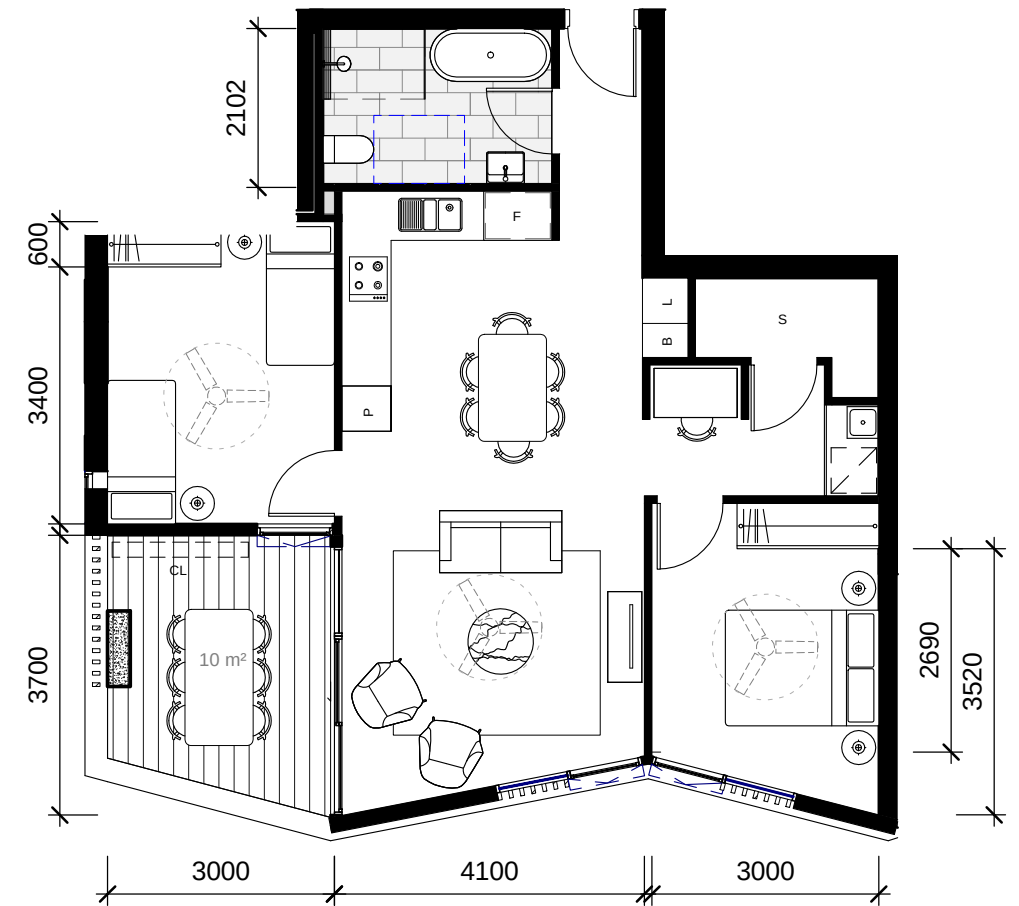
1 TYPE 2B-A
1 : 100

Apartment Type 2B-A						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-A	74m ²	11m ²	Complies	L02-14	13	LH



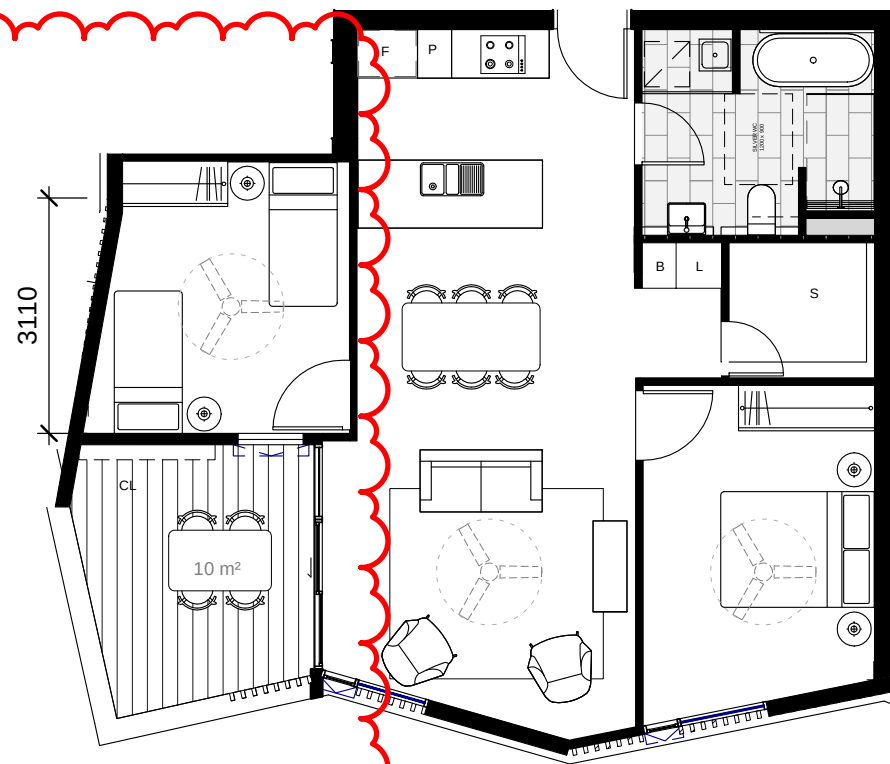
2 TYPE 2B-B
1 : 100

Apartment Type 2B-B						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-B	70 ²	11m ²	Complies	L01-14	14	LH



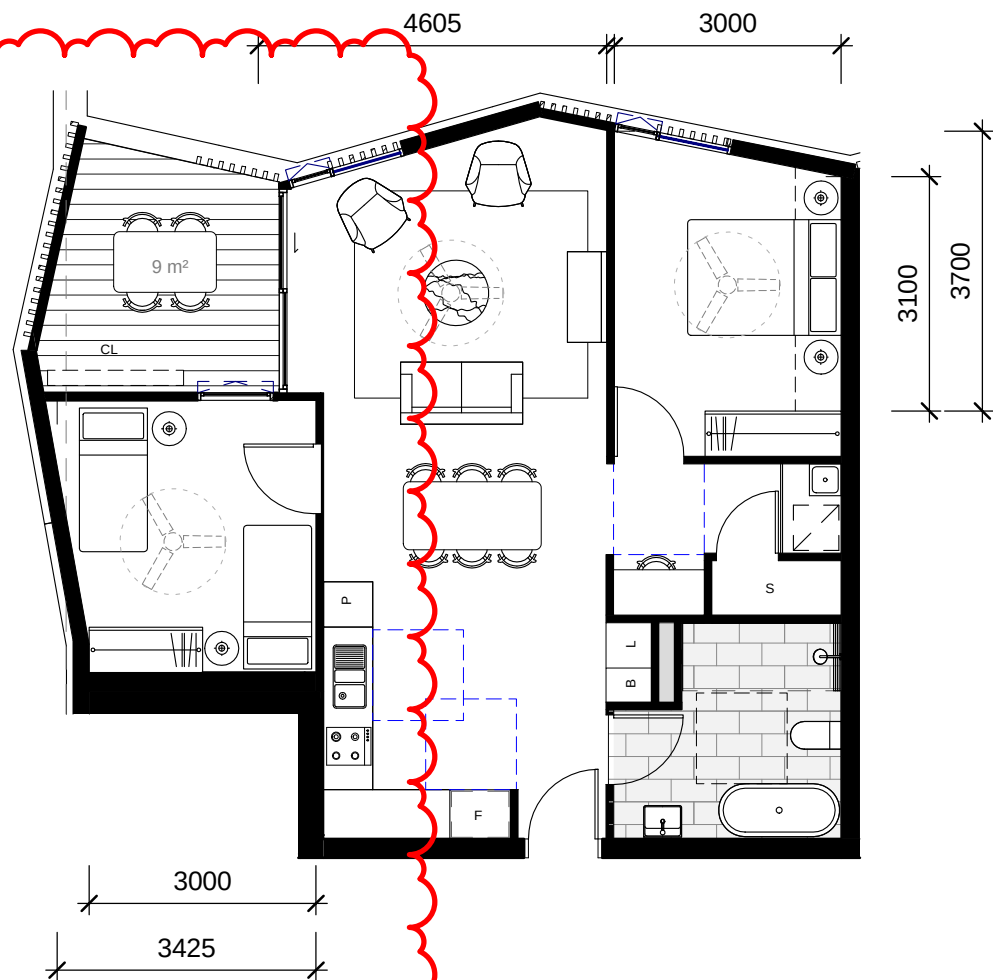
3 TYPE 2B-C
1 : 100

Apartment Type 2B-C						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-C	73m ²	10m ²	Complies	L02-14	13	LH



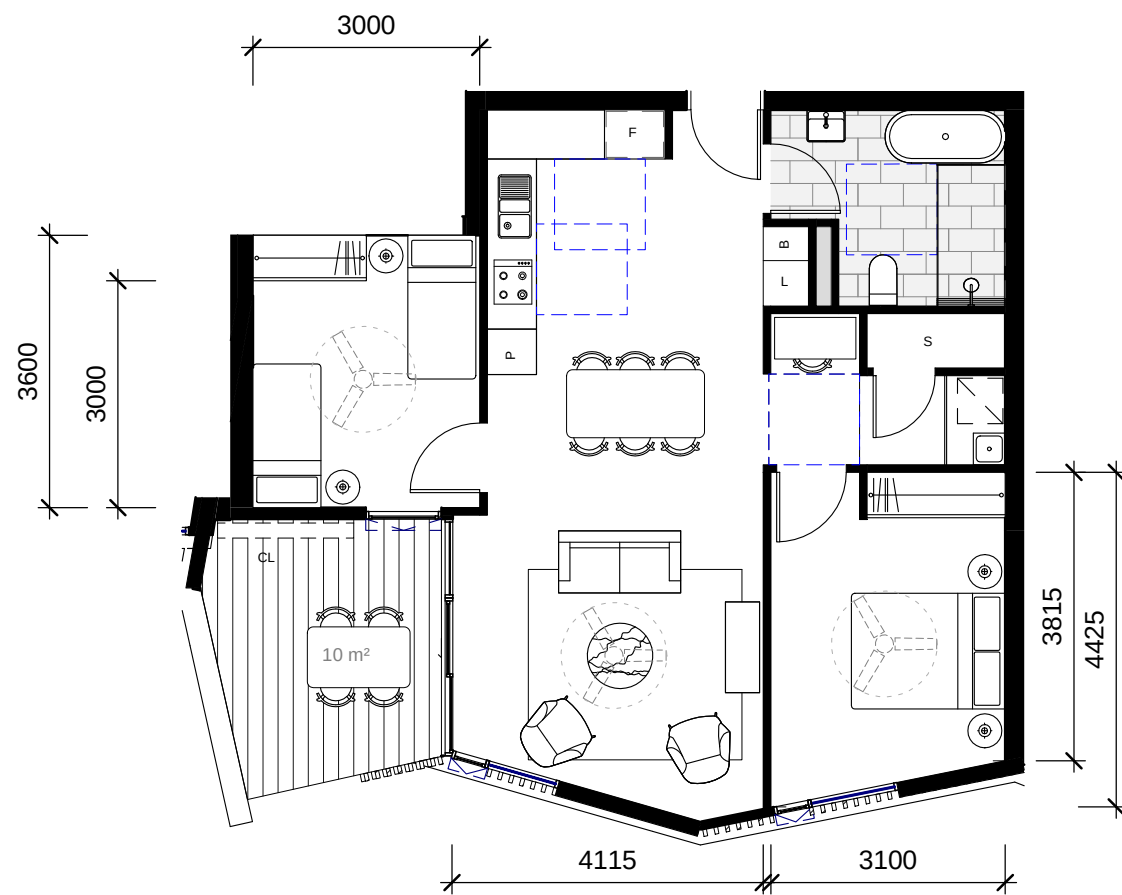
4 TYPE 2B-D
1 : 100

Apartment Type 2B-D						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-D	75m ²	10m ²	Complies	L03-14	12	VS



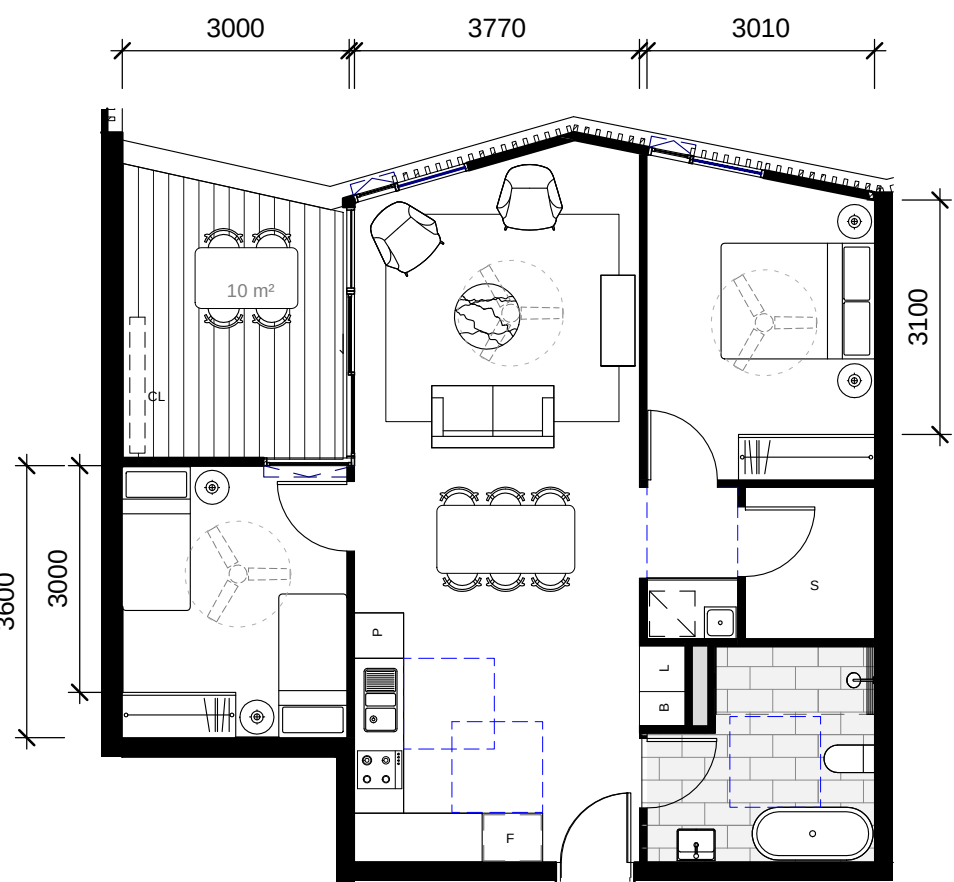
5 TYPE 2B-E
1 : 100

Apartment Type 2B-E						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-E	75m ²	9m ²	Complies	L03	1	VS



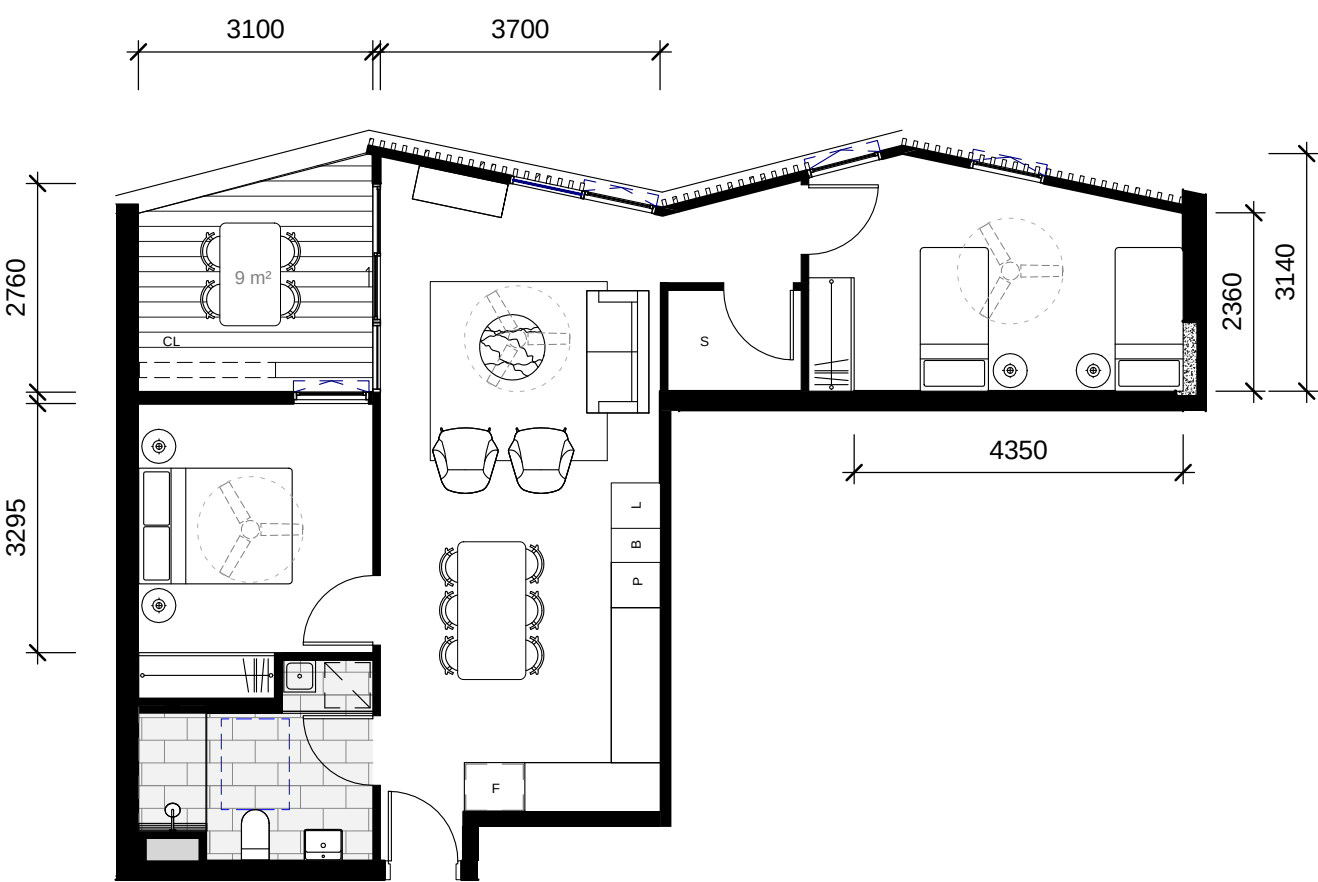
6 TYPE 2B-F
1 : 100

Apartment Type 2B-F						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-F	74m ²	10m ²	Complies	L02	1	VS



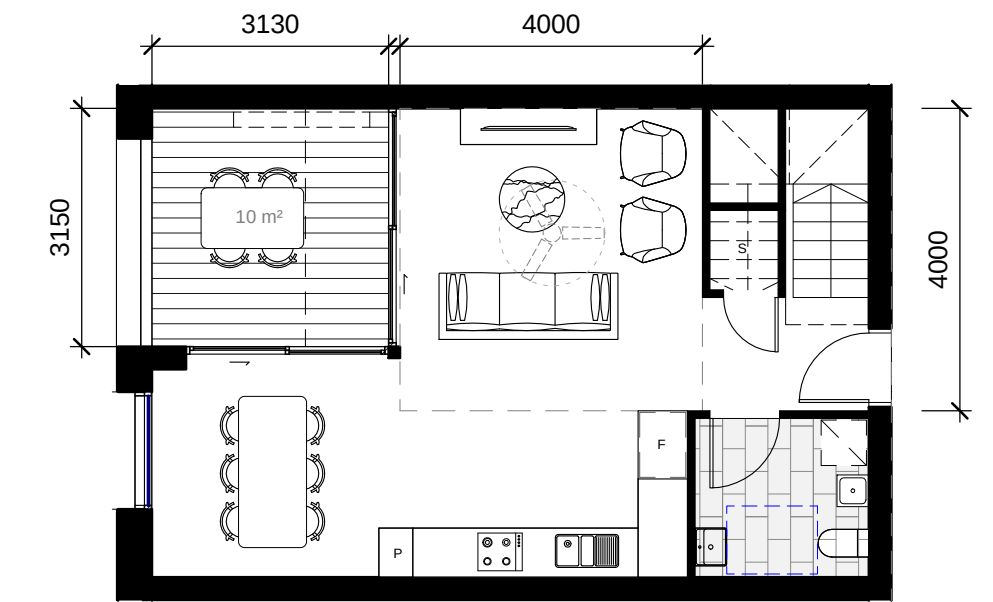
7 TYPE 2B-G
1 : 100

Apartment Type 2B-G						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-G	74m ²	10m ²	Complies	L01-02	2	VS



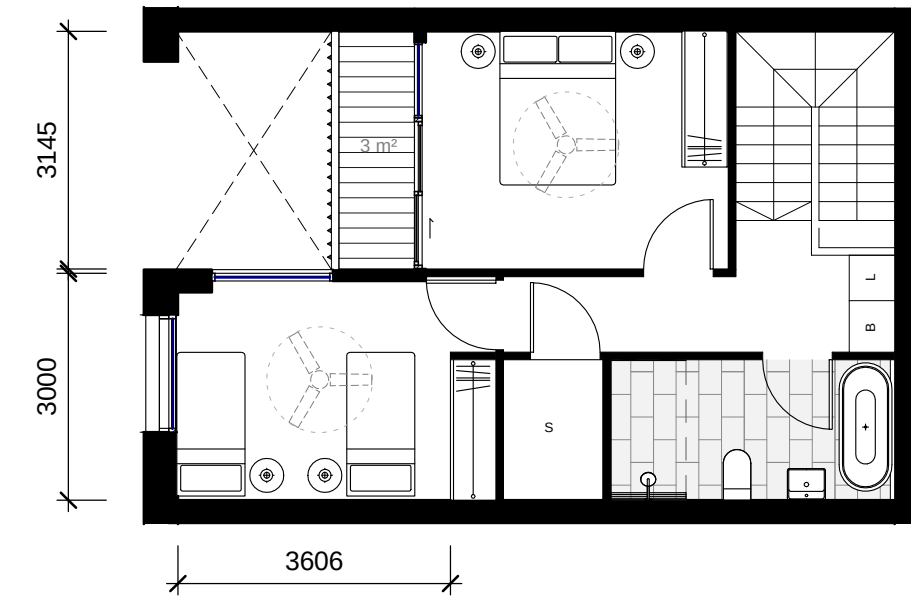
8 TYPE 2B-H
1 : 100

Apartment Type 2B-H						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-H	70m ²	9m ²	Complies	L01	1	LH



9 TYPE 2B-DU1 (LOWER)
1 : 100

Apartment Type 2B-H						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
2B-DU1	91m ²	13m ² (total)	Complies	L01	2	LH



10 TYPE 2B-DU1 (UPPER)
1 : 100

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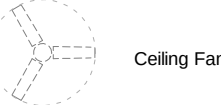
Print in Colour.

Client

City West Housing

LEGEND - APARTMENT TYPES

P Pantry
S Storage
L Linen Cupboard
F Fridge
B Broom Cupboard
CL Clothes Line



LH Livable Housing Design
VS Livable Housing Design Beyond Voluntary Standard

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

C 20.03.26 Amended DA Issue
B 03.02.26 Amended DA Issue
A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

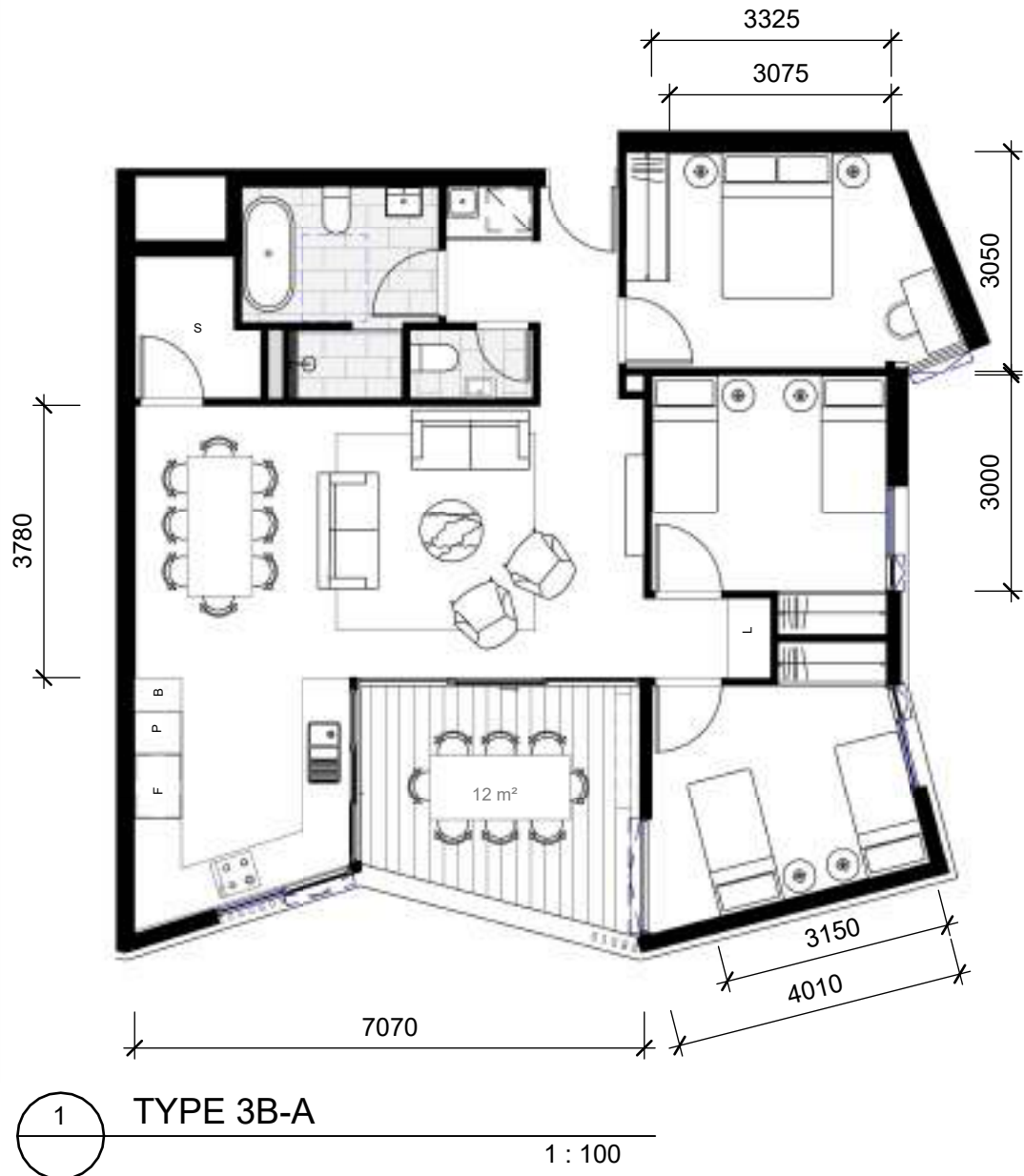
Drawing Title
DA13 - Apartment Types
2 Bed Apartment Types

Phase
Development Application

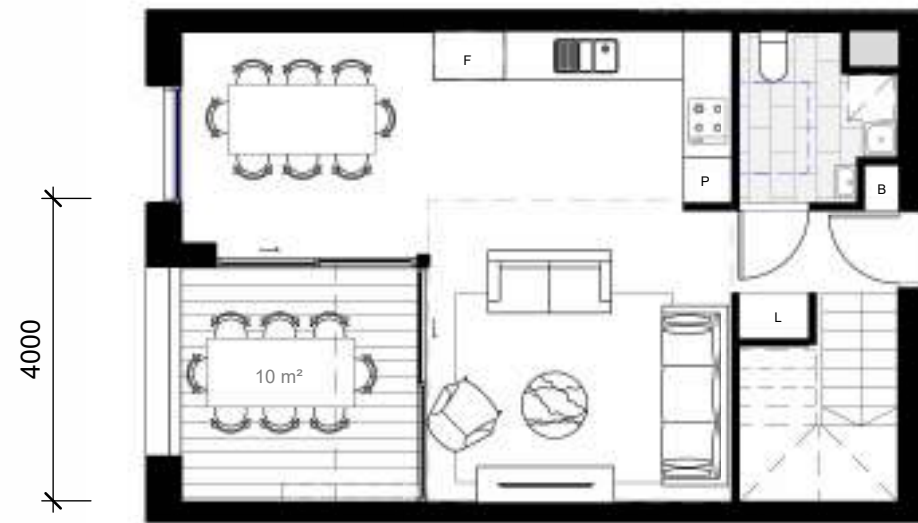
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For Approval

Drawing no.
DA13.020

Scale
As indicated
@ A1
Revision
C

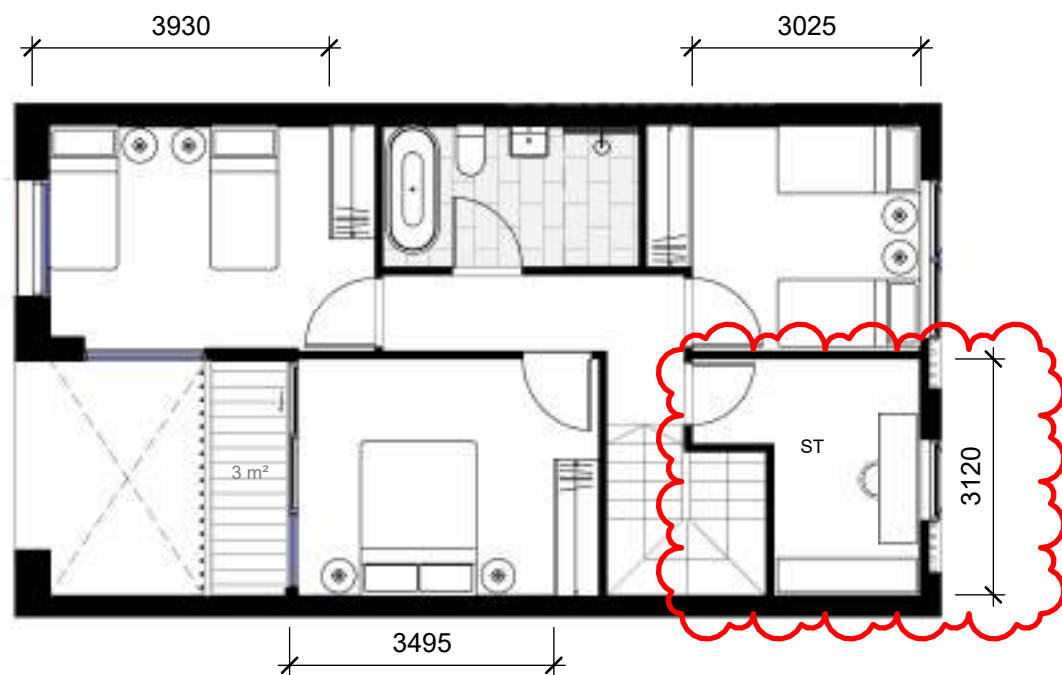


Apartment Type 3B-A						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
3B-A	93m²	12m²	Complies	L02-14	13	LH

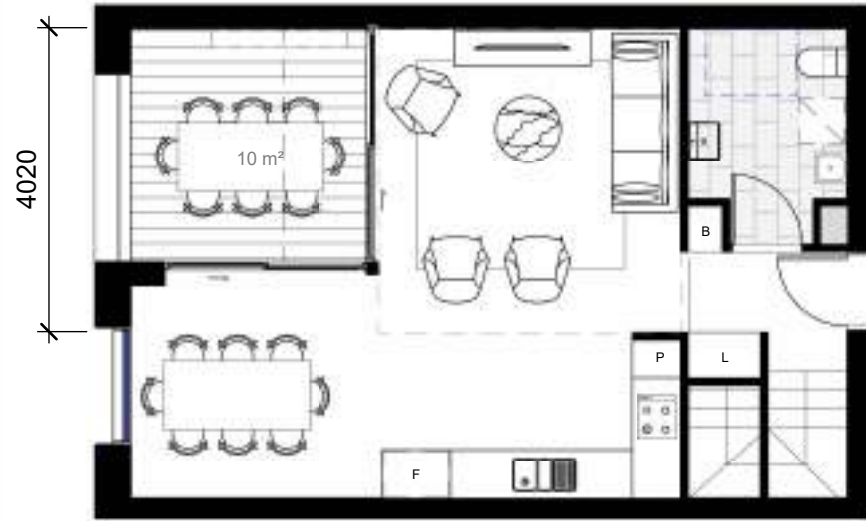


2 TYPE 3B-DU1 (LOWER) 1 : 100

Apartment Type 1B-B						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
3B-DU1	104m²	13m² (total)	Complies	L01	1	LH

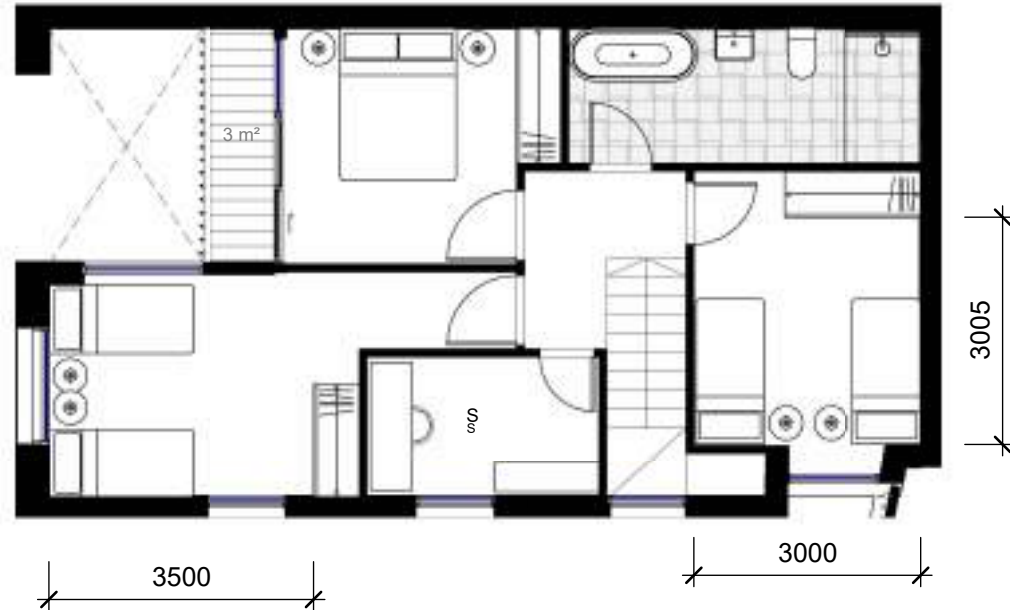


3 TYPE 3B-DU1 (UPPER) 1 : 100



4 TYPE 3B-DU2 (LOWER) 1 : 100

Apartment Type 3B-DU2						
Type	Apartment Area	Balcony Area	Storage Volume	Location	Count	Comments
3B-DU2	105m²	13m² (total)	Complies	L01	1	LH



5 TYPE 3B-DU2 (UPPER) 1 : 100



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Client
City West Housing

LEGEND - APARTMENT TYPES

P Pantry
S Storage
L Linen Cupboard
F Fridge
B Broom Cupboard
CL Clothes Line



Ceiling Fan

LH Livable Housing Design
VS Livable Housing Design Beyond Voluntary Standard

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

B 03.02.26 Amended DA Issue
A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA13 - Apartment Types
3 Bed Apartment Types

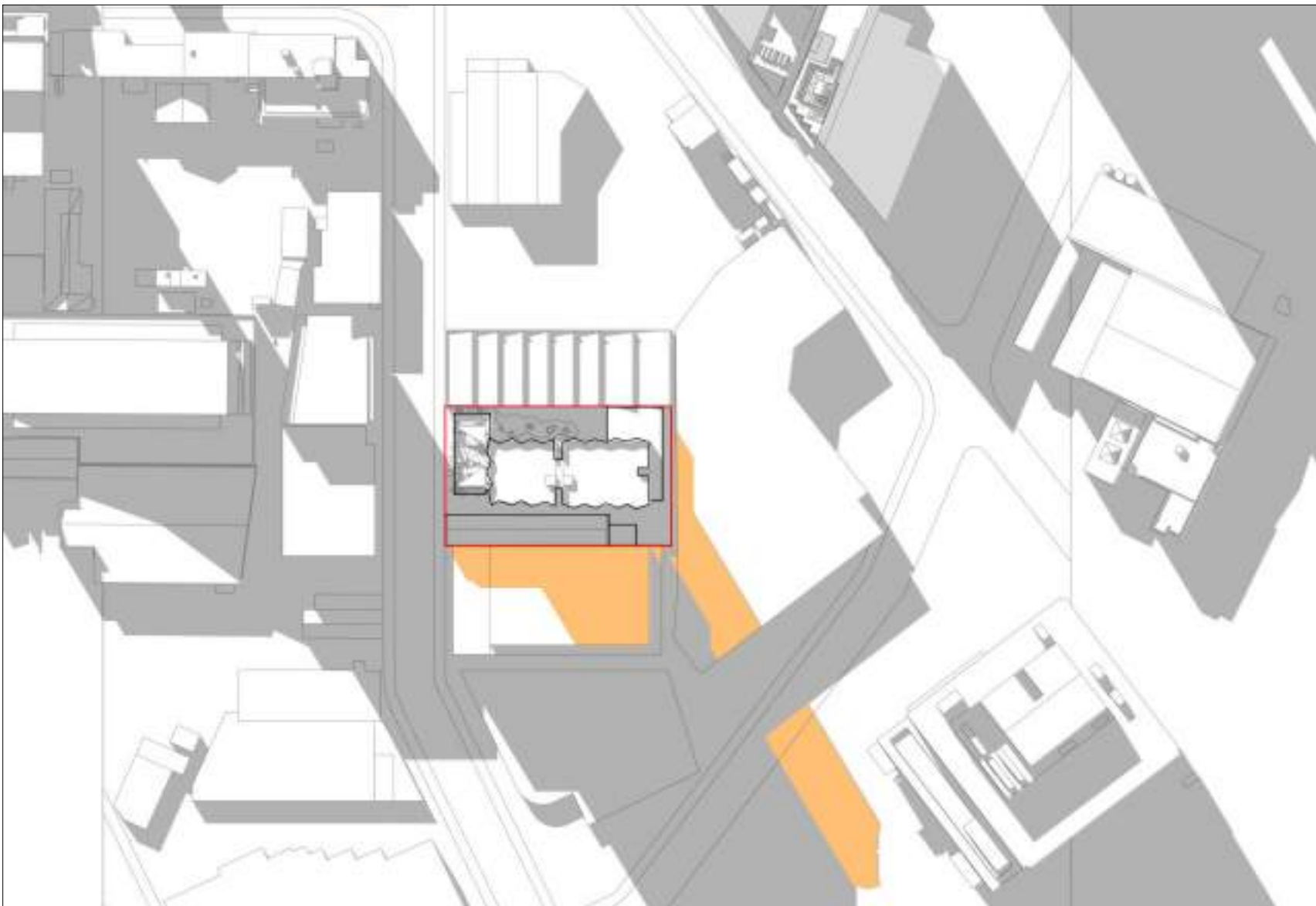
Phase
Development Application

Status
For Approval

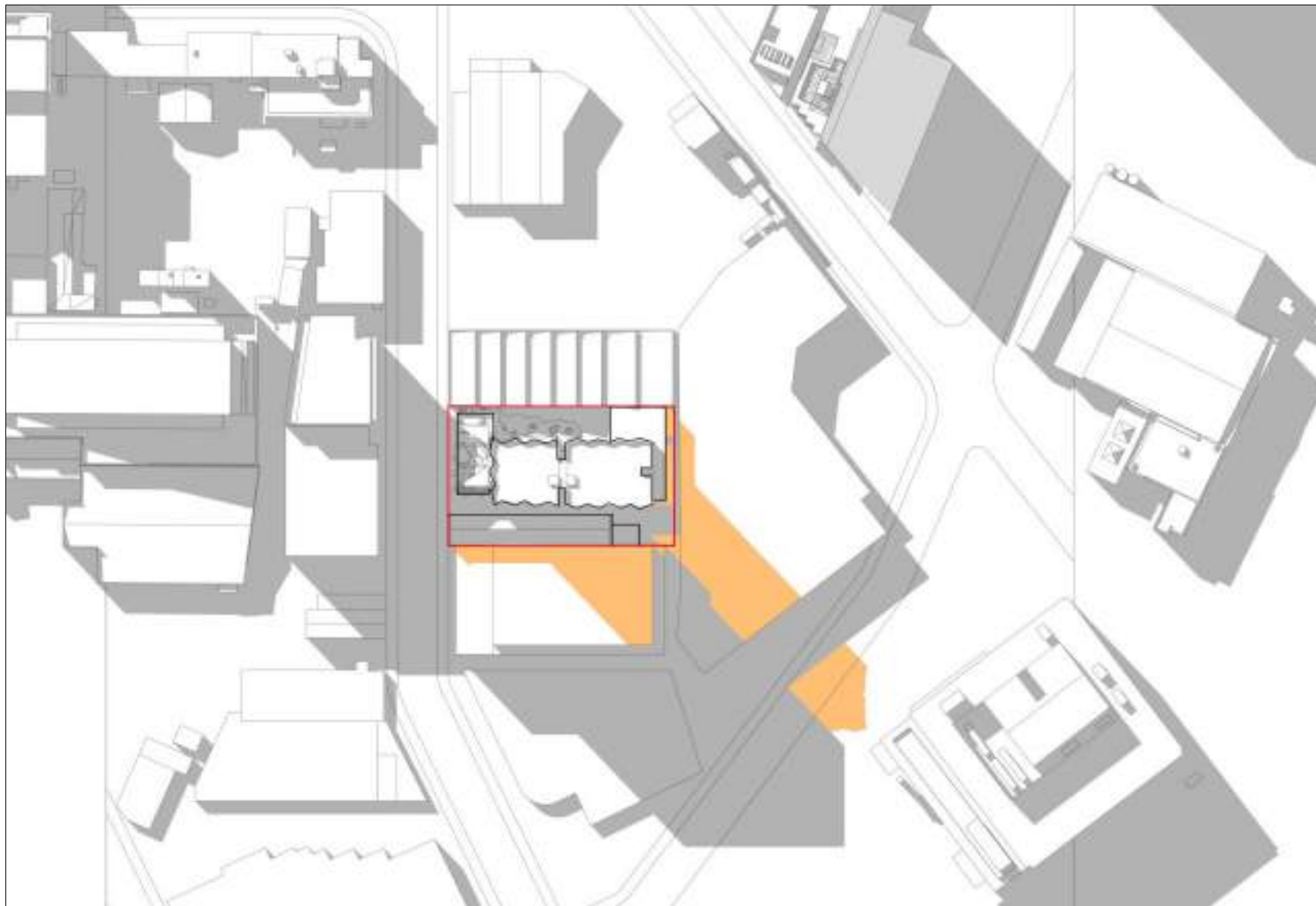
Drawing no.
DA13.030

Scale
As indicated
@ A1
Revision
B

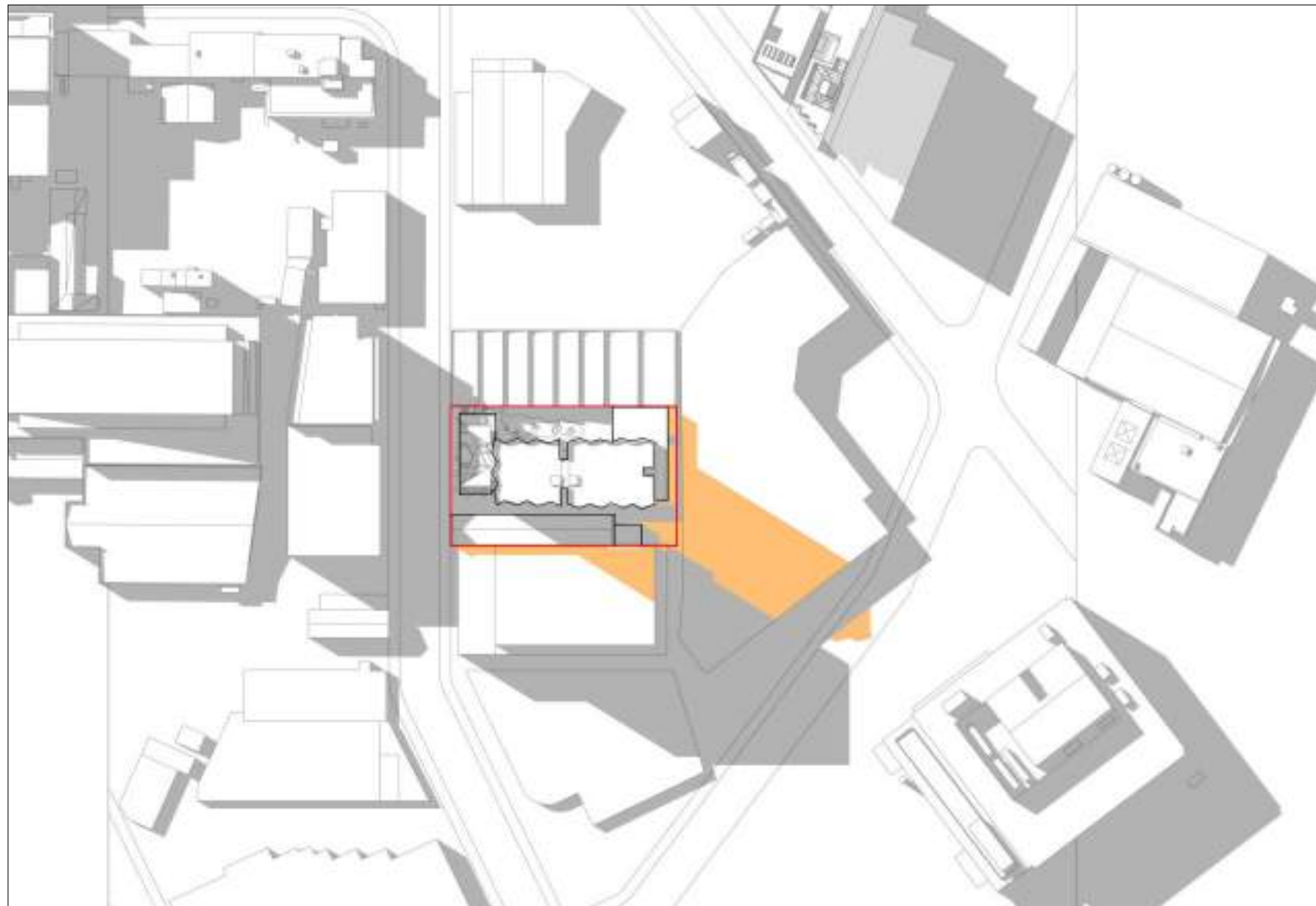




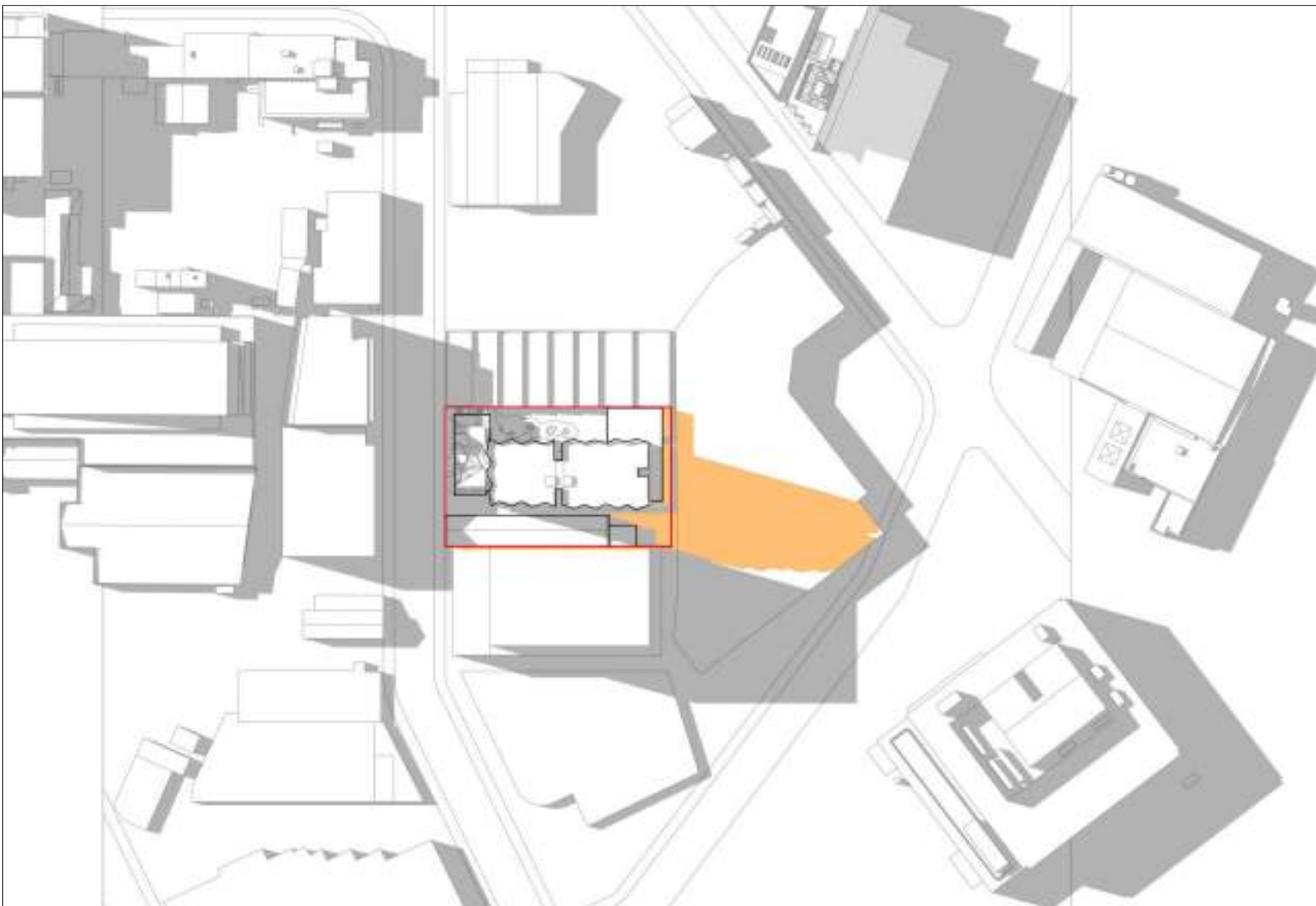
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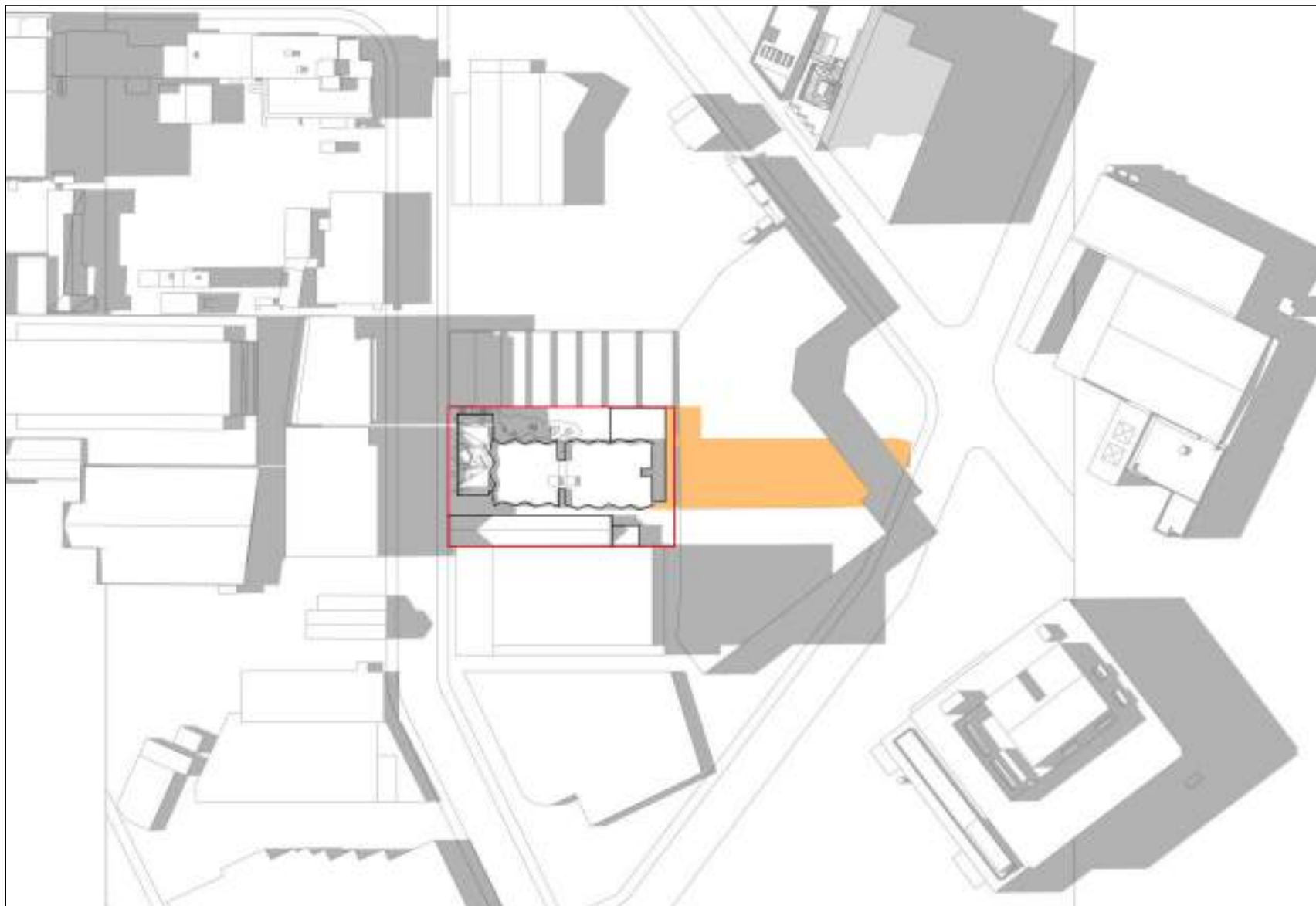
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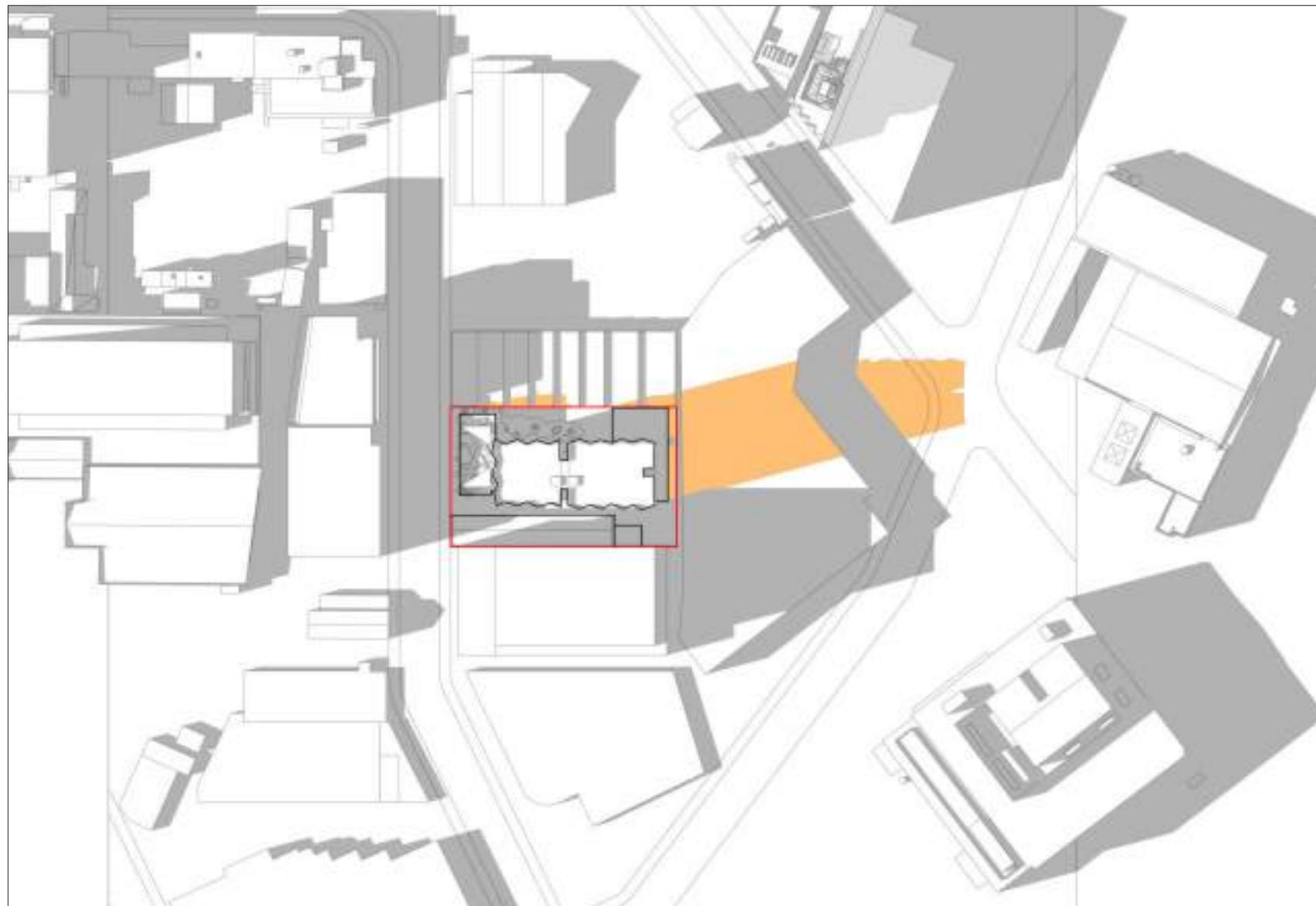
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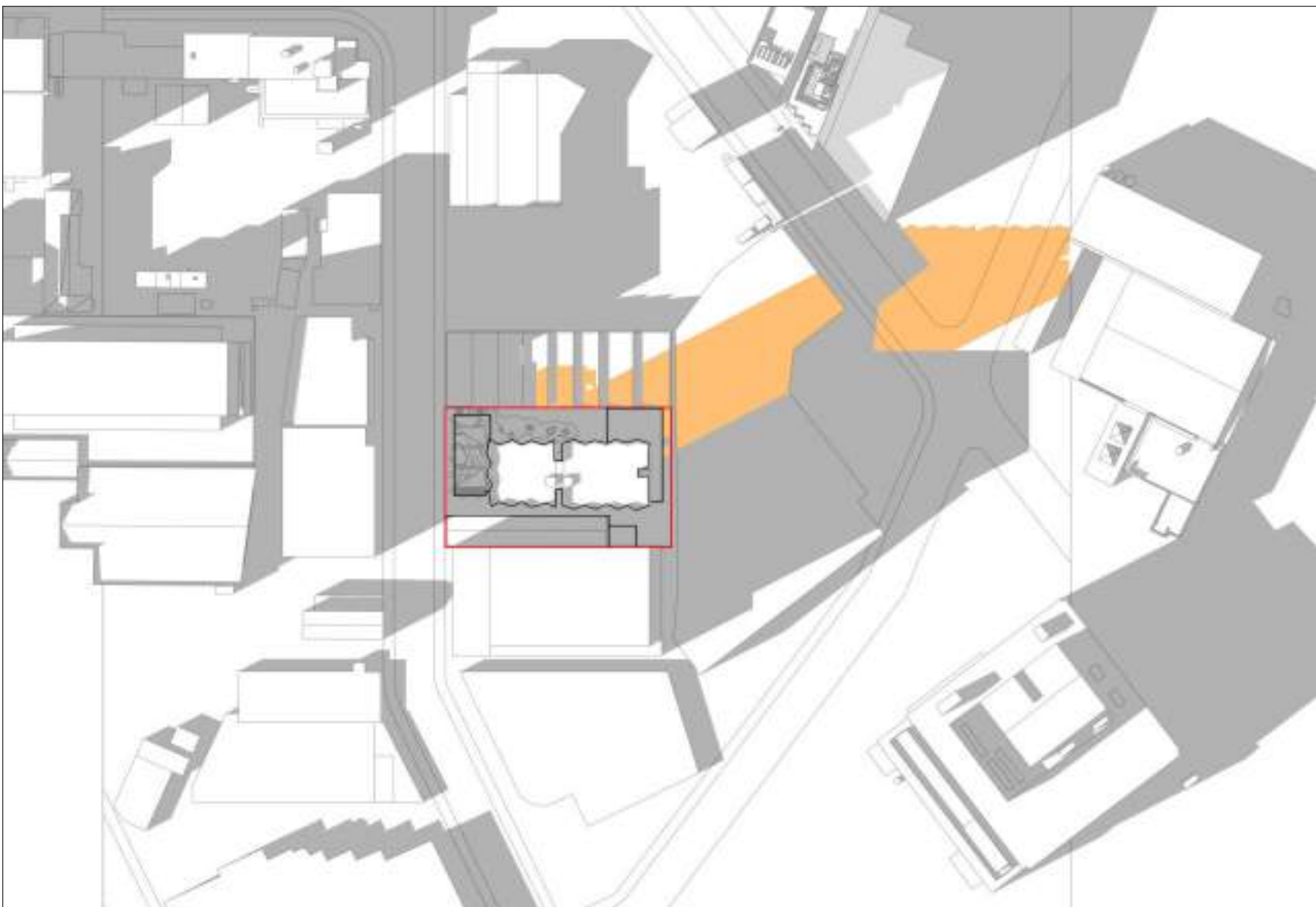
June 21 1200



June 21 1300



June 21 1400



June 21 1500



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Client
City West Housing

LEGEND - OVERSHADOWING

- Property Boundary
- Proposed Shadow at Winter Solstice
- Existing Shadow at Winter Solstice

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

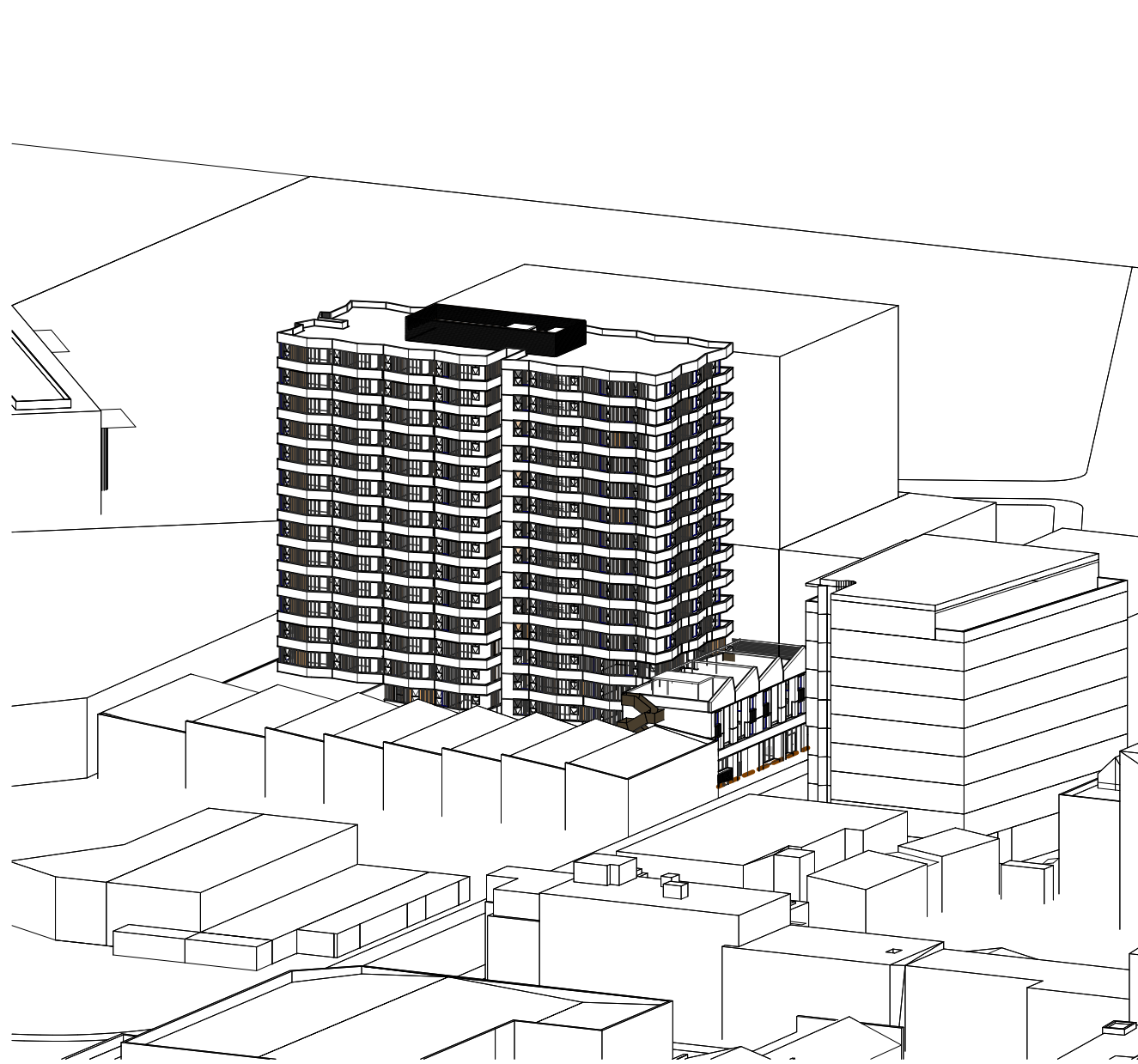
A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

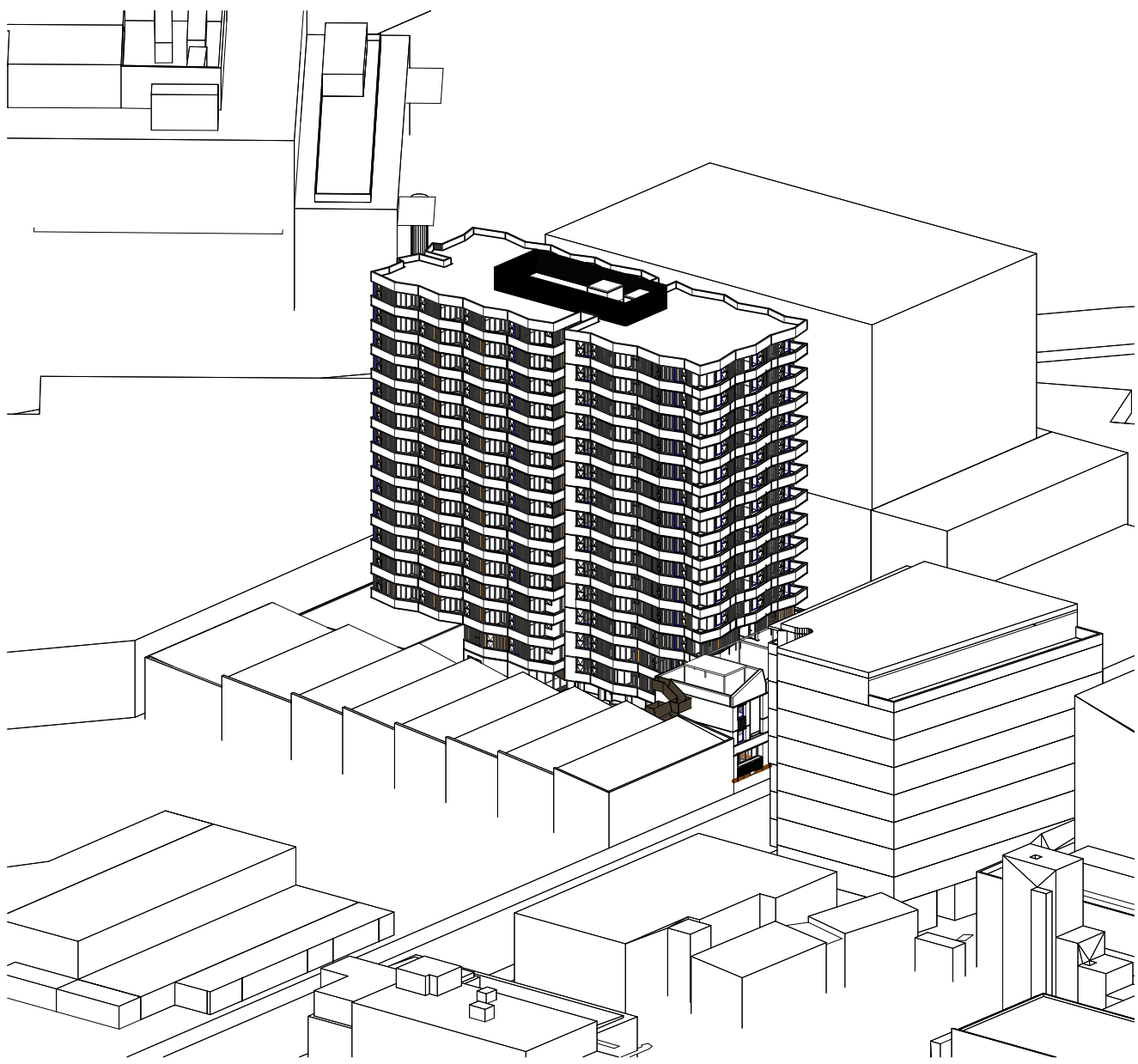
Project No.
S12877

Drawing Title
DA22 - Compliance
Overshadowing Diagrams

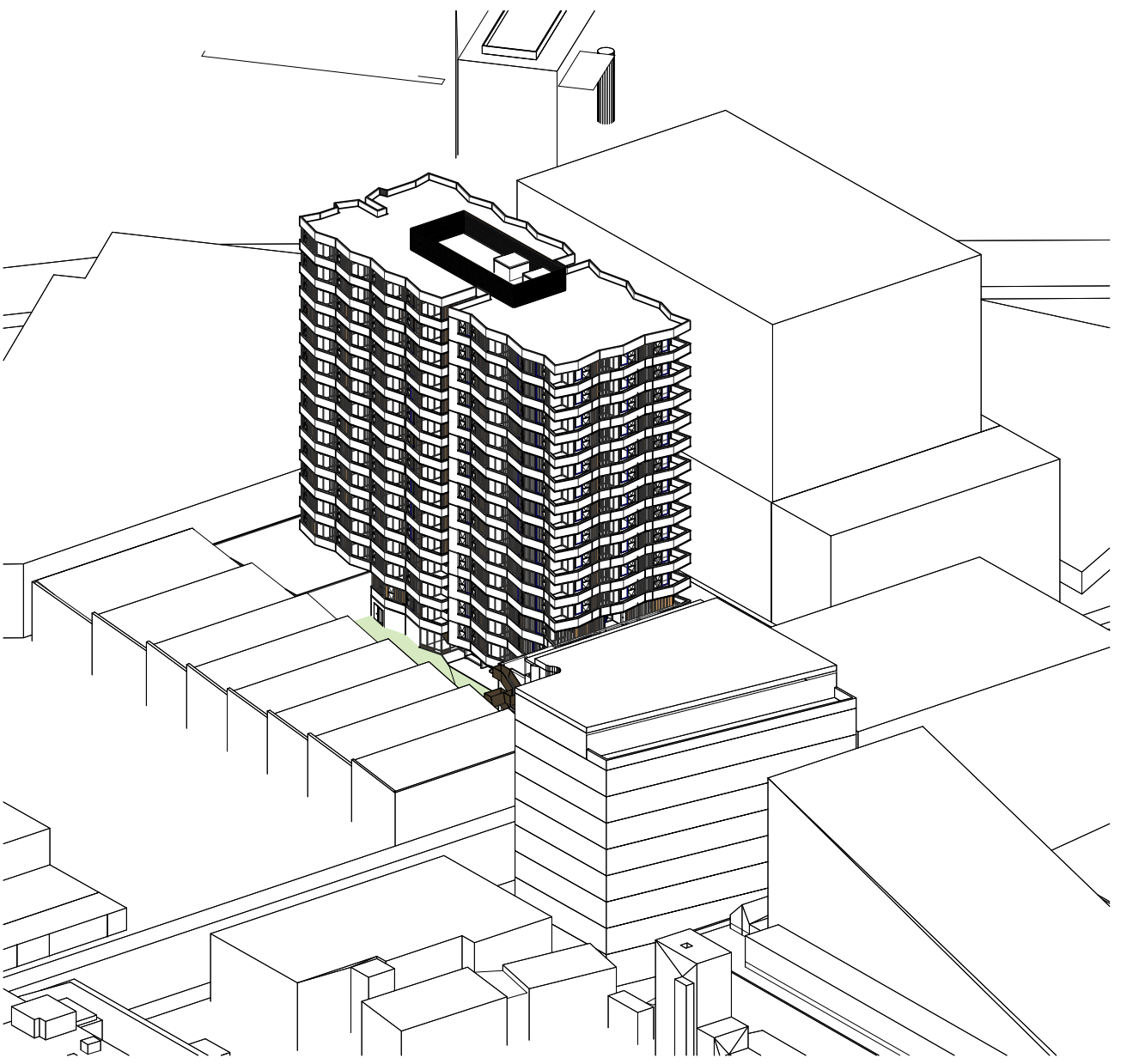
Phase
Development Application
Status
For Approval
Drawing no.
DA22.000
Scale
1 : 100 @ A1
Revision
A



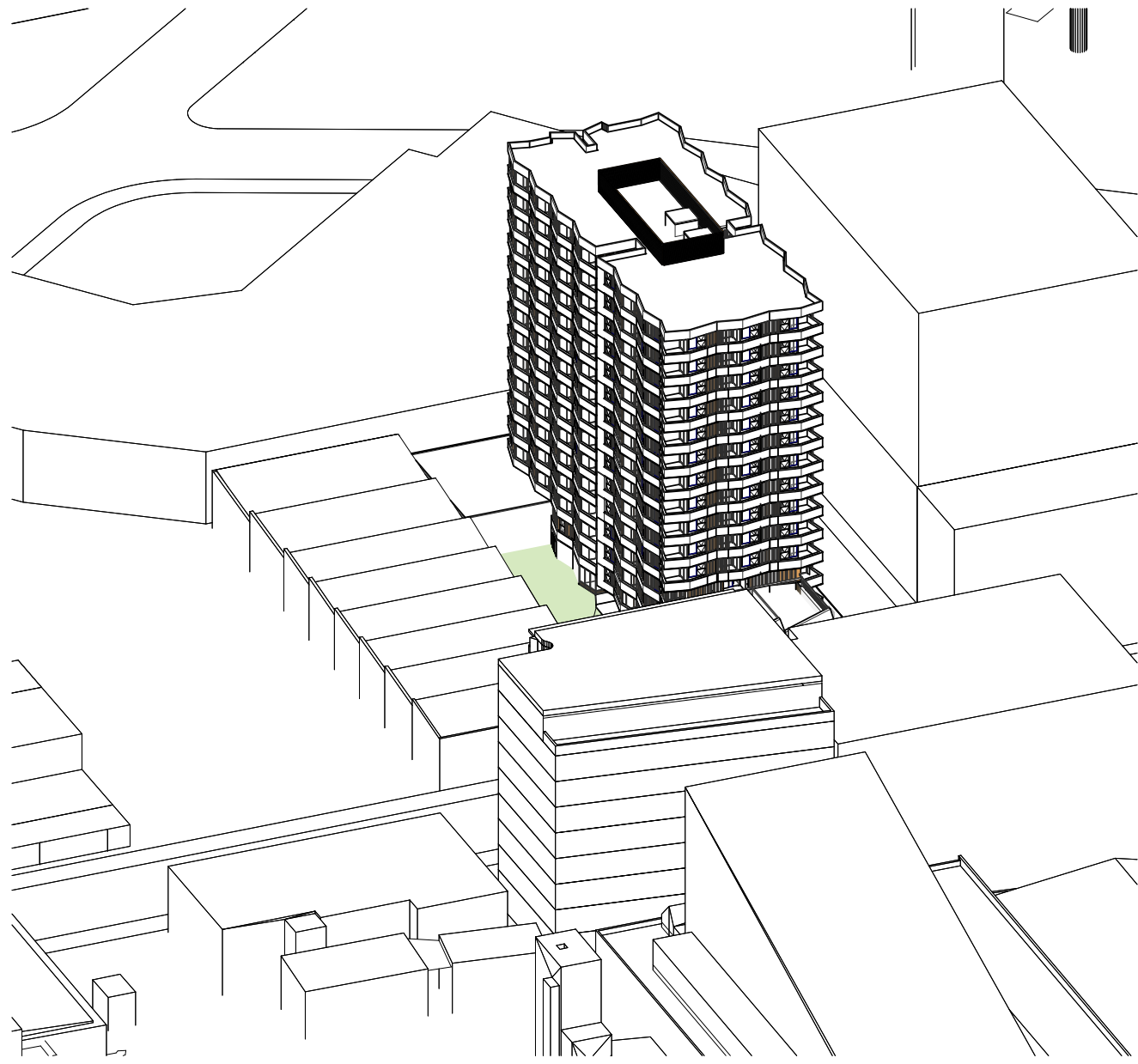
1 VFS - Winter Solstice 0900



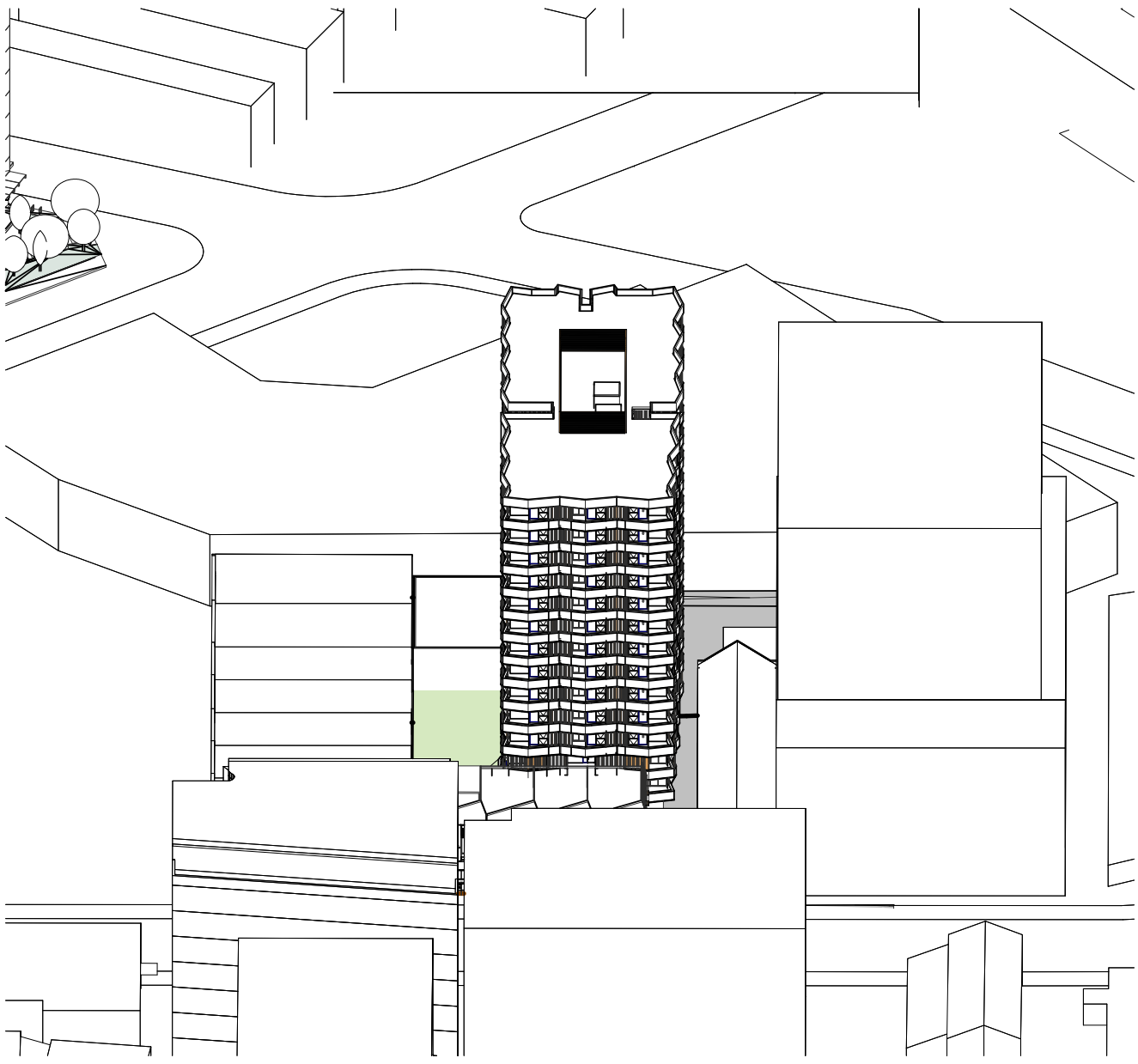
2 VFS - Winter Solstice 1000



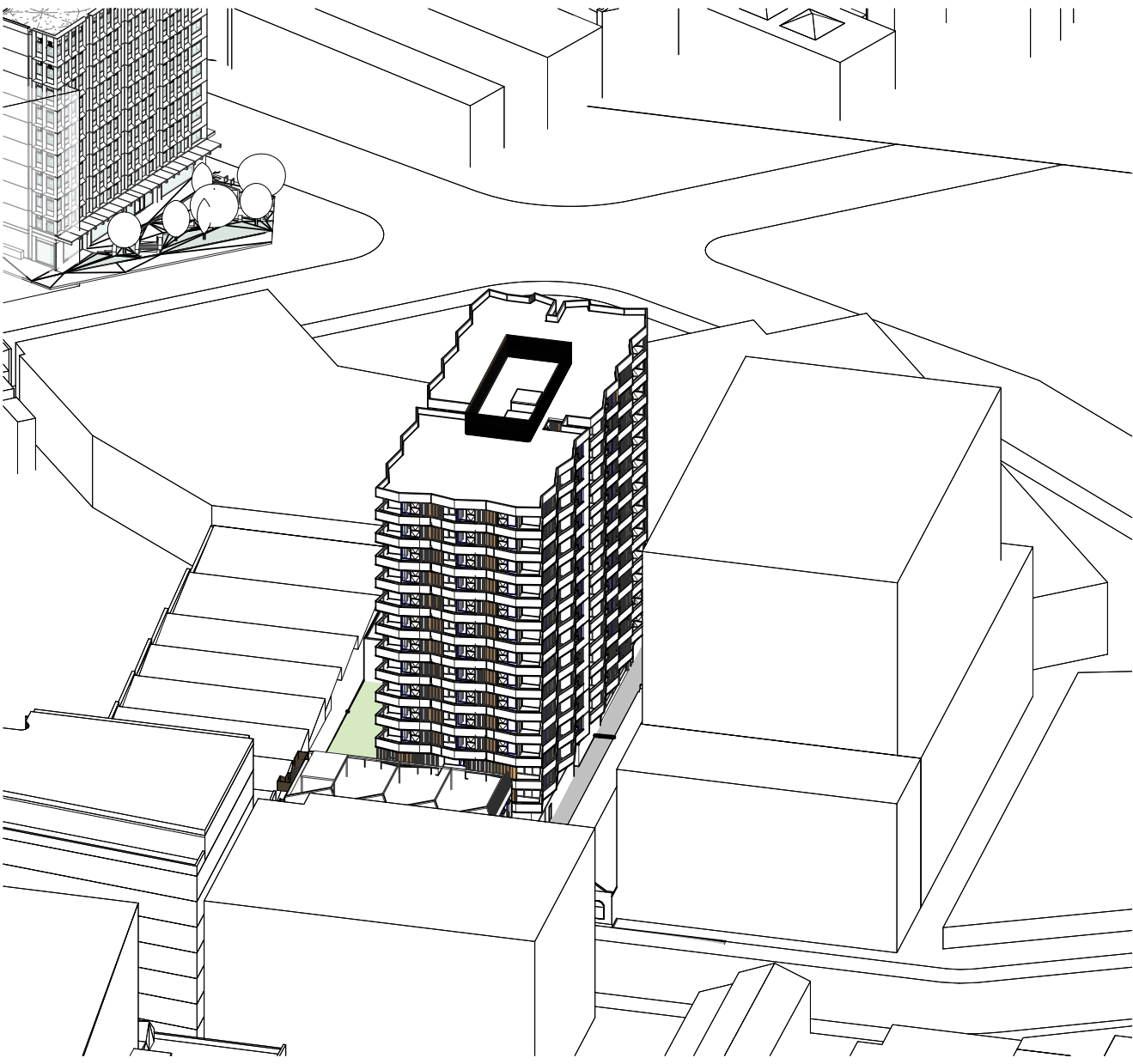
3 VFS - Winter Solstice 1100



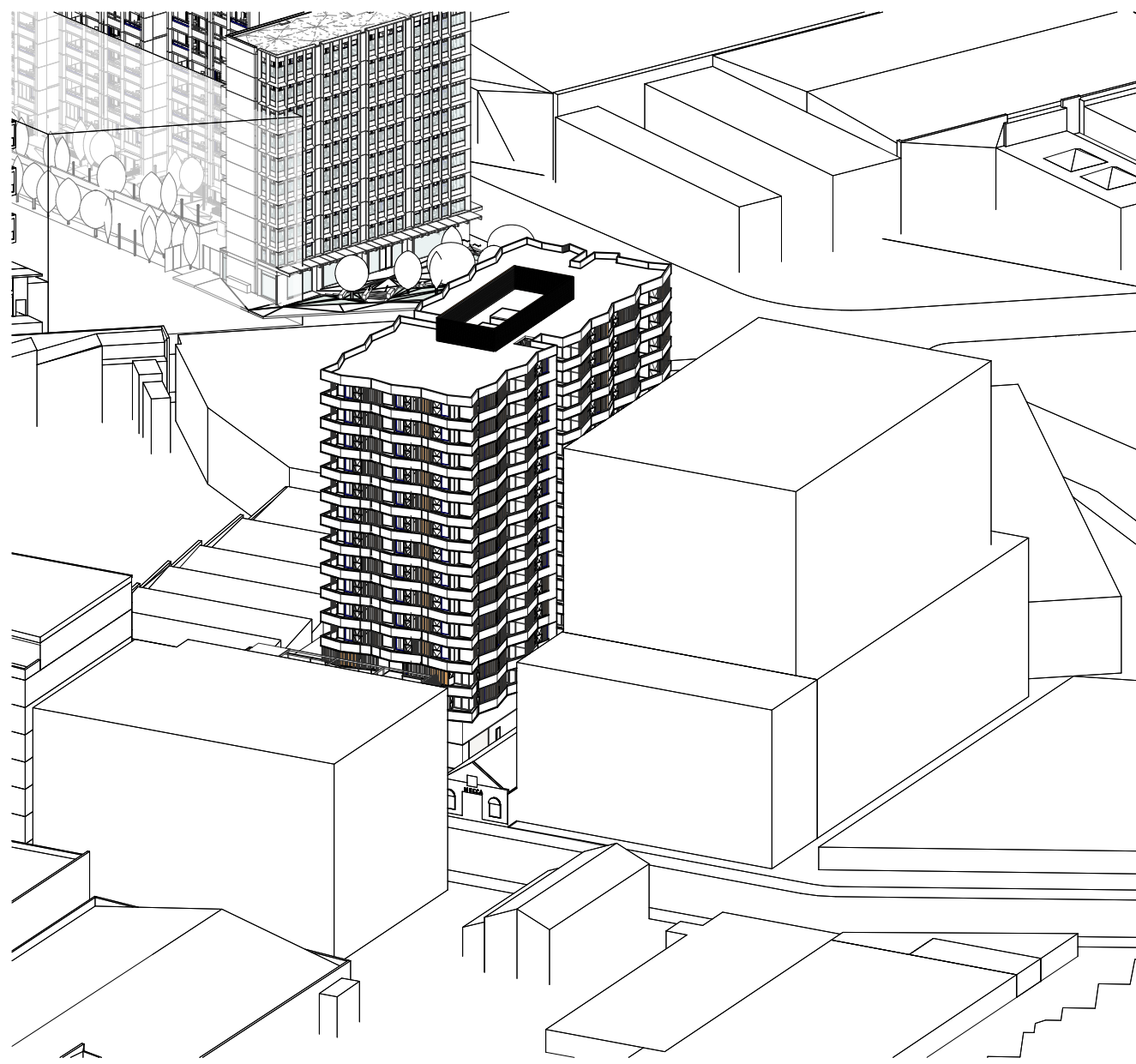
4 VFS - Winter Solstice 1200



5 VFS - Winter Solstice 1300



6 VFS - Winter Solstice 1400



7 VFS - Winter Solstice 1500



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Bates Smart Architects Pty Ltd
ABN 68 094 740 986

NSW Nominated Responsible Architects
Kellie Payne 6454, Philip Vivian 6696, Guy Lake 7119, Matt Allen 8498.

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Client
City West Housing

Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

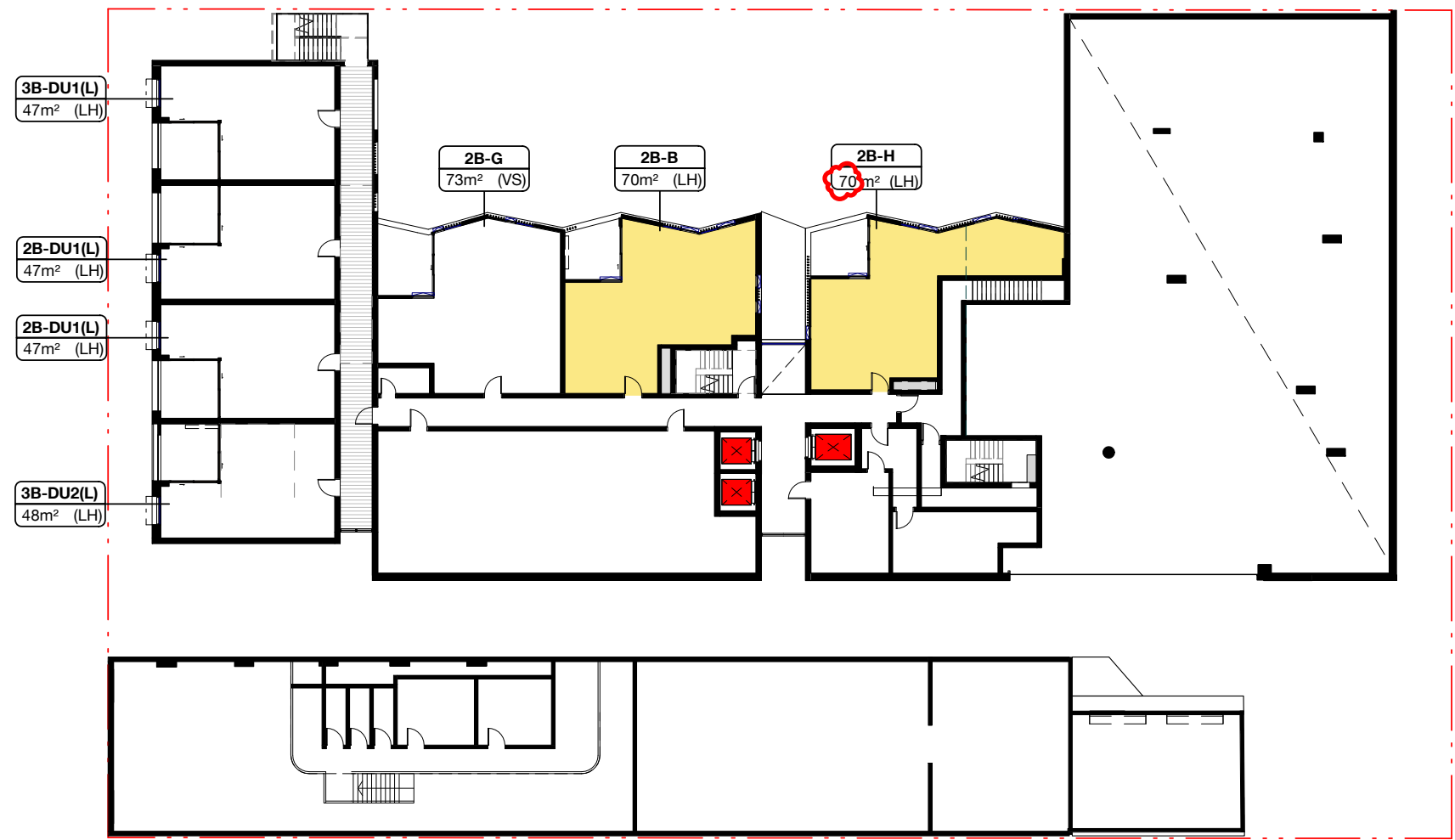
Drawing Title
DA22 - Compliance
Sun Eye Diagrams

Phase
Development Application

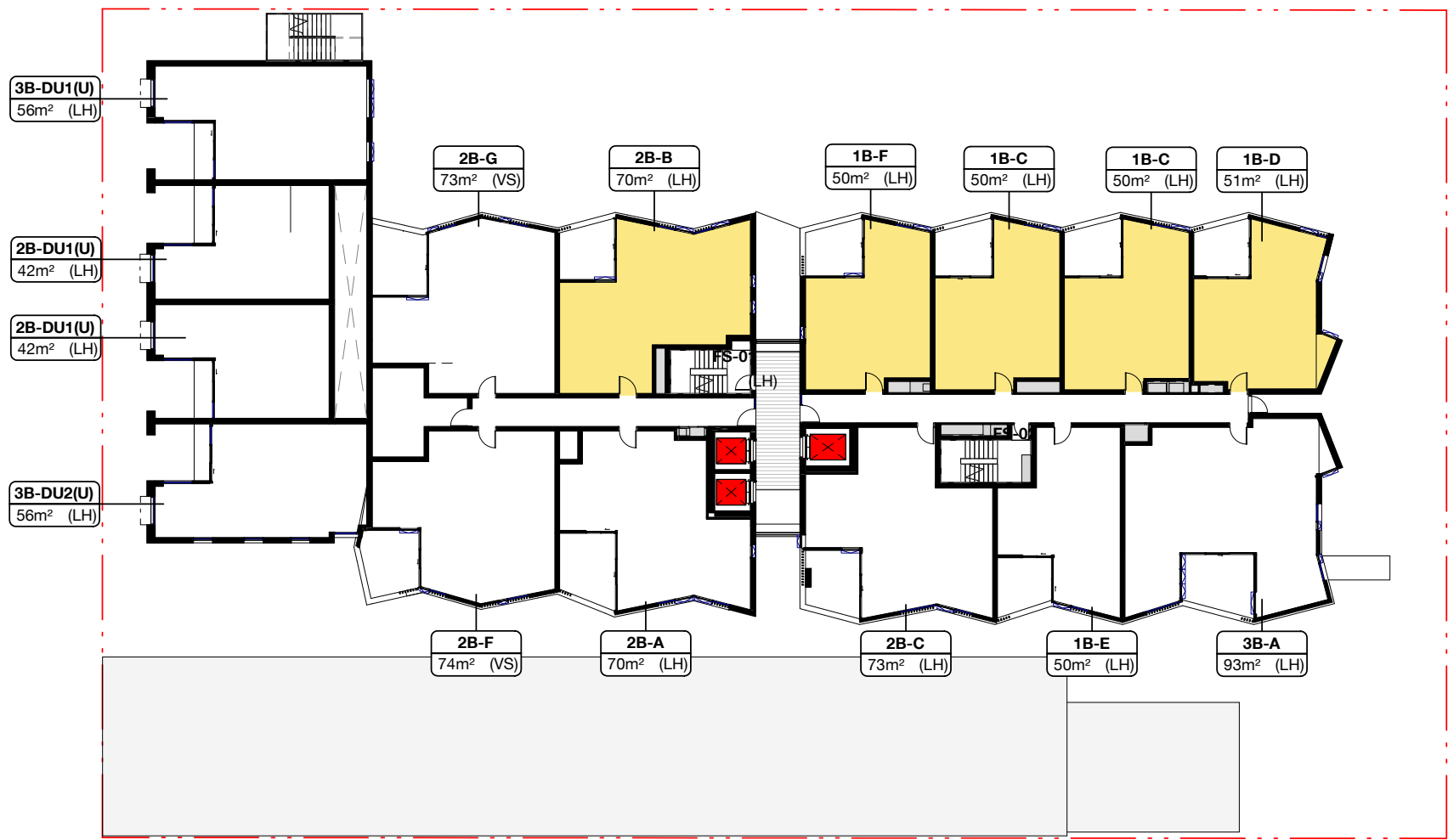
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For Approval

Drawing no.
DA22.100

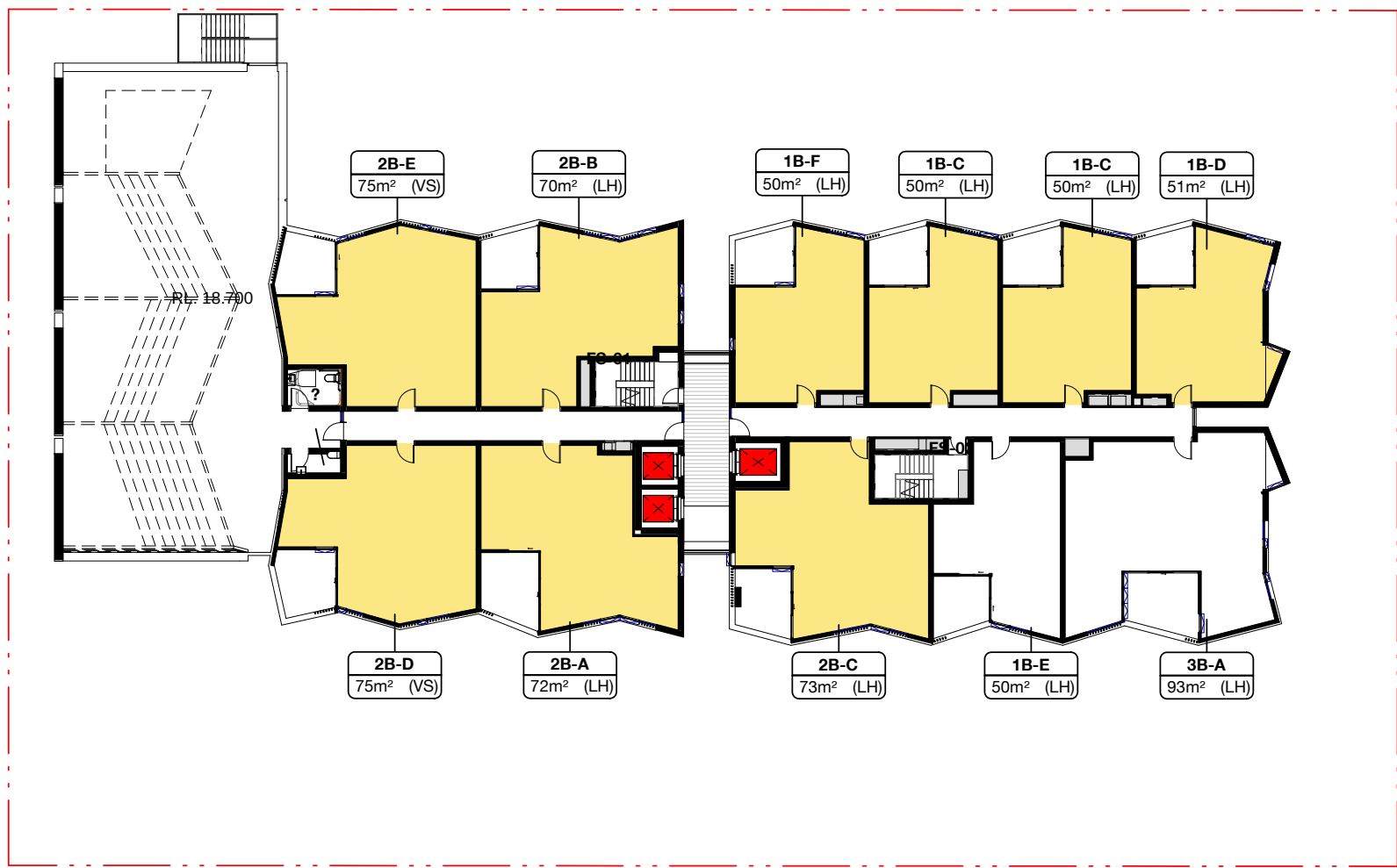
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Revision
A



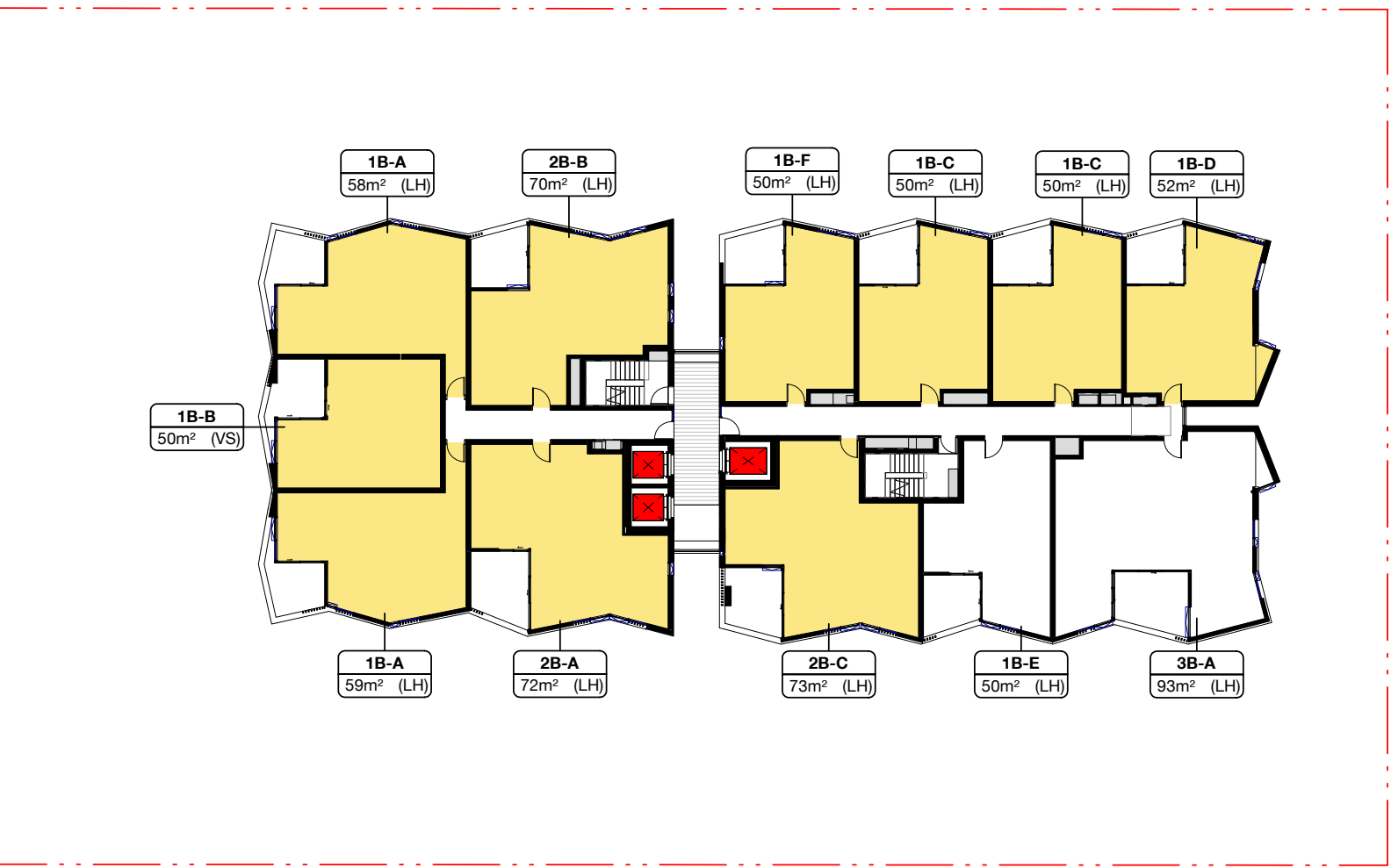
1 Solar Access - Level 01
1 : 350



2 Solar Access - Level 02
1 : 350



3 Solar Access - Level 03
1 : 350



4 Solar Access - Level 04-14
1 : 350

SOLAR COMPLIANCE

Level 01:	2 Apartments
Level 02:	5 Apartments
Level 03:	9 Apartments
Level 04-14	10 Apartments x 11 Levels
Total:	126/161 (78.3%) Apartments achieve solar compliance



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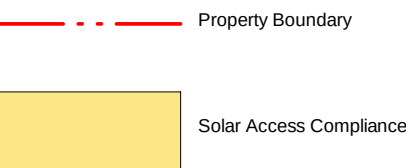
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LEGEND - SOLAR ACCESS



Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

C	20.03.26	Amended DA Issue
B	25.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia
First Nations Country
Gadigal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA22 - Compliance
Solar Access

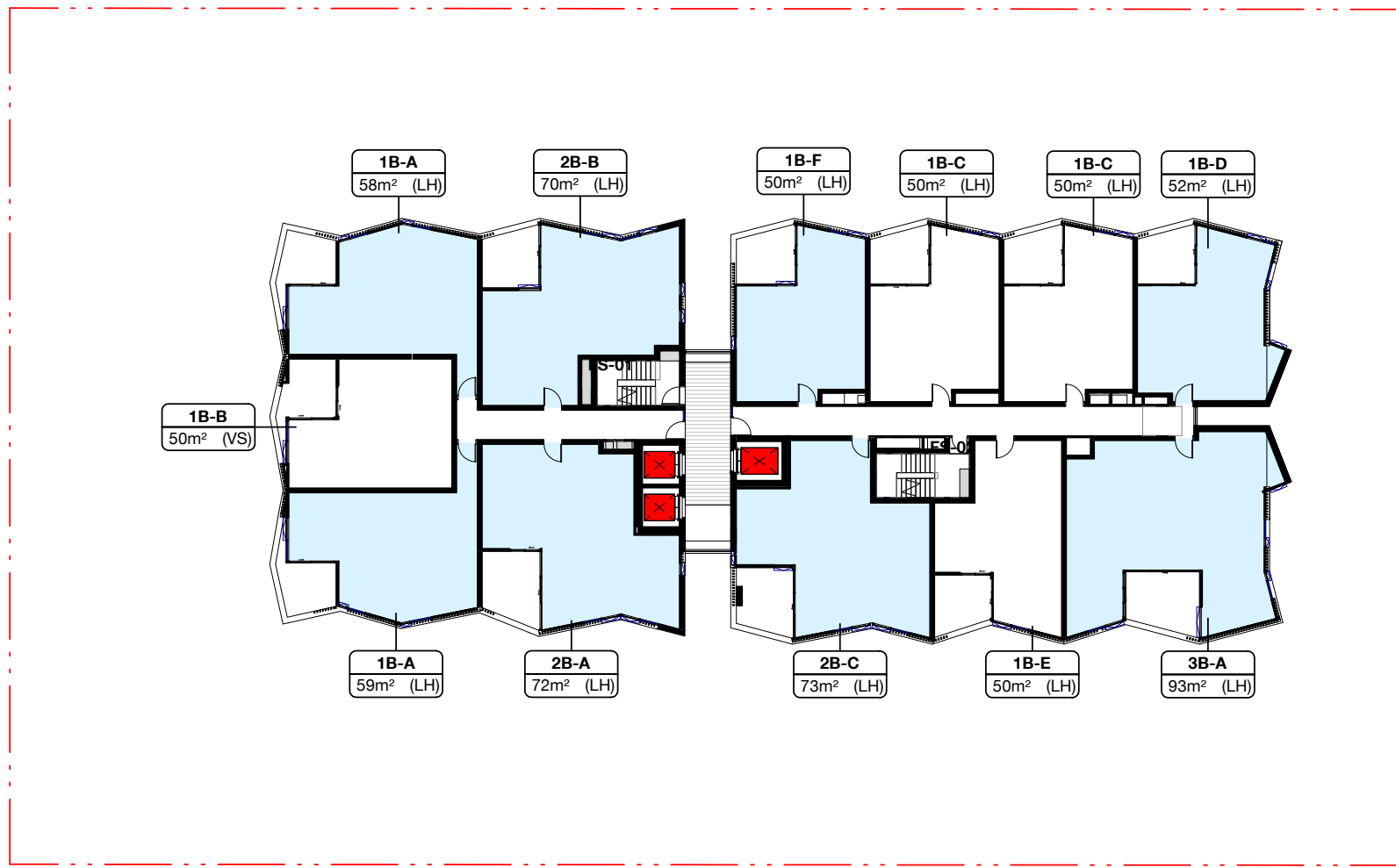
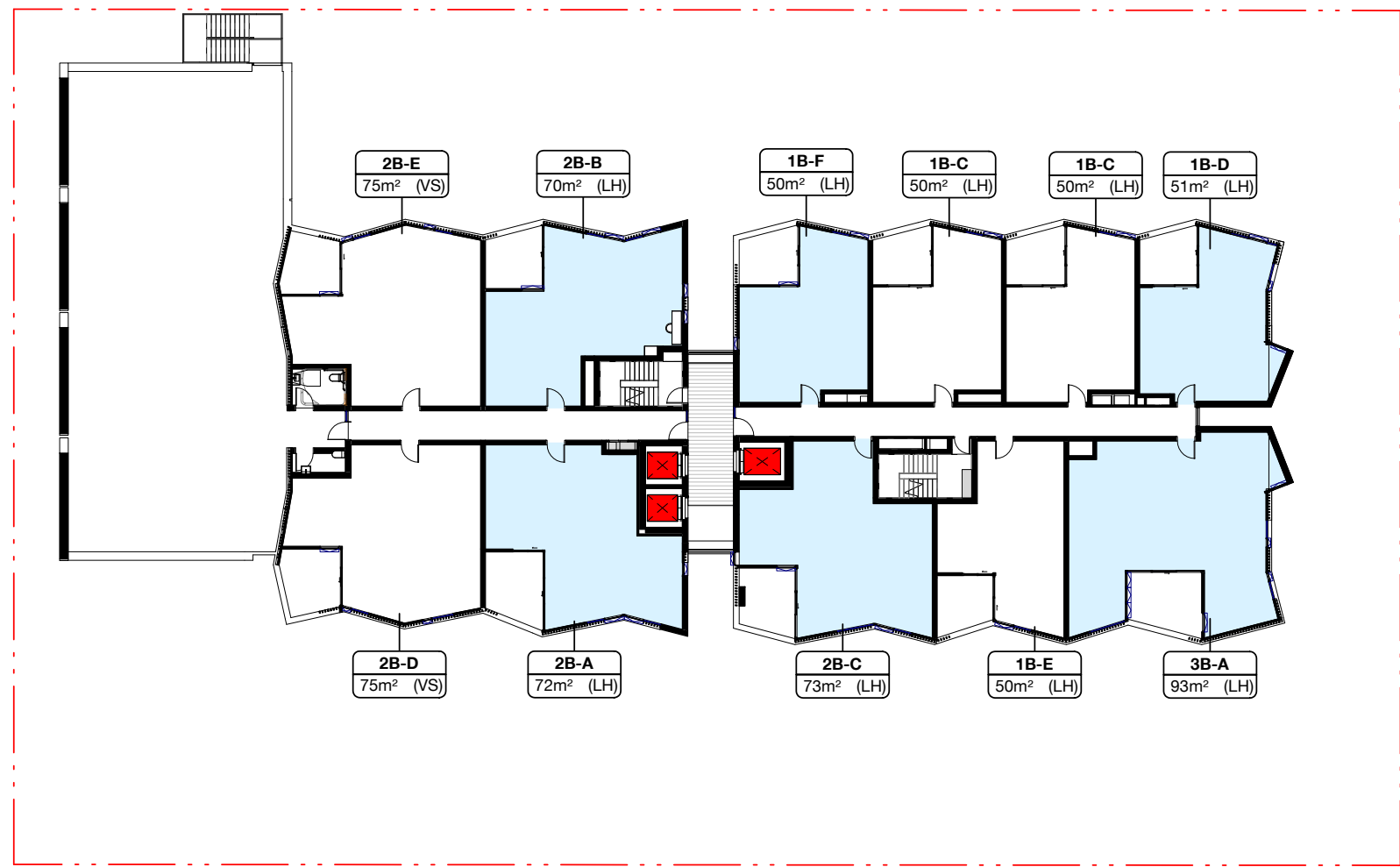
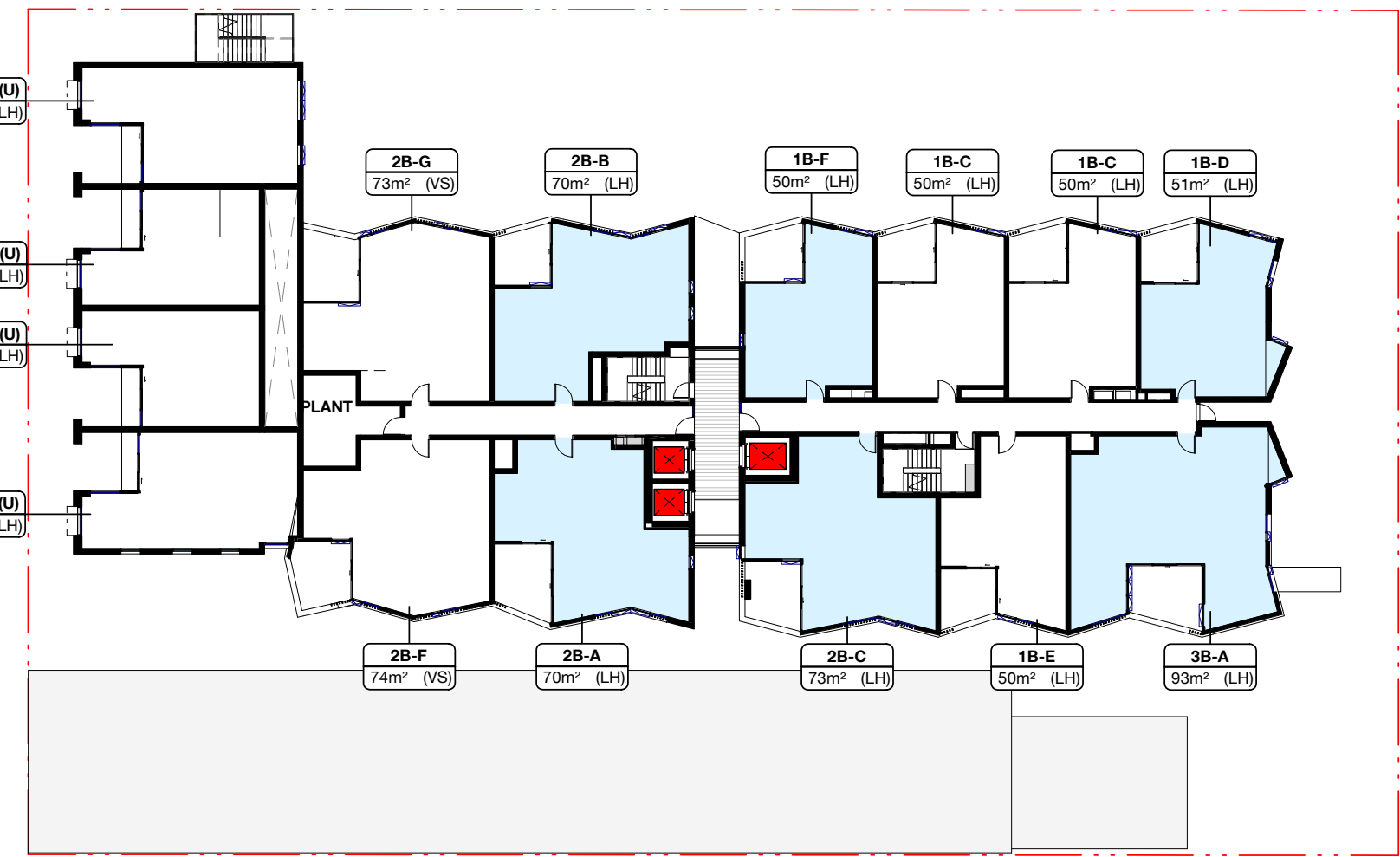
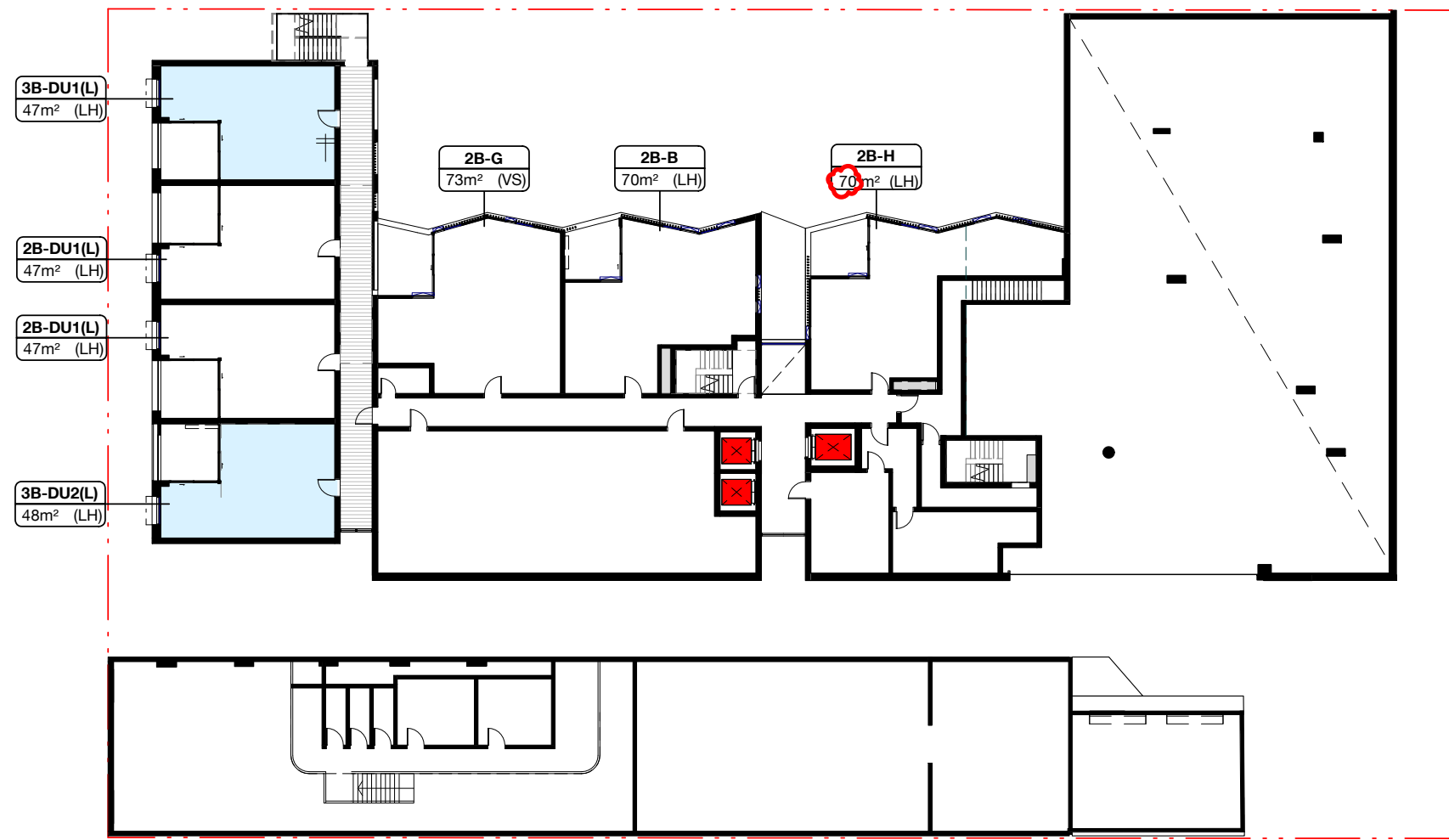
Phase
Development Application

Status
For Approval

Drawing no.
DA22.300

Scale
As indicated
@ A1
Revision
C





CROSS VENTILATION COMPLIANCE

Level 01:	2 Apartments
Level 02:	6 Apartments
Level 03:	6 Apartments
Level 04-08	8 Apartments x 5 Levels
Total:	54/89 (60.6%) Apartments achieve cross ventilation

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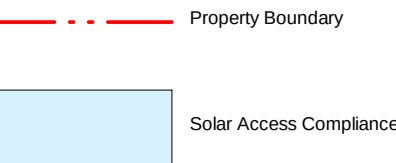
Do not scale drawings.

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LEGEND - CROSS VENTILATION



Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

C 20.03.26 Amended DA Issue
B 25.02.26 Amended DA Issue
A 17.09.25 DA Issue

Project Title
Banksia
First Nations Country
Gadigal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA22 - Compliance
Cross Ventilation

Phase
Development Application

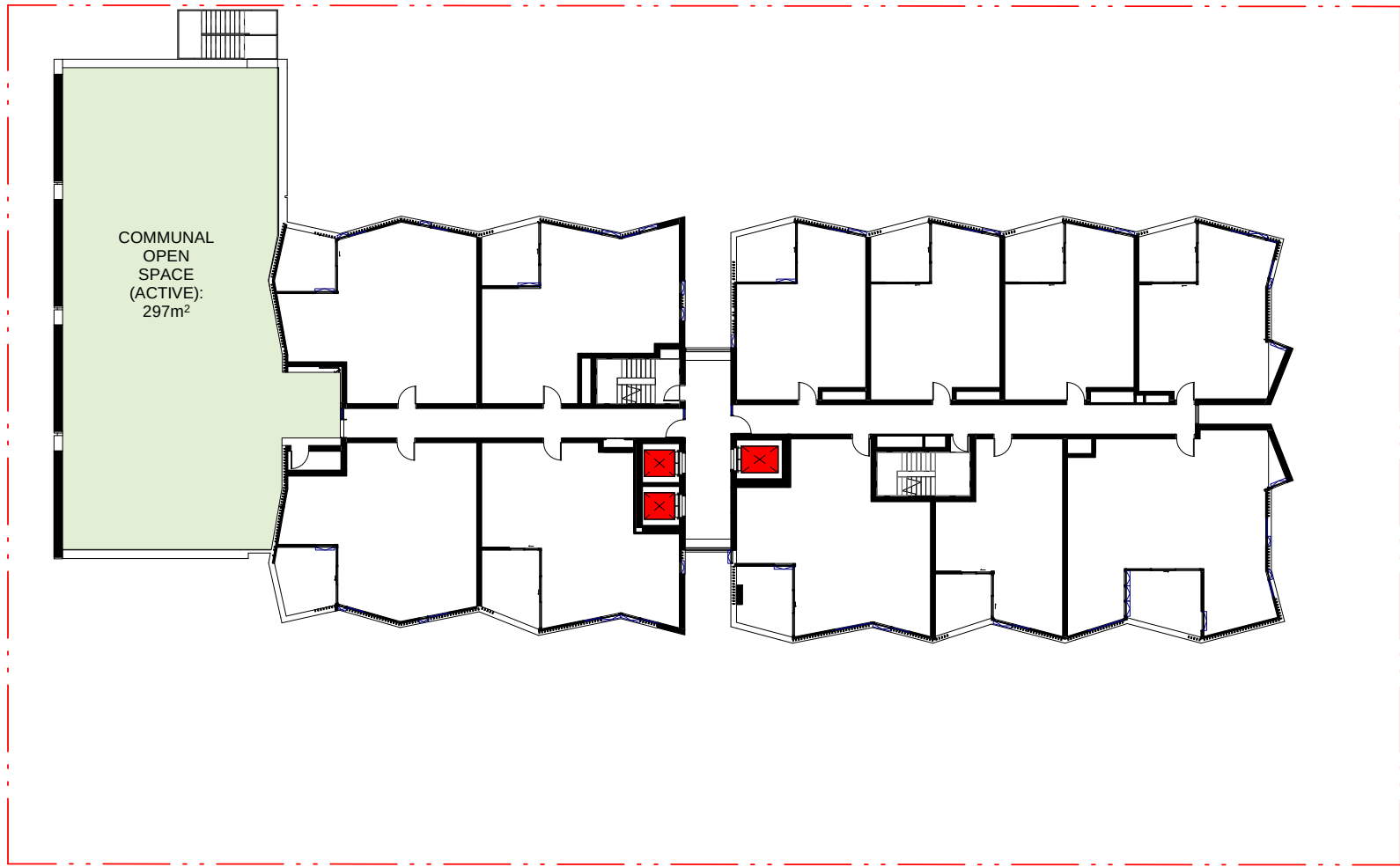
Status
For Approval

Drawing no.
DA22.400

Scale
As indicated
@ A1
Revision
C



1 Open Space - Ground Floor
1 : 350



2 Open Space - Level 03
1 : 350

COMMUNAL OPEN SPACE

Ground Floor Passive Communal Open Space:	554m ²
Level 03 Active Communal Open Space	297m ²
Total Communal Open Space Area	851m ² (26% of Site Area)

DEEP SOIL ZONE

Ground Floor :	386m ² (12% of Site Area)
----------------	--------------------------------------



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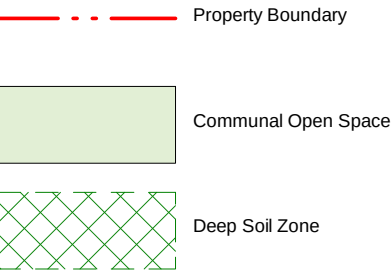
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LEGEND - OPEN COMMUNAL SPACE



Current Revision Description

Data Issue Record
Current Revision released by
Rev Date Description

B	25.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia
First Nations Country
Gadigal
Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA22 - Compliance
Open Space and Deep Soil

Phase
Development Application

Status
For Approval

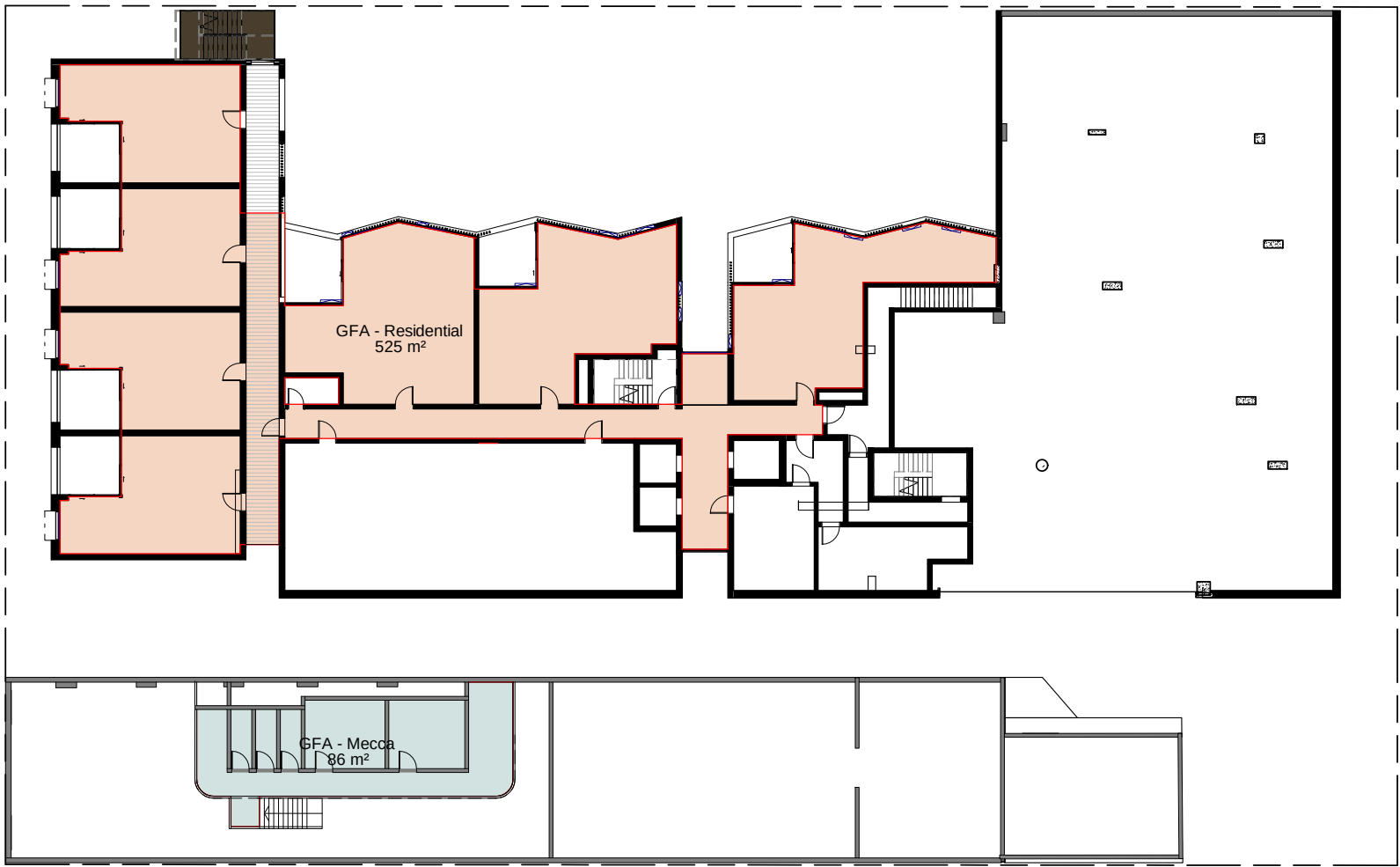
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Scale
As indicated
@ A1
Revision
B

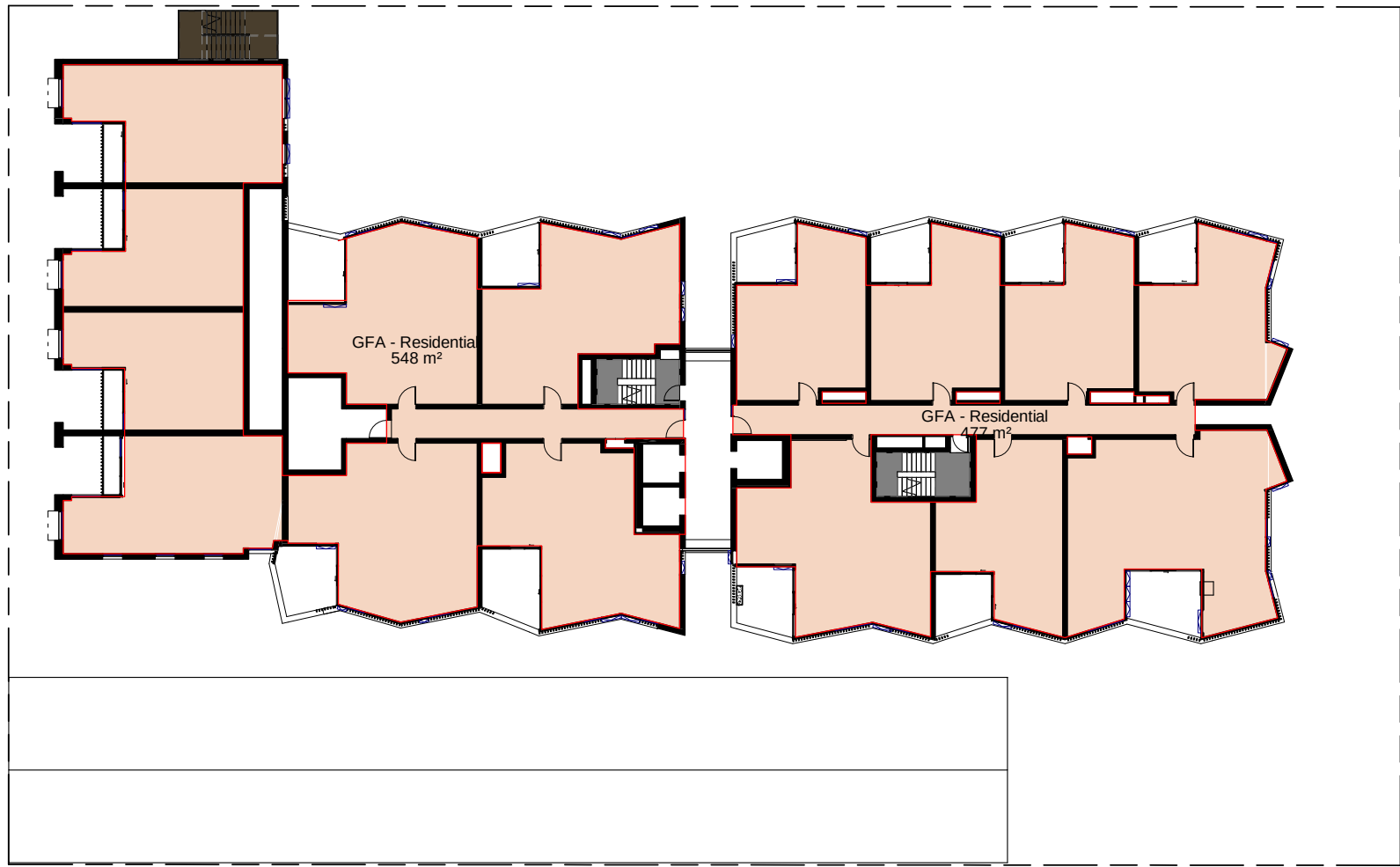




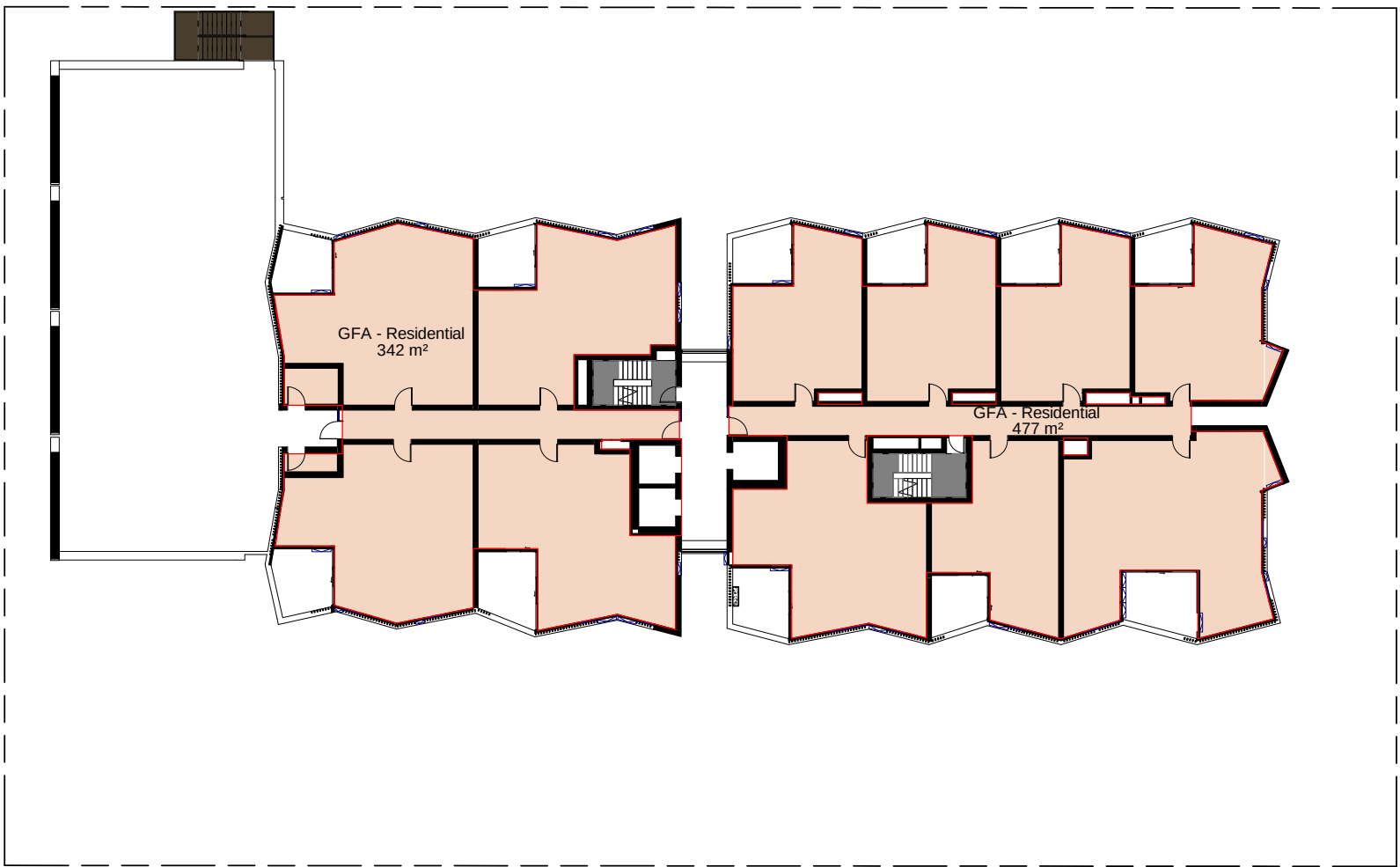
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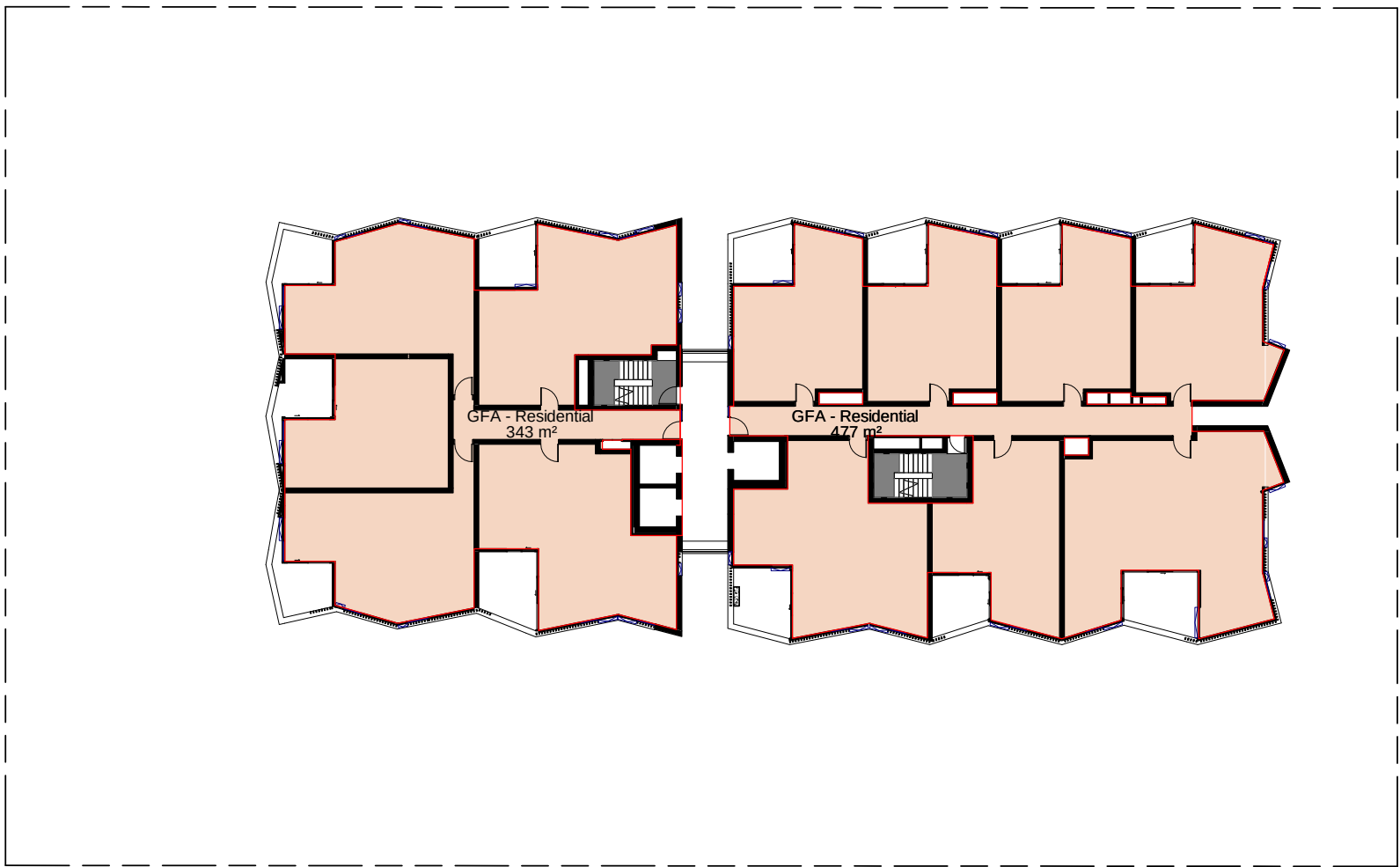
2 GFA - LEVEL 01
1 : 350



3 GFA - LEVEL 02
1 : 350



4 GFA - LEVEL 03
1 : 350



5 GFA - LEVEL 04-14
1 : 350

LEGEND		
	Residential GFA:	11,833m²
	Commercial GFA:	129m²
	Community GFA:	70m²
	Ex. Mecca Building GFA:	564m²
Total GFA:		12,596m²

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City West Housing

Current Revision Description

Data Issue Record		
Current Revision released by		
Rev	Date	Description

B	25.02.26	Amended DA Issue
A	17.09.25	DA Issue

Project Title
Banksia
First Nations Country
Gadigal

Project Address
20-26 Bourke Rd
Alexandria

Project No.
S12877

Drawing Title
DA23 - Area Calculation Plans
Gross Floor Area Plans

Phase
Development Application

Status
For Approval

Drawing no.
DA23.000

Scale
As indicated
@ A1
Revision
B

Banksia Apartments | Landscape DA Package

20-26 Bourke Road, Alexandria NSW 2015

Drawing register:

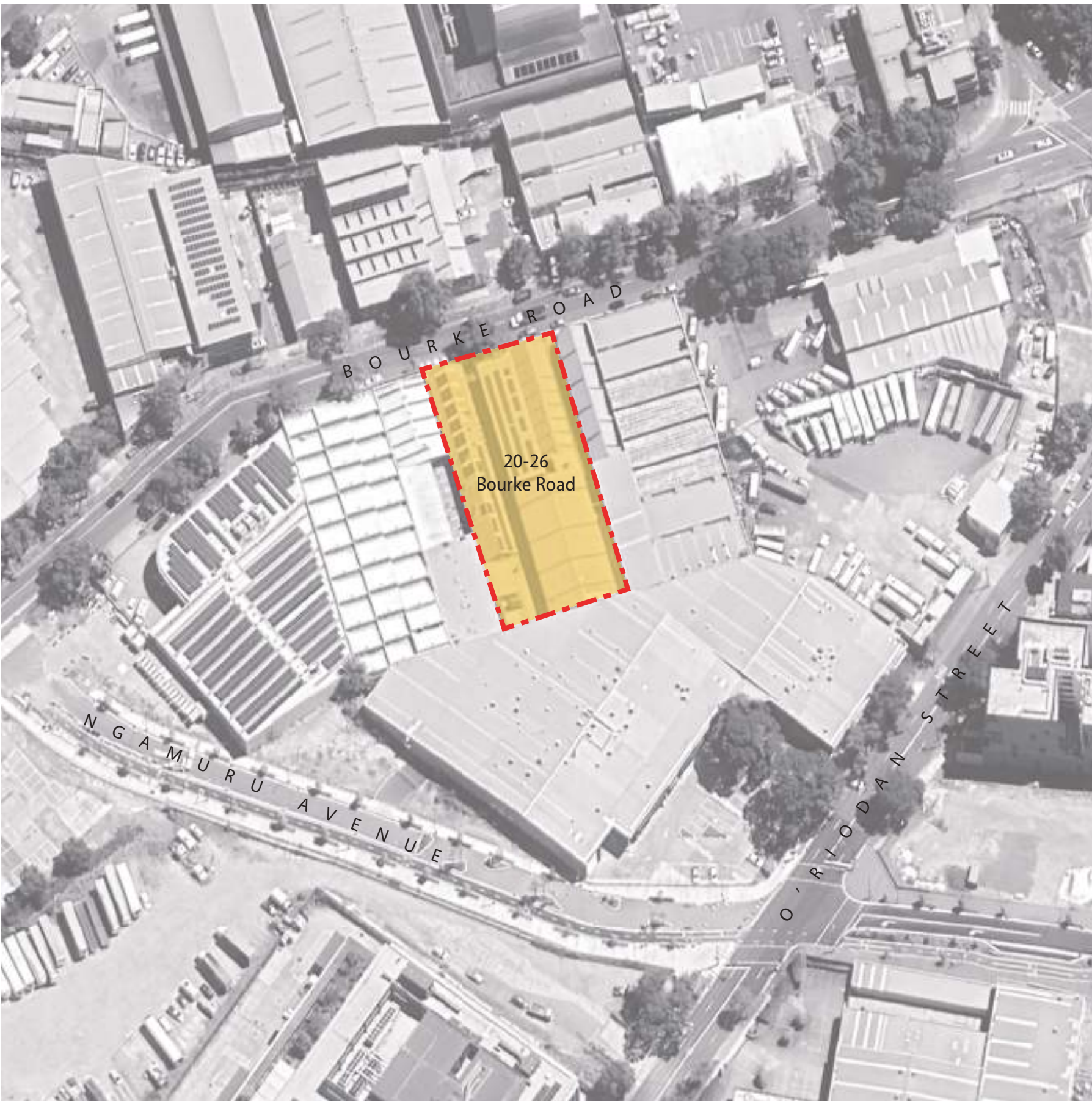
Drawing No.:	Drawing title:
2532-01	Titlesheet, Drawing Register, General Notes & Location Plan
2532-02	Overall Site Plan
2532-03	Landscape DA Plan 1 of 2 (Groundfloor)
2532-04	Landscape DA Plan 2 of 2 (Level 3 & Greenroof)
2532-05	Sectional Elevation A
2532-06	Sectional Elevation B
2532-07	Sectional Elevation C, Sectional Elevation D
2532-08	Deep Soil Zones, Soil Depth Plans
2532-09	Canopy Coverage Plans
2532-10	Planting DA Plan 1 of 2 (Groundfloor)
2532-11	Planting DA Plan 2 of 2 (Level 3 & Greenroof)
2532-12	Plant DA Schedule 1 of 2
2532-13	Plant DA Schedule 2 of 2
2532-14	Maintenance Requirements & Management Plan, Typical Softscape Details
2532-15	Typical Softscape Details
2532-16	Public Domain Landscape Plan

Project information:

Client:	City West Housing
Site:	Lot 2-3 (DP230211), Lot 14 (DP536846), Lot 1 (DP333175), known as 20-26 Bourke Road, Alexandria NSW 2015
Site area (Pre VPA dedication):	3,306m²
Site area (Post VPA dedication):	3,062m²
LGA:	City of Sydney
Landscape architect:	Paddock Landscape Architects
Architect:	Bates Smart
Planner:	BEAM
Surveyor:	Beveridge Williams Colliers
Civil engineer:	BG & E
Structural engineer:	TTW
Arborist:	Birds Tree Consulting
Environmental engineer:	JBS & G
Access consultant:	DC Partnership
Acoustic consultant:	E-Lab
Fire safety engineer:	E-Lab
Services consultant:	Neuron
Quantity surveyor:	MBM
Wind engineer:	RWDI
Traffic consultant:	JMT

General notes:

- + Not for construction or pricing.
- + Subject to detailed design and documentation.
- + Subject to Council approvals.
- + Refer to engineer documentation for all external services, including stormwater drainage, lighting, hydraulic etc.
- + All existing site levels within landscape softscape zones to be retained, unless otherwise documented.
- + Structures, fences, walls, balustrades, furniture etc subject to detailed design and engineering design.
- + Planting subject to availability at time of tender and construction.
- + Indicative planting extent and setout documented - may vary onsite due to site conditions.
- + All podium planters to include a fully automated irrigation system, subject to detailed design by irrigation consultant.



Location Plan



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E info@paddockstudio.com.au
G 46-52 Meagher Street
Chippendale NSW 2008
www.paddockstudio.com.au



Registered Landscape Architects
A/LA 1761
ABN 82 628 312 274
ACN 628 312 274

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Architect:
BATESSMART.

Issue:	Date:	Reason:	Reviewed by:
A	10.09.25	For DA Submission	DW
B	03.02.26	DA Submission Amendments	DW

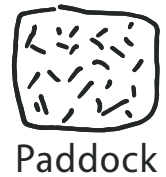
Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW
Client:

Title: **Titlesheet**
Drawing Register
General Notes
Location Plan

Project No.: 2532
Date: 03.02.2026
Scale: N/A @ A1



Drawing:	Issue:
2532-01	B



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Architect:
BATESMART.

Issue:	Date:	Reason:
A	10.09.25	For DA Submission
B	03.02.26	DA Submission Amendments

Reviewed by:
DW
DW

Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW



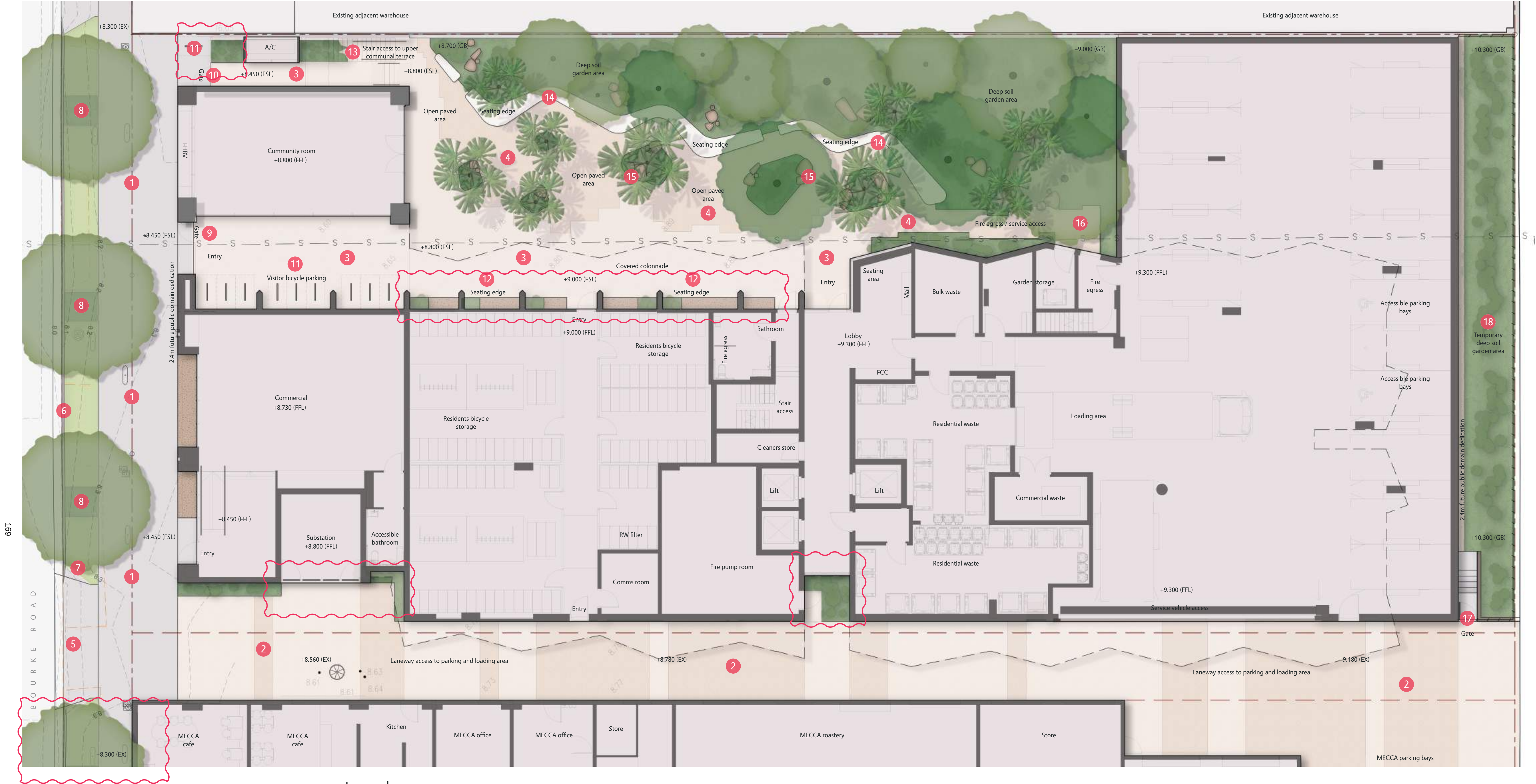
Title: Overall Landscape DA Plan

Project No.: 2532
Date: 03.02.2026
Scale: 1:200 @ A1



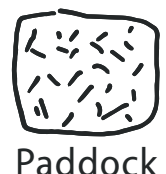
Drawing:
2532-02

Issue:
B



Legend:

- New mass planted deep soil garden areas, cultivated subgrade, imported organic soil mix, mass planting and organic mulch.
- New grassed areas within the verge, to Council standard details.
- 1 Pathways type 1 - reinforced concrete with broom finish and sawcut patterning, to Council standard details.
- 2 Pathways type 2 - reinforced concrete with full depth colour pigment and lightly exposed aggregate finish.
- 3 Pathways type 3 - concrete unit pavers installed on mortar bedding and reinforced concrete base slab.
- 4 Pathways type 4 - concrete unit pavers (permeable) installed on drainage layer and compacted basecourse.
- 5 Reinforced concrete vehicle crossover, to Council standard details.
- 6 Reinforced concrete kerb and gutter, to Council standard details.
- 7 Existing Melaleuca quinquenervia street tree to be removed to allow for compliant vehicle access to the site.
- 8 New Lophostemon confertus street trees, to Council standard details.
- 9 Metalwork residential access gate into courtyard.
- 10 Metalwork fire egress and service gate access into courtyard.
- 11 Visitor bicycle parking.
- 12 Seating edge along colonnade with built-in planters to seating height.
- 13 Stair access to the level 3 communal terrace and the townhouses.
- 14 Sculptural seating edge to define the edge of the courtyard and control access into garden area. Off-form insitu concrete on piered/post footings to allow for continuous deep soil under the seating element.
- 15 Sandstone boulders of varying size located within the garden areas to provide for informal seating and incidental play.
- 16 Fire egress and service access to garden storage room.
- 17 Maintenance access gate and fence to temporary garden area. Stairs within the gate provide access to the upper garden area.
- 18 Temporary garden area at the future laneway level. Garden area not accessible to residents.



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Architect:
BATESMART.

Issue:	Date:	Reason:	Reviewed by:
A	10.09.25	For DA Submission	DW
B	03.02.26	DA Submission Amendments	DW

Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW
Client: **CITY WEST HOUSING**

Title: **Landscape DA Plan 1 of 2 (Groundfloor)**

Project No.: 2532
Date: 03.02.2026
Scale: 1:100 @ A1



Drawing: 2532-03
Issue: B



Legend:

- New mass planted podium garden areas, imported light-weight organic soil mix, mass planting and organic mulch. Soil depths vary, 500-800mm.
- 1 Inaccessible greenroof, imported light-weight organic soil mix, mass planting and organic mulch. Soil depths to 300mm. The greenroof provides a additional planted landscapes above the groundfloor structure and a green outlook from the apartments above.
- 2 Pathways type 3 - concrete unit pavers installed on mortar bedding and podium base slab.
- 3 Stair access to the lower courtyard and townhouses.
- 4 Built-in podium planters to allow for small native shade trees and understory planting. Faced brick to reflect the materiality of the building, planter walls to balustrade height of 1m. Structural void fillers below required soil depth to achieve height of planter.
- 5 Stand-alone planters with contained waterproofing and drainage separate to the podium structure. Metalwork planters with protective coating finish, planter walls to balustrade height of 1m. Structural void fillers below required soil depth to achieve height of planter.
- 6 Stand-alone planters with contained waterproofing and drainage separate to the podium structure. Metalwork planters with protective coating finish, planter walls to balustrade height of 500mm.
- 7 Fixed table settings public domain furniture with metalwork frames and aluminium battens.
- 8 Outdoor dining bench with electric bbq.
- 9 Shade structure to provide a weatherproof area for the communal facilities.
- 10 Metalwork trellis structure with wires and native vine plantings to provide dappled shade to secondary passive use areas within the terrace.
- 11 Circular, internally facing seating areas amongst garden areas. Off-form insitu concrete.
- 12 Sandstone boulders of varying size located within the garden areas.
- 13 Sculptural elements and boulders provide areas for informal seating and incidental play.
- 14 Community garden to provide residents with an area to grow productive plants. Raised metalwork planters including a small area for storage of equipment. The productive garden purposefully has only one entrance so that the space may be potentially secured with a low gate.
- 15 Gravel maintenance access surrounding the greenroof.
- 16 Lightwells incorporated within raised planters provide lighting to lower walkway along the townhouse entries.

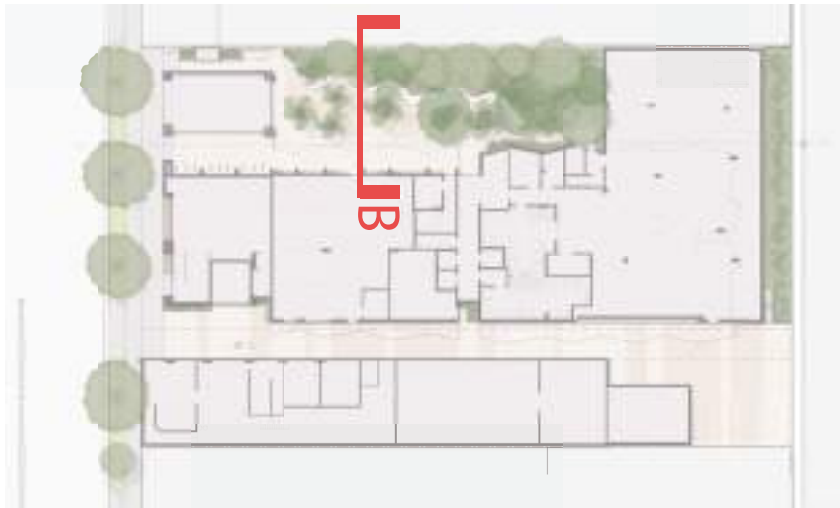


Key Plan
Scale: NTS



Sectional Elevation A - Groundfloor Courtyard

Scale: 1:100 @A1

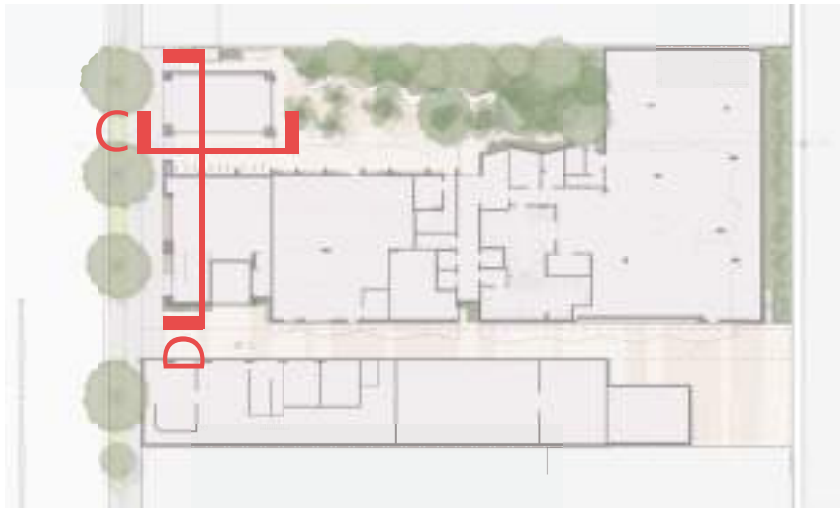


Key Plan
Scale: NTS

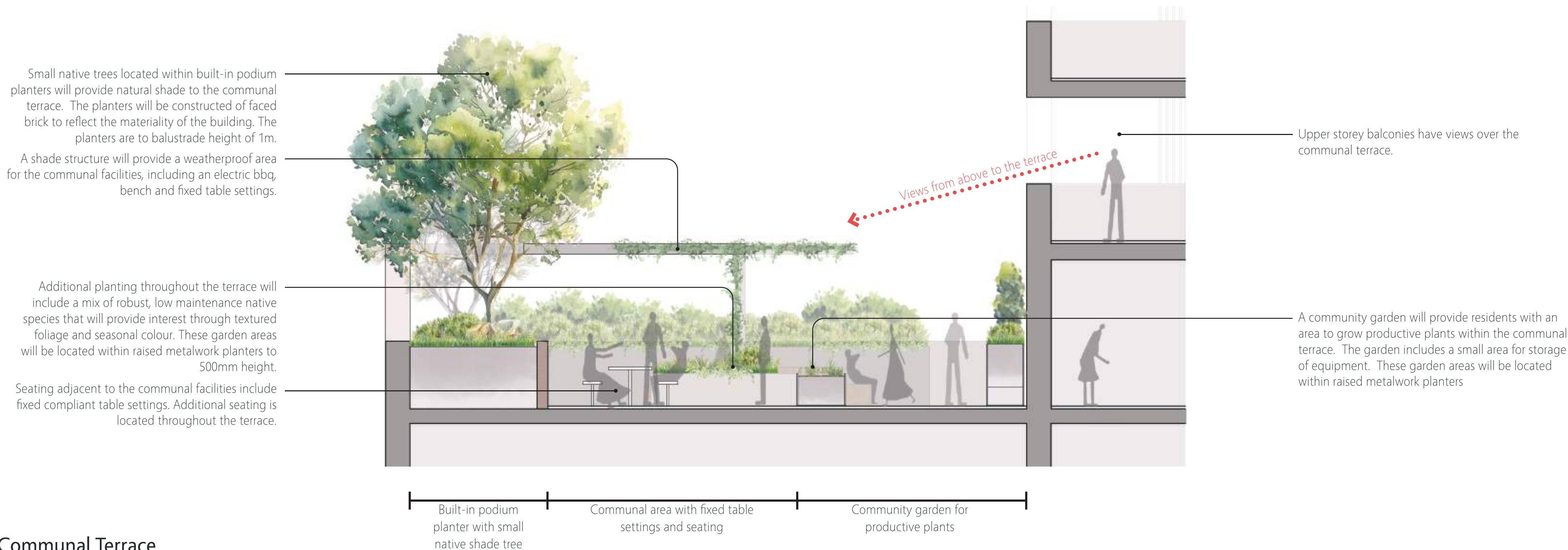


Sectional Elevation B - Groundfloor Courtyard

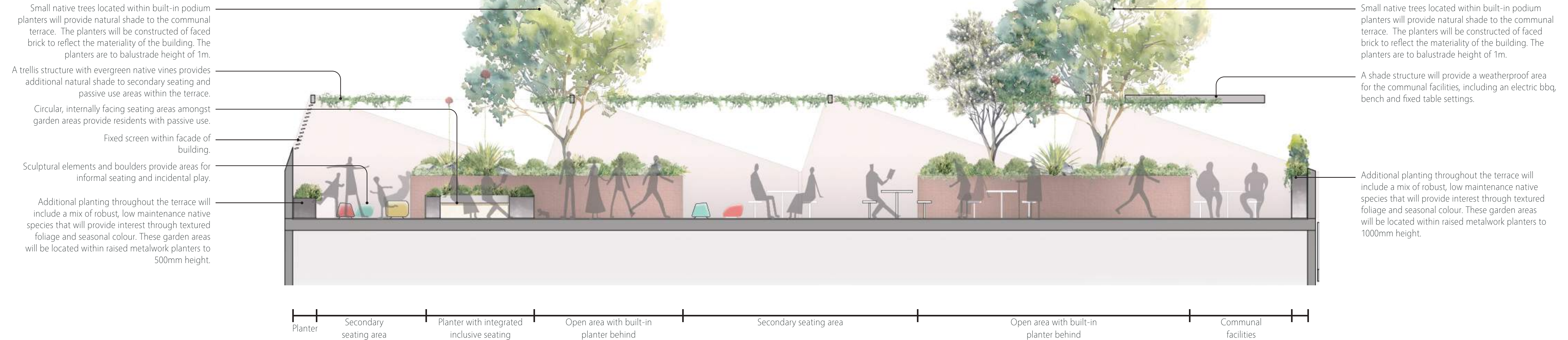
Scale: 1:50 @A1



Key Plan
Scale: NTS



Sectional Elevation C - Level 3 Communal Terrace
Scale: 1:50 @A1



Sectional Elevation D - Level 3 Communal Terrace
Scale: 1:50 @A1



Deep Soil Zones - Groundfloor

The groundfloor central courtyard provides a contiguous deep soil area to allow for the growing of native canopy trees, palms and understorey plantings.

City of Sydney requires the site area used to calculate deep soil requirements to exclude any area dedicated to Council.

The anticipated deep soil that will be provided is:

Site area (excludes any area to be dedicated to Council) = 3,062m²

Total deep soil zones = 368.2m² (12.0%)



Soil Depth Plan - Groundfloor

Groundfloor planting areas have been designed to maximise soil depth where possible and adhere to the depths required within the DCP and ADG. Soil depths within the ground garden areas include:

- Soil depth 1000mm
- Soil depth 500mm

The Remediation Action Plan (RAP) outlines specific requirements for landscape areas:

- + General garden areas require 600mm of material removed and replaced.
- + Areas with trees require 1500mm of material removed and replaced.
- + All landscape areas require a geotextile marker layer at the extent of the excavation.



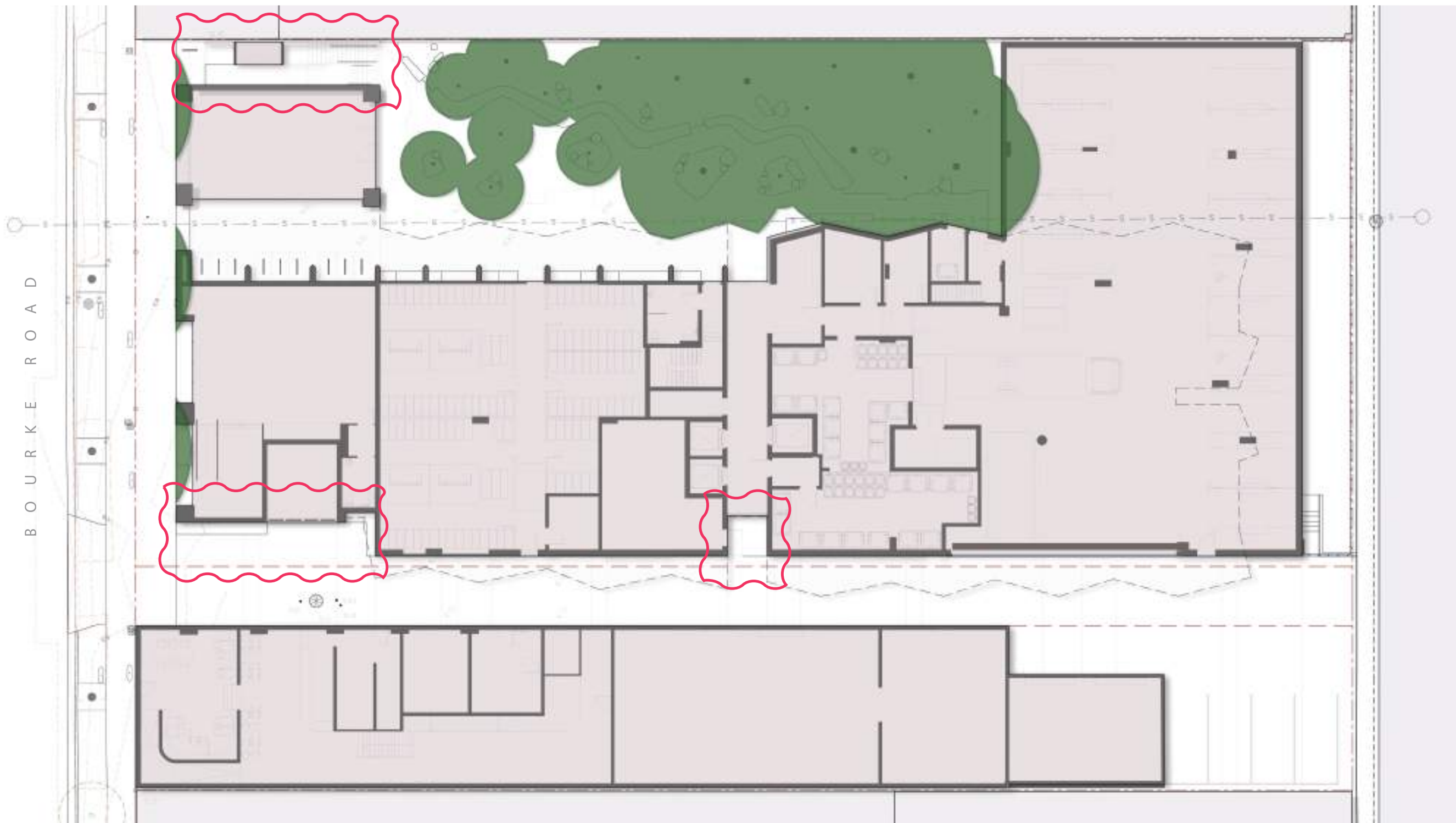
Soil Depth Plan - Level 3 + Greenroof

Garden areas within podiums will include a mix of built-in planters and stand-alone planters. Soil depths will adhere to the depths required within the DCP and ADG. Built-in planters are located above non-habitable areas (townhouse balconies are located below) and are to balustrade height and will include structural void fillers below the soil depth. Stand-alone planters will be constructed of metalwork and will include structural void fillers below the soil depth.

All podium planters will be irrigated.

Soil depths within the podium planters include:

- Soil depth 800mm
- Soil depth 500mm
- Soil depth 300mm



Canopy Coverage Plan - Groundfloor

The centralised deep soil zone within the groundfloor courtyard allows for the planting of native canopy trees and palms.

The greenroof areas have been included as part of the sites tree replacement strategy, given the required tree plantings cannot be achieved due to site constraints.

Inaccessible greenroof area = 185m²
Communal terrace greenroof area = 100m²
Total green roof area = 285m²
Trees offset by green roof planting = 3 medium trees (min. 8m canopy dia.)
Canopy coverage offset area = 150.6m²

City of Sydney requires the site area used to calculate tree planting requirements to exclude any area dedicated to Council.

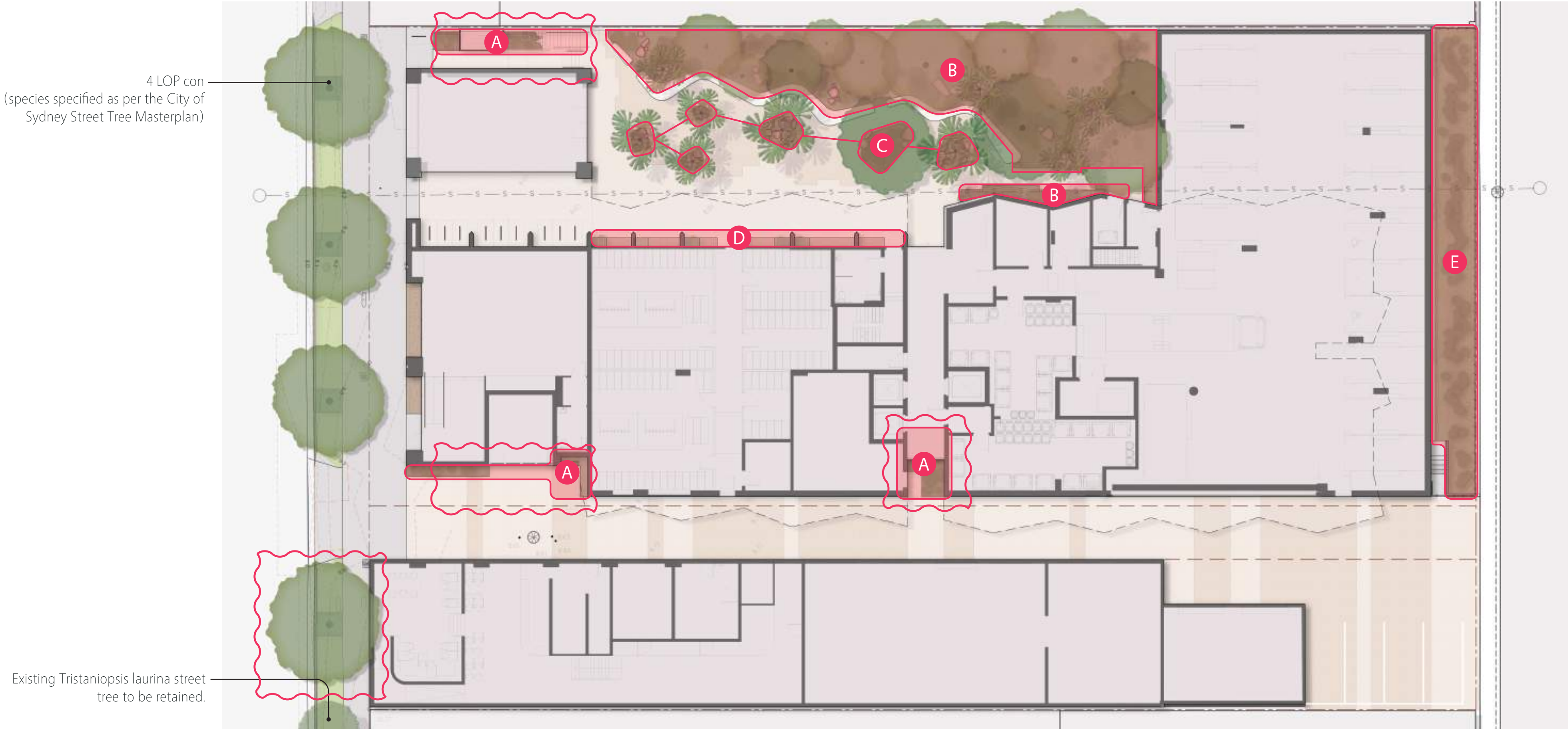
The anticipated canopy coverage that will be provided is:

Site area (excludes any area to be dedicated to Council) = 3,062m²
Groundfloor = 370m²
Level 3 communal terrace = 46m²
Greenroof offset = 150.6m²
Total canopy coverage = 566.6m² (18.5%)



Canopy Coverage Plan - Level 3

Built-in planters within the communal terrace allow for the planting of small native shade trees. These podium planters are located above non-habitable areas (townhouse balconies are located below) and are to balustrade height.



Planting DA Plan - Groundfloor

Scale: 1:200 @A1

Area A

Plant Code:	Quantity:
Groundcovers:	
CHR api	12
DIC rep	32
GRE lan MT	18
HIB sca	12
SCA alb MC	5
VIO hed	48
Grasses:	
DIA cae LJ	32
LIR mus JR	44
LOM lon T	15
Broadleaf + Ferns:	
ALP nut	12
ASP aus	2
BLE gib	5
RHA exc	6
Shrubs:	
PIT tob MM	15
MEL vim BJ	3
WES fru AB	3

Area B

Plant Code:	Quantity:
Groundcovers:	
CIS ant	22
DIC rep	60
HAR vio	15
HIB sca	24
SCA alb MC	12
VIO hed	60
Grasses:	
DIA cae LJ	40
LIR mus JR	24
LOM lon T	38
POA lab E	24
THE tri	24
Broadleaf + Ferns:	
ALP nut	18
ALP zer	15
ASP aus	7
BLE gib	15
DIC ant	5
DOO asp	12
DOR exc	9
HEL gla	15
Shrubs:	
ACA sua	5
BAN spi	3
GOO ova	5
MEL thy	15
WES fru AB	15
Trees:	
ANG cos	3
COR mac	1
ELA eum	3
LIV aus	4
MEL nod	4

Area C

Plant Code:	Quantity:
Groundcovers:	
CIS ant	12
DIC rep	35
SCA alb MC	6
VIO hed	35
Grasses:	
DIA cae LJ	18
LIR mus JR	18
LOM lon T	15
Broadleaf + Ferns:	
BLE gib	12
DOO asp	12
HEL gla	15
Trees:	
COR mac	1
LIV aus	5

Area D

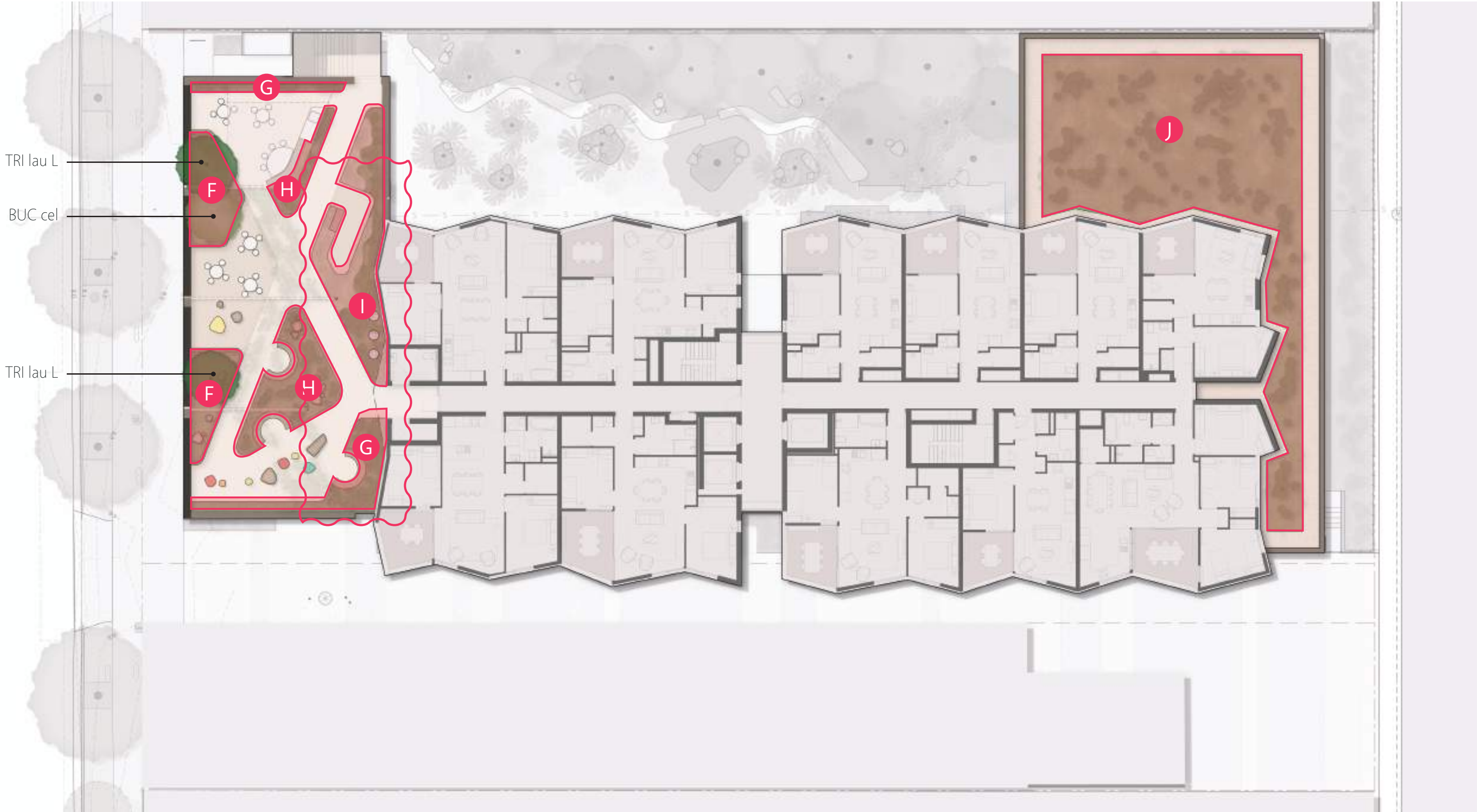
Plant Code:	Quantity:
Groundcovers:	
HIB sca	3
VIO hed	12
Grasses:	
DIA cae LJ	6
LIR mus JR	6
Shrubs:	
PIT tob MM	3
Broadleaf:	
HEL gla	6
RHA exc	3

Area E

Plant Code:	Quantity:
Groundcovers:	
CIS ant	38
DIC rep	50
HAR vio	38
VIO hed	50
Grasses:	
DIA cae LJ	62
LOM lon	45
LOM lon T	58
Broadleaf + Ferns:	
DOO asp	28
DOR exc	9

Planting General Notes:

- + Refer to drawing 2532-012 and 2532-013 for the Plant DA Schedules.
- + Refer to drawing 2532-014 for the Maintenance Requirements & Management Plan.
- + Planting design subject to detailed design. Not for pricing or construction.
- + Planting proposed to be planted within groups of same species, 3-5 groupings.
- + All new deep soil garden areas subgrade to be cultivated prior to installation of new imported organic garden soil.
- + All new deep soil garden areas to include minimum 300mm depth of imported organic garden soil, such as 'ANL Organic Garden Soil', mixed through existing site soil where possible.
- + All new podium garden areas to include minimum 800mm depth of imported organic garden soil, such as 'ANL Organic Planter Mix Soil'.
- + All garden areas to be mulched with 75mm depth of imported organic garden mulch, such as 'ANL Eucy Mulch'.
- + Sub-surface drainage to all garden areas, connected to site stormwater.
- + All gardens areas to be irrigated with a fully automated drip-irrigation system. Irrigation system design subject to detailed design.



Planting DA Plan - Level 3 + Greenroof
Scale: 1:200 @A1

Area F

Plant Code:	Quantity:
Groundcovers:	
CAS gla CI	12
CAR gla	15
CHR api	24
GRE lan MT	24
HAR vio	5
HIB sca	15
SCA alb MC	9
VIO hed	60
Grasses:	
DIA cae LJ	22
DIA rev LR	15
LOM lon T	22
POA lab E	12
Broadleaf:	
CRI ped	6
HEL gla	9
Shrubs:	
BAN spi	3
COR alb	2
WES fru AB	12
Trees:	
BAN int	1
TRI lau L	2

Area G

Plant Code:	Quantity:
Groundcovers:	
CAS gla CI	6
DIC rep	24
HAR vio	5
HIB sca	10
SCA alb MC	5
VIO hed	24
Grasses:	
DIA cae LJ	18
LIR mus JR	22
LOM lon T	15
Broadleaf + Ferns:	
ALP nut	18
ALP zer	9
Shrubs:	
MEL vim BJ	6
PIT tob MM	12
WES fru AB	9

Area H

Plant Code:	Quantity:
Groundcovers:	
CAR gla	9
CAS gla CI	9
CIS ant	2
CHR api	15
GRE lan MT	15
HAR vio	9
HIB sca	12
PAN pan	4
VIO hed	34
Grasses:	
DIA cae LJ	28
DIA rev LR	28
LOM lon T	22
Shrubs:	
MEL vim BJ	4
PIT tob MM	5
WES fru AB	5

Area I

Plant Code:	Quantity:
Groundcovers:	
CAS gla CI	5
CHR api	12
GRE lan MT	9
HIB sca	9
PAN pan	2
VIO hed	22
Grasses:	
DIA rev LR	15
LIR mus JR	18
LOM lon T	15
Broadleaf:	
ALP nut	6
ALP zer	3
CRI ped	5
RHA exc	3
Shrubs:	
MEL vim BJ	3
PIT tob MM	3
SYZ aus R	5
WES fru AB	3

Area J

Plant Code:	Quantity:
Groundcovers:	
CIS ant	48
DIC rep	154
HAR vio	62
HIB sca	52
VIO hed	154
Grasses:	
DIA cae LJ	112
LOM lon	64
LOM lon T	104
POA lab E	95
THE tri	85
Broadleaf:	
CRI ped	24
DOR exc	9

Planting General Notes:

- + Refer to drawing 2532-012 and 2532-013 for the Plant DA Schedules.
- + Refer to drawing 2532-014 for the Maintenance Requirements & Management Plan.
- + Planting design subject to detailed design. Not for pricing or construction.
- + Planting proposed to be planted within groups of same species, 3-5 groupings.
- + All new deep soil garden areas subgrade to be cultivated prior to installation of new imported organic garden soil.
- + All new deep soil garden areas to include minimum 300mm depth of imported organic garden soil, such as 'ANL Organic Garden Soil', mixed through existing site soil where possible.
- + All new podium garden areas to include minimum 800mm depth of imported organic garden soil, such as 'ANL Organic Planter Mix Soil'.
- + All garden areas to be mulched with 75mm depth of imported organic garden mulch, such as 'ANL Eucy Mulch'.
- + Sub-surface drainage to all garden areas, connected to site stormwater.
- + All gardens areas to be irrigated with a fully automated drip-irrigation system. Irrigation system design subject to detailed design.

Plant DA Schedule:

(to be read in conjunction with drawing 2532-010 and 2532-011)

Code	Scientific name:	Common name:	Pot Size:	Mature height & spread*:	Density:	Quantity:	Comments / maintenance requirements:
Groundcovers + Vines:							
CAR gla	Carpobrotus glaucescens	Pig Face	140mm Pot	0.3 x 0.6m	4 /m²	24	Native. Seasonal maintenance to promote new growth. Allow to cascade over walls.
CAS gla CI	Casuarina glauca 'Cousin It'	Sheoak	140mm Pot	0.2 x 0.6m	4 /m²	32	Native cultivar. Seasonal maintenance to promote new growth. Allow to cascade over walls.
CIS ant	Cissus antarctica	Kangaroo Vine	140mm Pot	0.3 x 1.5m	4 /m²	122	Native. Maintain to garden extents.
CHR api	Chrysocephalum apiculatum	Yellow Buttons	140mm Pot	0.3 x 0.3m	6 /m2	63	Native. Maintain to garden extents.
DIC rep	Dichondra repens	Kidney Groundcover	Tubestock	0.1 x 0.3m	6 /m²	355	Native cultivar. Seasonal maintenance to promote new growth. Allow to cascade over walls or form natural weed-cover within garden areas.
GRE lan MT	Grevillea lanigera 'Mt Tamboritha'	Spider Flower	140mm Pot	0.3 x 0.6m	4 /m²	66	Native cultivar. Seasonal maintenance to promote new growth. Allow to cascade over walls or form natural weed-cover within garden areas.
HAR vio	Hardenbergia violacea	False Sarsaparilla	140mm Pot	0.5 x 0.5m	4 /m²	134	Native. Seasonal maintenance to promote new growth and maintain compact form.
HIB sca	Hibbertia scandens	Snake Vine	140mm Pot	0.3 x 1.5m	4 /m²	137	Native cultivar. Seasonal maintenance to promote new growth. Allow to cascade over walls.
PAN pan	Pandorea pandorana	Wonga Wonga Vine	140mm Pot	0.3 x 1.5m	4 /m²	6	Native. Maintain to shelter/perfola structure.
SCA alb MC	Scaevola albida 'Mauve Clusters'	Fan Flower	140mm Pot	0.4 x 0.4m	4 /m²	37	Native. Seasonal maintenance to promote new growth and maintain compact form.
VIO hed	Viola hederacea	Native Violet	Tubestock	0.1 x 0.3m	6 /m²	499	Native. Allow to form a natural weed-cover within garden areas.
Grasses:							
DIA cae LJ	Dianella caerulea 'Little Jess'	Blue Flax Lily	Tubestock	0.5 x 0.5m	4 /m²	138	Native cultivar.
DIA rev LR	Dianella revoluta 'Little Rev'	Blue Flax Lily	140mm pot	0.4 x 0.4m	4 /m²	48	Native cultivar.
LIR mus JR	Liriope muscari 'Just Right'	Liriope	140mm pot	0.6 x 0.6m	4 /m²	108	
LOM lon	Lomandra longifolia	Mat-Rush	Tubestock	0.9 x 0.9m	2 /m²	133	Native.
LOM lon T	Lomandra longifolia 'Tanika'	Tanika	140mm pot	0.7 x 0.7m	4 /m²	304	Native cultivar.
POA lab E	Poa labillardieri 'Eskdale'	Tussock Grass	Tubestock	0.7 x 0.7m	3 /m²	131	Native cultivar.
THE tri	Themeda australis	Kangaroo Grass	Tubestock	0.6 x 0.6m	4 /m²	109	Native.
Ferns + Broadleaved:							
ALP nut	Alpinia nutans	Dwarf Cardamon	200mm pot	1 x 1m	2 /m²	54	Seasonal maintenance to remove dead foliage.
ALP zer	Alpinia zerumbet	Shell Ginger	200mm pot	2 x 1m	2 /m²	27	Seasonal maintenance to remove dead foliage.
ASP aus	Asplenium australasicum	Birds Nest Fern	200mm Pot	1 x 1m	1 /m²	9	Native. Seasonal maintenance to remove dead foliage.
BLE gib	Blechnum gibbum	Silver Lady Fern	140mm pot	0.6 x 0.6m	3 /m²	32	Native. Seasonal maintenance to remove dead foliage.
CRI ped	Crinum pedunculatum	Swamp Lily	200mm pot	0.8 x 0.8m	3 /m²	35	Native. Seasonal maintenance to remove dead foliage and flowers.
DIC ant	Dicksonia antarctica	Tree Fern	100L	2-3 x 2m	1 /m²	5	Native. Seasonal maintenance to remove dead foliage.
DOO asp	Doodia aspera	Prickly Rasp Fern	140mm Pot	0.7 x 0.7m	3 /m²	52	Native. Seasonal maintenance to remove dead foliage.
DOR exc	Doryanthes excelsa	Gymea Lily	200mm Pot	1 x 1m	1 /m²	27	Native. Seasonal maintenance to remove dead foliage and flowers.
HEL gla	Helmholtzia glaberrima	Stream Lily	140mm pot	0.7 x 0.7m	3 /m²	45	Native. Seasonal maintenance to remove dead foliage and flowers.
RHA exc	Rhapis excelsa	Lady Palm	400mm pot	2 x 1m	1 /m²	12	Seasonal maintenance to remove dead foliage.

Notes:

- + *Nominal height / spread at maturity - will vary based on maintenance regimes and site growing conditions.
- + Planting design subject to detailed design and documentation.
- + Species selection subject to availability at time of tendering and construction.

Groundcovers + Vines:



CAR gla: Carpobrotus glaucescens Pig Face



CAS gla: Casuarina glauca 'Cousin It' Sheoak



CIS ant: Cissus antarctica Kangaroo Vine



CHR api: Chrysocephalum apiculatum Yellow Buttons



DIC rep: Dichondra repens Kidneyweed



GRE lan MT: Grevillea lanigera 'Mt Tamboritha' Spider Flower



HAR vio: Hardenbergia violacea False Sarsaparilla



HIB sca: Hibbertia scandens Snake Vine



PAN pan: Pandorea pandorana Wonga Wonga Vine



SCA alb MC: Scaevola albida 'Mauve Clusters'



VIO hed: Viola hederacea Native Violet

Grasses:



DIA cae LJ: Dianella caerulea 'Little Jess' Blue Flax Lily



DIA rev LR: Dianella revoluta 'Little Rev' Blue Flax Lily



LIR mus JR: Liriope muscari 'Just Right' Liriope



LOM lon: Lomandra longifolia Mat Rush



LOM lon T: Lomandra longifolia 'Tanika' Tanika



POA lab E : Poa labillardieri 'Eskdale' Tussock Grass



THE tri: Themeda australis Kangaroo Grass

Ferns + Broadleaved:



ALP nut: Alpinia nutans Dwarf Cardamon



ALP zer: Alpinia zerumbet Shell Ginger



ASP aus: Asplenium australasicum Birds Nest Fern



BLE gib: Blechnum gibbum Silver Lady Fern



CRI ped: Crinum pedunculatum Swamp Lily



DIC ant: Dicksonia antarctica Tree Fern



Doo asp: Doodia aspera Prickly Rasp Fern



DOR exc: Doryanthes excelsa Gymea Lilly



HEL gla: Helmholtzia glaberrima Stream Lily



RHA exc: Rhapis excelsa Lady Palm



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Not for pricing or construction. Drawing to be read in conjunction with all relevant project and consultant documentation.

Architect:

BATESSMART.

Issue:
A
B

Date:
10.09.25
03.02.26

Reason:
For DA Submission
DA Submission Amendments

Reviewed by:
DW
DW

Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW

Client: CITY WEST HOUSING

Title: Plant DA Schedule
1 of 2

Project No.: 2532
Date: 03.02.2026
Scale: N/A @ A1

Drawing:
2532-012

Issue:
B

Plant DA Schedule:

(to be read in conjunction with drawing 2532-010 and 2532-011)

Code	Scientific name:	Common name:	Pot Size:	Mature height & spread*:	Density:	Quantity:	Maintenance requirements:
Shrubs:							
ACA sua	Acacia suaveolens	Sweet-scented Wattle	200mm pot	1-2 x 1-2m	1 /m²	5	Native. Seasonal maintenance as required to maintain compact form.
BAN spi	Banksia spinulosa	Hairpin Banksia	200mm pot	1 x 2m	1 /m²	6	Native. Seasonal maintenance as required to maintain compact form.
BUR spi	Bursaria spinosa	Sweet Bursaria	200mm pot	1 x 2m	1 /m²		Native. Seasonal maintenance as required to maintain compact form.
COR alb	Correa alba	White Correa	200mm pot	1 x 2m	1 /m²	2	Native. Seasonal maintenance as required to maintain compact form.
GOO ova	Goodenia ovata	Hop Goodenia	200mm pot	0.8 x 0.8m	1 /m²	5	Native. Seasonal maintenance as required to maintain compact form.
MEL thy	Melaleuca thymifolia	Honey-myrtle	200mm pot	1 x 2m	1 /m²	15	Native. Seasonal maintenance as required to maintain compact form.
MEL vim BJ	Melaleuca viminalis 'Better John'	Dwarf Bottlebrush	200mm pot	0.7 x 0.7m	2 /m²	16	Native cultivar. Seasonal maintenance as required to maintain compact form.
PIT tob MM	Pittosporum tobira 'Miss Muffet'	Dwarf Pittosporum	200mm pot	0.9 x 0.9m	2 /m²	38	Seasonal maintenance as required to maintain compact form.
SYZ aus R	Syzygium australe 'Resilience'	Lilly Pilly	25L	2 x 1.5m	1 /m²	5	Native cultivar. Seasonal maintenance as required to maintain compact form.
WES fru AB	Westringia fruticosa 'Aussie Box'	Compact Coastal Rosemary	200mm pot	0.7 x 0.7m	2 /m²	47	Native cultivar. Seasonal maintenance as required to maintain compact form.
Trees + Palms:							
ANG cos	Angophora costata	Sydney Red Gum	75L	25 x 15m	-	3	Native. Seasonal maintenance as required. Maintain with clear trunk 1.5m height.
BUC cel	Buckinghamia celsissima	Ivory Curl Flower	75L	4-10 x 4-10m	-	1	Native. Seasonal maintenance as required. Maintain with clear trunk 1.5m height.
COR mac	Corymbia maculata	Spotted Gum	75L	25 x 15m	-	2	Native. Seasonal maintenance as required. Maintain with clear trunk 1.5m height.
ELA eum	Elaeocarpus eumundii	Quandong	75L	8m x 3m	-	3	Native. Seasonal maintenance as required. Maintain with clear trunk 1.5m height.
LIV aus	Livistona australis	Cabbage Palm	200L	12-20m x 3m	-	9	Native. Seasonal maintenance as required to remove fronds and seed pods.
MEL nod	Melaleuca nodosa	White Feather Honeymyrtle	45L	2-3 x 3m	-	4	Native. Seasonal maintenance as required. Maintain with clear trunk 1.5m height.
TRI lau L	Tristaniopsis laurina 'Luscious'	Water Gum	75L	7 x 5m	-	2	Native cultivar. Seasonal maintenance as required. Maintain with clear trunk 1.5m height.
Street Trees:							
LOP con	Lophostemon confertus	Brushbox	200L	10-15 x 5m	-	4	Native. Seasonal maintenance as per City of Sydney requirements.

Notes:

- + *Nominal height / spread at maturity - will vary based on maintenance regimes and site growing conditions.
- + Planting design subject to detailed design and documentation.
- + Species selection subject to availability at time of tendering and construction.

Shrubs:



ACA sua: Acacia suaveolens Sweet-scented Wattle



BAN spi: Banksia spinulosa Hairpin Banksia



BUR spi: Bursaria spinosa Sweet Bursaria



COR alb: Correa alba White Correa



GOO ova: Goodenia ovata Hop Goodenia



MEL thy: Melaleuca thymifolia Honey-myrtle



MEL vim BJ: Melaleuca viminalis 'Better John' Dwarf Bottlebrush



PIT tob MM: Pittosporum tobira 'Miss Muffet' Dwarf Pittosporum



SYZ aus R: Syzygium australe 'Resilience' Lilly Pilly



WES fru AB: Westringia fruticosa 'Aussie Box' Coastal Rosemary

Trees + Palms:



ANG cos: Angophora costata Sydney Red Gum



BUC cel: Buckinghamia celsissima Ivory Curl Flower



COR mac: Corymbia maculata Spotted Gum



ELA eum: Elaeocarpus eumundi Smooth-leaved Quandong



LIV aus: Livistona australis Cabbage Palm



MEL nod: Melaleuca nodosa White Feather Honeymyrtle



TRI lau L: Tristaniopsis laurina 'Luscious' Watergum

Street Trees:



LOP con: Lophostemon confertus Brush Box



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Architect:
BATESMART.

Issue: A 10.09.25 For DA Submission
Date: B 03.02.26 DA Submission Amendments
Reviewed by: DW
DW

Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW
Client:

Title: **Plant DA Schedule**
2 of 2

Project No.: 2532
Date: 03.02.2026
Scale: N/A @ A1

Drawing: 2532-013
Issue: B

Maintenance Requirements & Management Plan:

General:

The landscape works shall be maintained for the full life of the landscape. The frequency of maintenance shall occur every fortnight and works include, but are not limited to, watering, weeding, pruning, rubbish removal, fertilising, pest and disease control, plant replacement and the like.

Ensure the general appearance and presentation of the landscape and the quality of plant material at date of installation is maintained for the full life of the landscape.

Prune to AS4373 and the pruning requirements as outlined within the Plant Schedule on drawing 1916-014 and 1916-015.

Fertilising:

Fertiliser shall be an approved prolonged release type, such as ‘native plant food + t/e’ as supplied by Patons or approved equivalent with a N:P:K:S ratio of 7.9:1.8:5.2(s/p): 8.7 applied at the rate specified by the manufacturer. Apply all-purpose fertiliser to mass planting areas annually in two bands and cultivated into the soil 100 mm deep.

Season: fertilise all planting in September and March according to their seasonal growth requirement.

Insect & Disease Control:

Insecticide and fungicide spraying, if considered necessary, shall be carried out in accordance with the manufacturer’s instructions. The maintenance contractor shall treat all occurrences of insect attack or disease in plant material.

Period for treatment: until the problem has been eliminated.

Chemical spray: avoid windy days or if rain is likely to follow within 12 hours. Apply to the manufacturer’s instructions and material data and safety sheets.

Weeding:

Weeds are unwanted plants and grasses not planted as part of the original works.

Program: as required for planted and mulched areas to be weed free when observed at fortnightly maintenance intervals.

Method: clear and keep clear vigorous ground covers 200 mm from the base of any large shrub, palm or tree. To be completed by hand.

Herbicide application: avoid windy days or if rain is likely to follow within 12 hours. Apply to the manufacturer’s instructions and material data and safety sheets. Apply when the weather is humid with moderate temperatures and maximum sunlight. Apply when the ground has the recommended soil moisture.

Stakes & Ties:

Adjust and/or replace stakes and ties where required. Remove all stakes ties when the planting has fully established and is self-supporting.

Generally, if plants are unable to be self-supported or if stakes are damaged, stake or re-stake the plants as required.

Removal: if plants are robust with well-developed systems and are strong enough to no longer require support, remove stakes and ties.

Mulched areas:

Maintain mulched areas in a clean and tidy condition. Reinstate mulch to specified depths and extents. The maintenance contractor is to allow to top up all mulch areas at least once every three months.

Depth: maintain a minimum depth of 75mm for organic mulch. Maintain the original ground levels around the base of plants.

Grass Areas - General:

Litter: remove litter and fallen branches before mowing.
Grass height: consistent with the growth habit of the grass variety and maintained at 25 mm to 35 mm throughout the year.
Program: weekly during the mowing season, November to March, and at bi-weekly intervals during April to October. Do not mow under wet conditions.
Raking: once every month before mowing, during the mowing season, with a flexible rake. On alternate mowings, adopt a north-south and east-west pattern.
Edges: at the same time as mowing, trim lawn edges to plant beds, pathways, base of trees and other obstacles. Ensure trees and shrubs are not damaged.
Clippings distribution: off site.

Grass Areas - Topdressing:

Topdressing material for established lawns: weed free imported sandy topsoil to a depth of 5 mm.
Program: the spring following establishment.
Topdressing material for remediation of depressions or irregularities: apply coarse or medium soil to as 4419 suitable for application to turf or grass seeded areas.

Grass Areas - Fertilising:

Fertilising: apply lawn fertiliser at the completion of the first and last mowings of the plant establishment period, and at other times as required to maintain healthy grass cover.

Watering:

Watering program: minimum three complete waterings, soaking to a depth of 150 mm at fortnightly intervals for the first 6 weeks of plant establishment irrespective of natural rainfall. Mass planted areas including trees shall be watered regularly with an even deeply penetrating application to ensure continuous healthy growth. Avoid frequent dampening of the surface. Allow the surface of the soil to partially dry out between waterings.

Water quality: ph between 5.5 and 7.5. Total soluble salts less than 1000 mg/litre. No substances that would be toxic to plant growth.

Water restrictions: coordinate the water supply and confirm the watering regime against state and territory legislation and restrictions at the time.

Irrigation:

Drip irrigation system for all mass planted areas are included for all planters, connected to the site stormwater harvesting system. Regularly inspect the irrigation system to ensure it is functioning appropriately as per the manufacturers requirements.

Replacement planting:

Immediately replace plants, which die or fail to thrive or are damaged or stolen, with plants of same size and quality unless otherwise directed. All planters are located within compliant accessible terraces.

Waste removal:

Remove all green waste and general waste from ongoing maintenance inspections via the building waste management system. Green waste is to be disposed in appropriate green waste systems for recycling. Any large limbs of foliage that is removed is to be broken down to a manageable size and disposed as required via the building waste management system

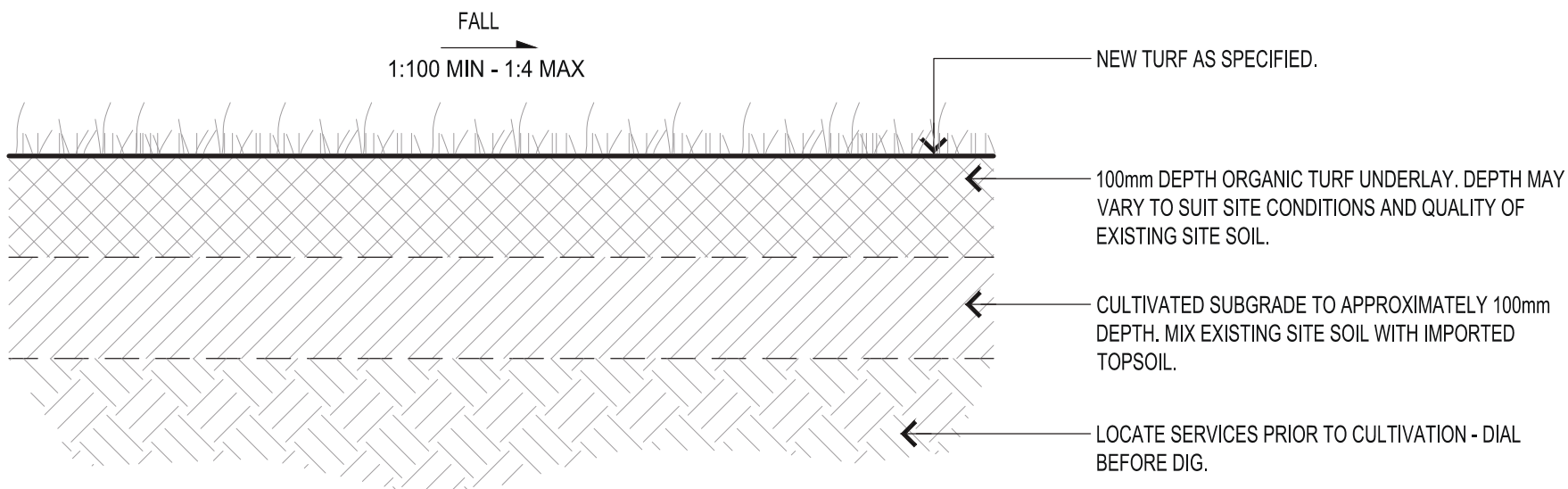
Completion:

Generally: plant maintenance period shall be deemed complete, subject to the following:
+ Repairs to planting media completed.
+ Pests, disease, or nutrient deficiencies or toxicities are not evident.
+ Organic and rock mulched surfaces have been maintained in a weed free and tidy condition and to the specified depth.
+ Vegetation is established and well formed.
+ Plants have healthy root systems that have penetrated into the surrounding, undisturbed ground and not able to be lifted out of its planting hole.
+ Collection and removal of litter.
+ Removal of mulch from drainage and access areas.

Immediately replace plants, which die or fail to thrive or are damaged or stolen, with plants of same size and quality unless otherwise directed. In the case of stolen or vandalised plants the contractor will be required to replace the plants a maximum of once for each plant.

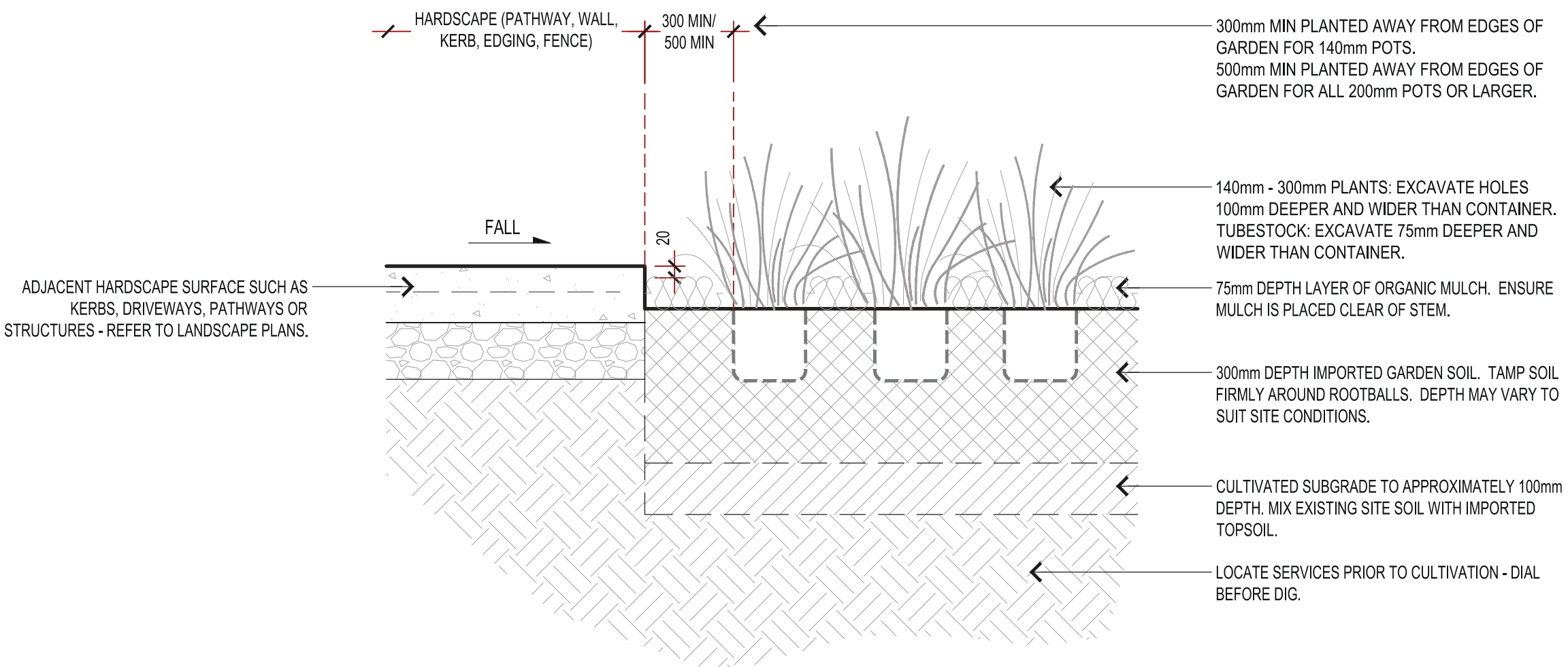
Plant establishment compliance table:

Plant material:	Acceptable failure per area:	Acceptable concentration of failure:
Tube stock	< 10%	< 15% in any given location
140mm	< 5%	< 15% in any given location
300 mm or larger	< nil%	nil %
Turf	< 5%	nil %



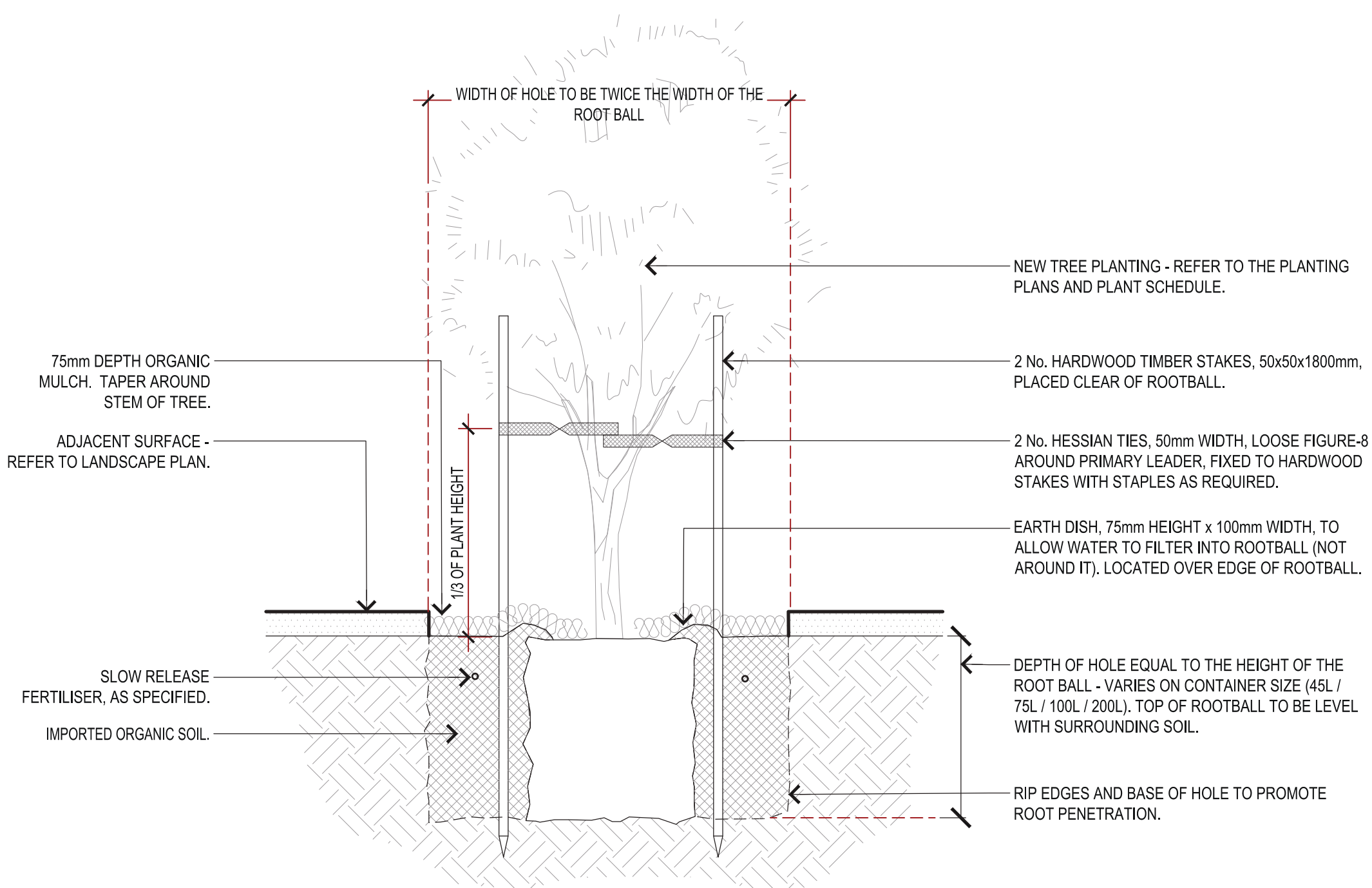
Turf Planting (Deep soil) - Typical Detail:

Scale: 1:10 @A1



Mass Planting (Deep soil) - Typical Detail:

Scale: 1:10 @A1



Tree Planting (Deep soil) - Typical Detail:

Scale: 1:20 @A1



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Architect:
BATESMART.

Issue: A 10.09.25 For DA Submission
Date: 10.09.25
Reason: For DA Submission
Reviewed by: DW
DA Submission Amendments

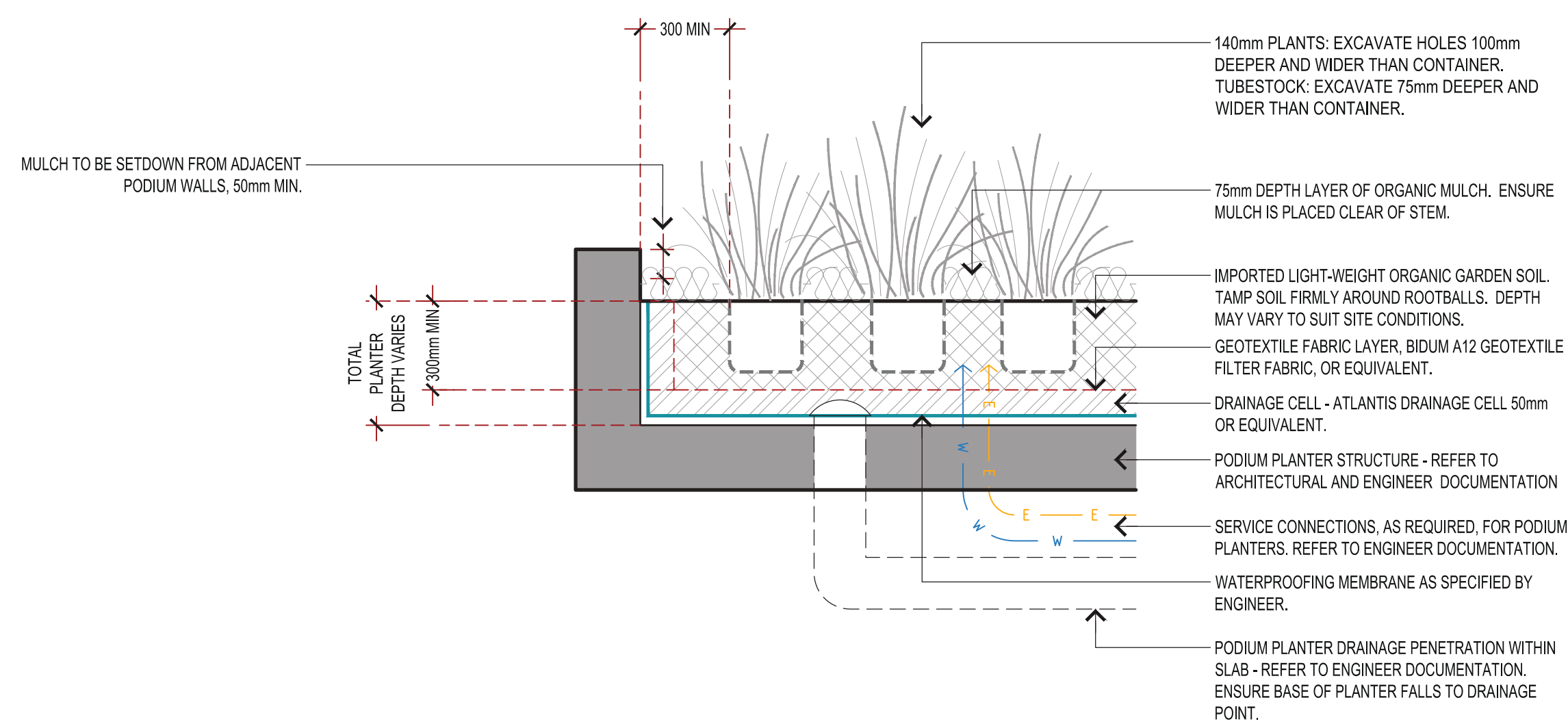
Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW



Title: Maintenance Requirements & Management Plan
Typical Softscape Details

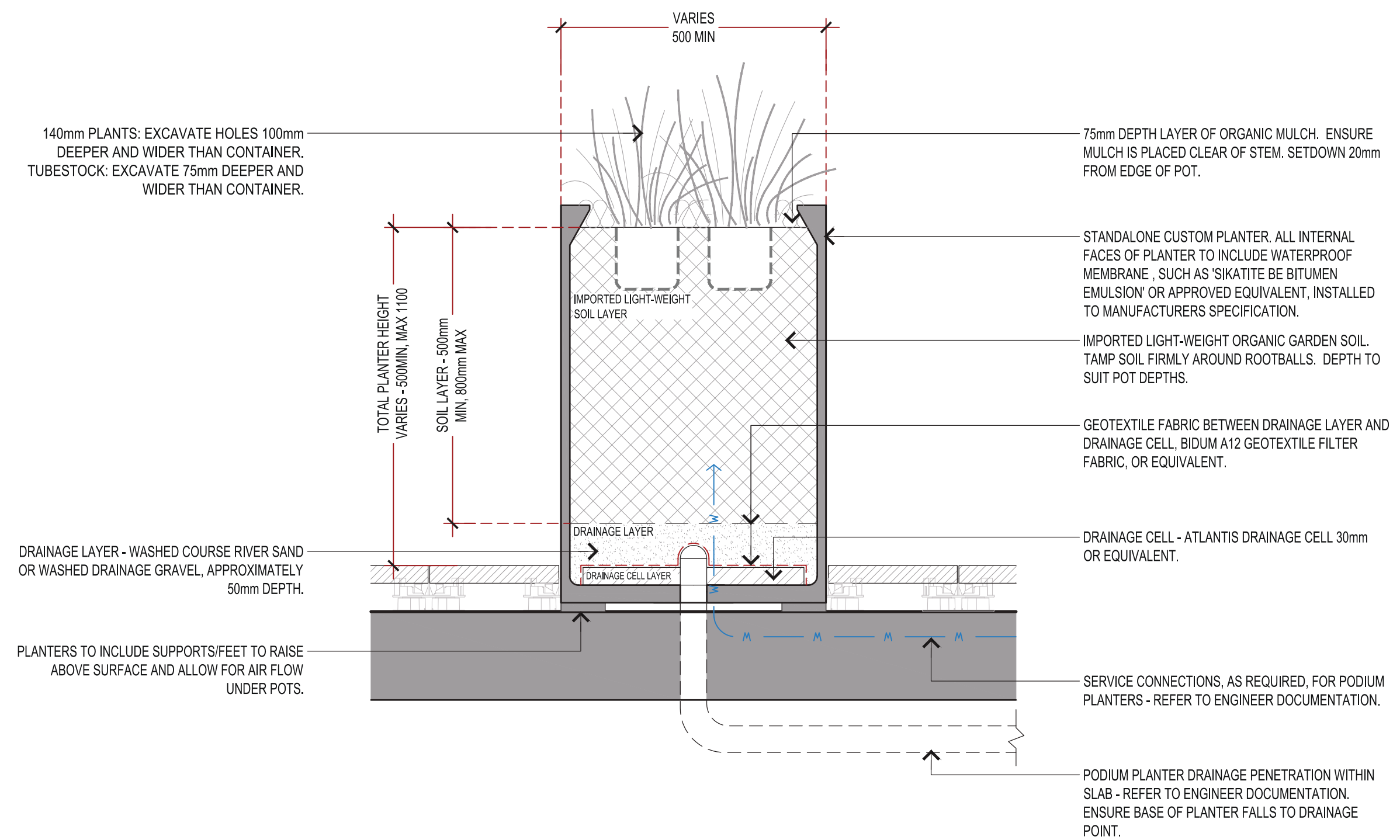
Project No.: 2532
Date: 03.02.2026
Scale: As shown @ A1

Drawing: 2532-014
Issue: B



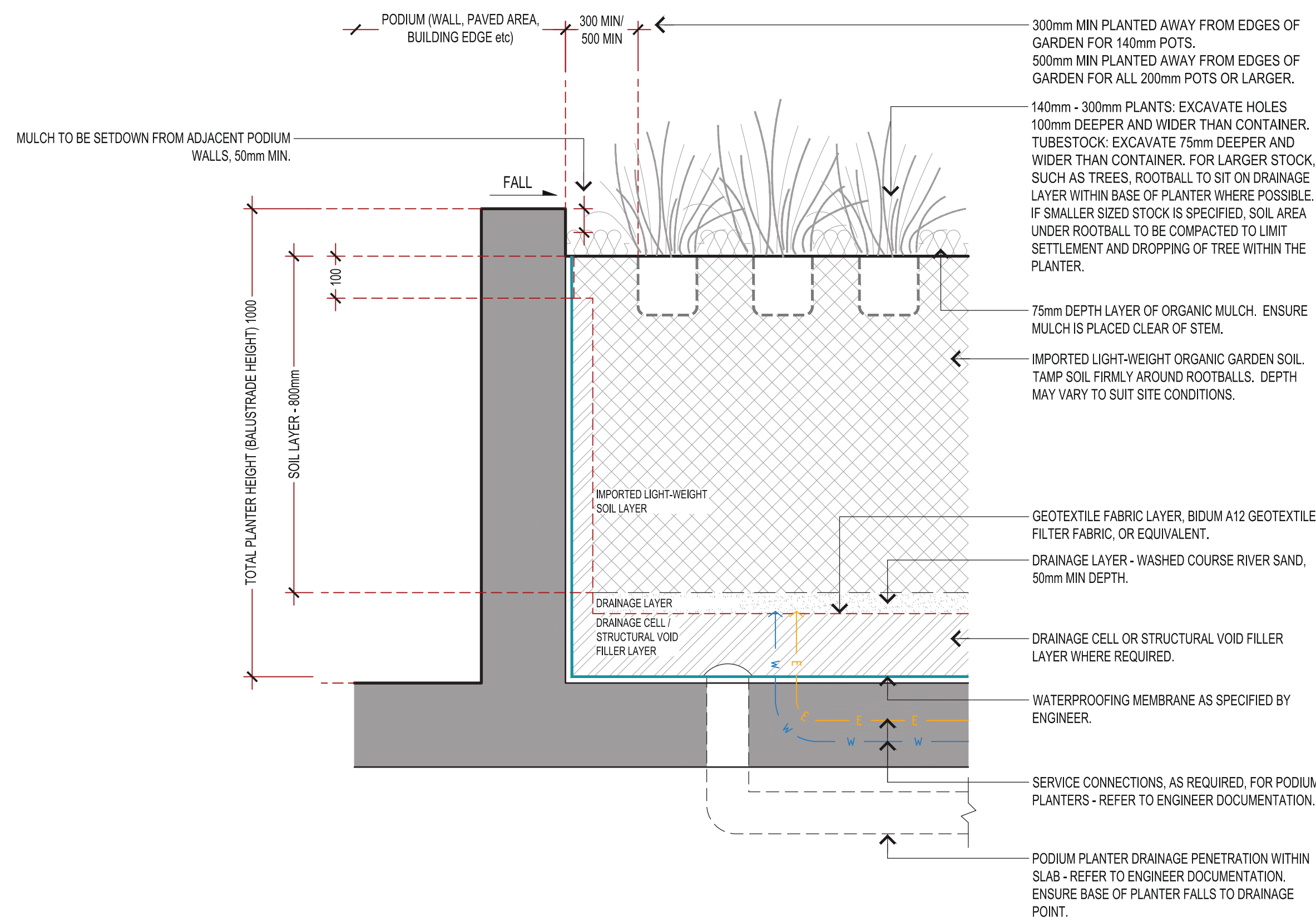
Mass Planting Greenroof (Built-in Podium Planters) - Typical Detail:

Scale: 1:10 @A1



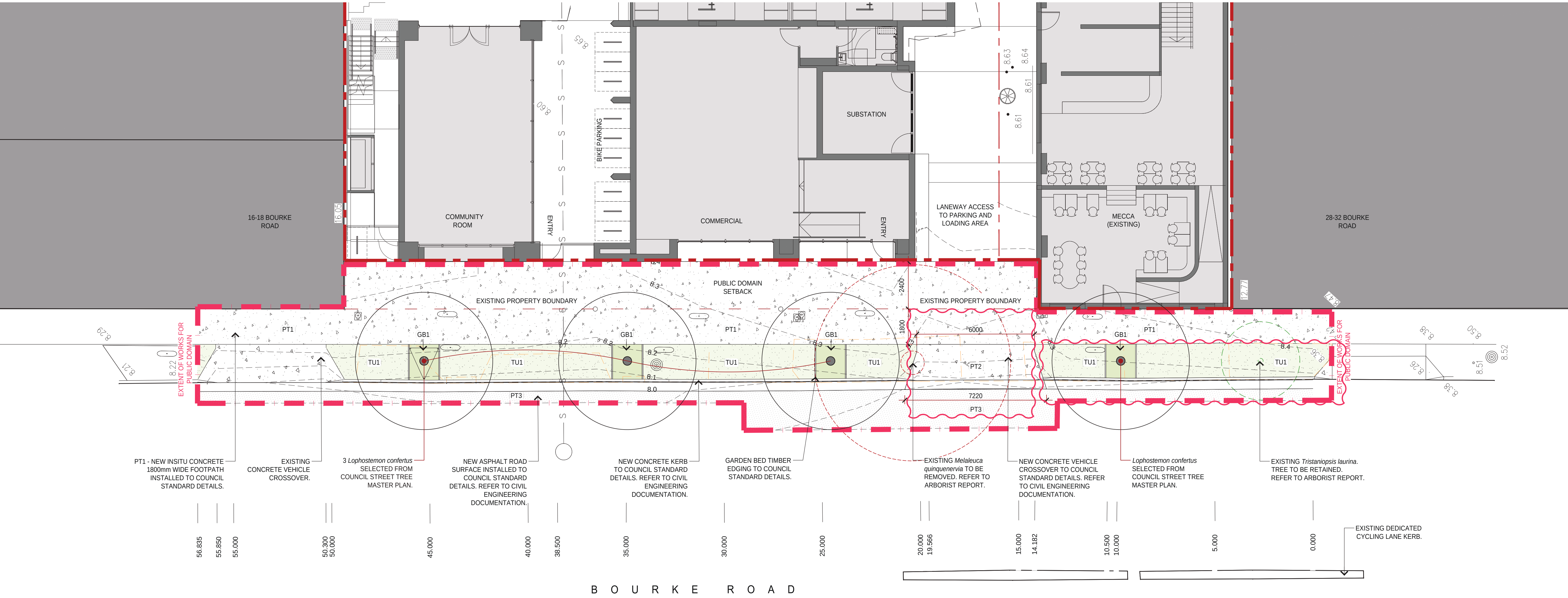
Mass Planting (Stand-alone Podium Planters) - Typical Detail:

Scale: 1:10 @A1



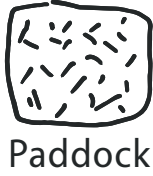
Tree and Mass Planting (Built-in Podium Planters) - Typical Detail:

Scale: 1:10 @A1



Legend:

	EXTENT OF WORKS FOR PUBLIC DOMAIN WORKS.
	PROPERTY BOUNDARY.
	EXISTING WORKS TO BE DEMOLISHED. REFER TO SURVEY.
	EXISTING LEVEL. REFER TO SURVEY.
	PROPOSED LEVELS AND CONTOURS. REFER TO CIVIL DOCUMENTATION.
	EXISTING SEWER LINE. REFER TO SURVEY.
	PAVEMENT TYPE 1: NEW INSITU CONCRETE TYPE "A" 1800mm WIDE FOOTPATH AS PER "CITY OF SYDNEY STREET DESIGN CODE" MATERIALS D5.4 PALETTE "C" AND TO COUNCIL STANDARD DETAILS.
	PAVEMENT TYPE 2: NEW CONCRETE VEHICLE CROSSOVER TO COUNCIL STANDARD DETAILS. REFER TO CIVIL ENGINEERING DOCUMENTATION.
	PAVEMENT TYPE 3: NEW ASPHALT ROAD SURFACE TO COUNCIL STANDARD DETAILS. REFER TO CIVIL ENGINEERING DOCUMENTATION.
	TURFED VERGE TO COUNCIL STANDARD DETAILS.
	GARDEN BED TYPE 1 - MULCHED AREAS TO TREE SURROUNDS. REFER TO COUNCIL STANDARD DETAILS.
	NEW TREE PLANTINGS TO COUNCIL STANDARD DETAILS.
	TREE TO BE REMOVED. REFER TO ARBORIST REPORT.



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Architect:
BATESMART.

Issue: A 10.09.25 For DA Submission
Date: B 03.02.26 DA Submission Amendments

Reviewed by: DW
DW

Project: Banksia Apartments
20-26 Bourke Road, Alexandria NSW



Title: Public Domain Works Plan

Project No.: 2532
Date: 03.02.2026
Scale: 1:100 @ A1



Drawing: 2532-016

Issue: B

Attachment C

Clause 4.6 Variation Request – Height of Building



Clause 4.6 Variation

Clause 4.3 Height of Building – Sydney LEP 2012
20-26 Bourke Road, Alexandria

Prepared for City West Housing

02.10.25
24162

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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Executive Summary

Clause 4.6 of the *Sydney Local Environmental Plan 2012* (SLEP 2012) enables the consent authority to grant consent for development even though it contravenes a development standard. Its objectives are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances. Clause 4.6(3) requires that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- There are sufficient environmental planning grounds to justify the contravention of the development standard.

The table below provides a summary of the key matters required in a Clause 4.6 Variation set out in the Department of Planning and Environments *Guide to Varying Development Standards November 2023*.

Where is the site?	20-26 Bourke Road, Alexandria
What is the proposed development?	The proposed development is for the redevelopment of an industrial site in Alexandria to deliver a new 15 storey residential building comprising 161 affordable housing dwellings, ground level commercial and community facilities, and associated landscaping and public domain works. The development also seeks to retain the existing Mecca building on site, which is currently used for the purposes of a coffee roasting facility and café.
What is the variation?	The proposed development has a maximum height of building of 51.4m, measured to the top of the lift overrun and localised plant enclosure, which represents: • A 6.4m (14.2%) variation to the current 45m height limit, or • A 1.9m (3.8%) variation to the future height limit of 49.5m (if the 10% bonus is applied once the Sydney Housekeeping Amendments are gazetted). By way of background, the Sydney Housekeeping Amendments proposed a number of amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and the Sydney Development Control Plan 2012 (Sydney DCP 2012). Of particular relevance to this project is the proposed change to allow the 10% design excellence bonus under Clause 6.21D of the Sydney LEP 2012 to be granted to both height and floor space ratio. These amendments have been endorsed by the Central Sydney Planning Committee and Council and are anticipated to be finalised by late 2025 while the development application is under assessment. Therefore, this Clause 4.6 Variation Request has been prepared to assess the variation to the current building height of 45m. However, it acknowledges the forthcoming amendments to the Sydney LEP 2012, which will be gazetted while the application is under assessment and therefore, reduce the variation to just the lift overrun and localised plant.
Why is compliance with the building height development standard is unreasonable and unnecessary in the circumstances of the case?	The proposal achieves the objectives of Clause 4.3 Height of Building standard under the Sydney LEP 2012, notwithstanding the non-compliance as: • The height of development is appropriate to the condition of the site and its context. • It achieves an appropriate height transition to surrounding development, particularly from the Green Square Town Centre to the east. • It protects and enhances the amenity of the public domain, while ensuring a built form that contributes to the definition of the street network and public spaces.
What are the sufficient environmental planning grounds to justify contravention of the development standard?	The environmental planning grounds to justify contravention of the height of building development standard are: • There are imminent changes to the LEP that will allow for an additional 10% height to be achieved on the site through a design excellence process. The design is the direct result of a rigorous and comprehensive design excellence process undertaken in collaboration with Council and the Design Advisory Panel (DAP), who have ultimately confirmed in a Design Statement that the project demonstrates the potential to achieve design excellence. • The height protrusion will not result in any adverse environmental impacts, particularly in terms of visual impact and overshadowing. • The provision of affordable housing is directly aligned with several NSW strategic planning objectives and will assist in alleviating the current housing crisis, and strict compliance with the controls will reduce the number of affordable dwellings on the site by 24 dwellings, which would otherwise provide housing for 34-68 people. • The proposed development is compliant with the floor space ratio controls and therefore, is consistent with the built form and overall bulk and scale envisaged for the site. In light of the above that the consent authority can be satisfied that there are sufficient grounds to support the proposed variation.

1.0 The Development Site

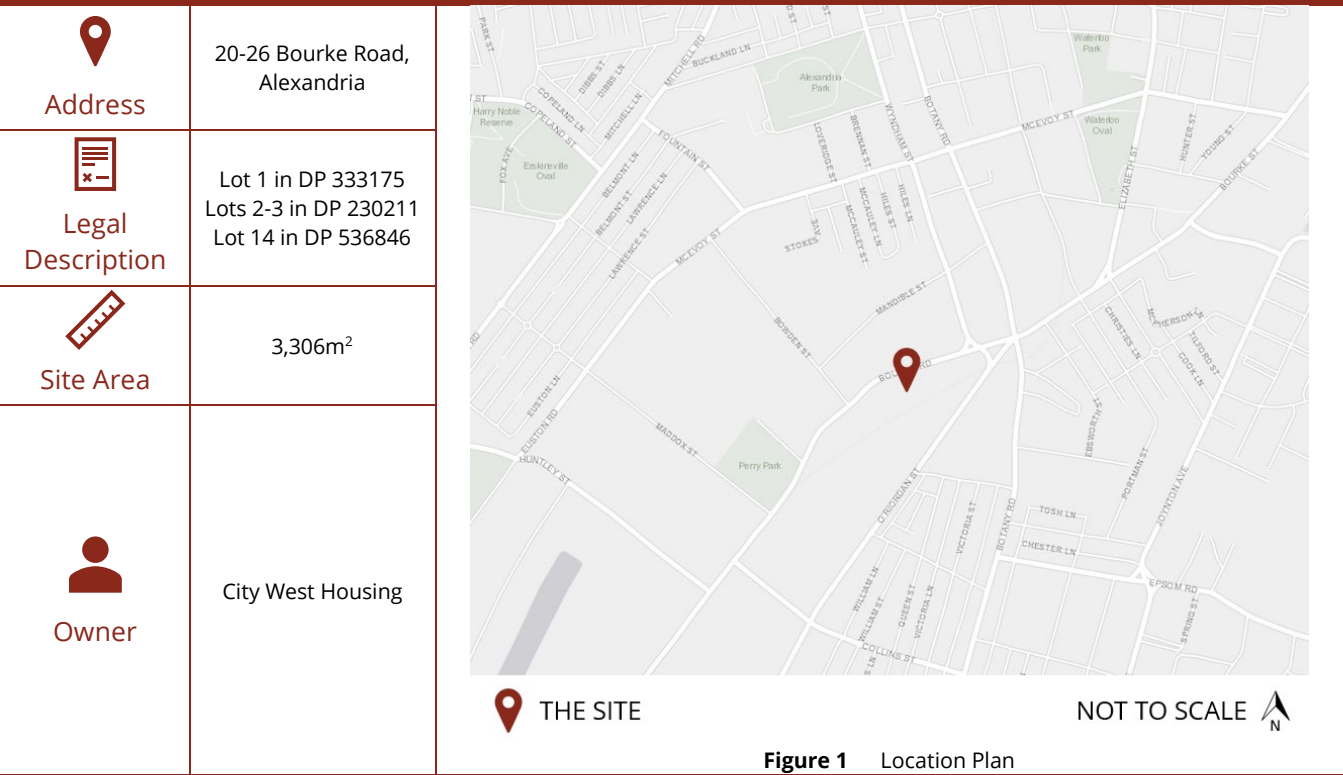


Figure 1 Location Plan



2.0 The Proposed Development

The proposed development involves a new mixed-use development, comprising non-residential uses at the ground level and affordable housing above, as well as the retention of the existing Mecca Coffee Café.

Specifically, the proposed works include:

- Early works and site preparation, including excavation and demolition of existing structures at 20-24 Bourke Road.
- Retention of the existing building and use of the Mecca Coffee Café at 26 Bourke Road, with minor alterations to the rear carparking area.
- Construction of a new 15-storey mixed use development with a maximum building height of 51.4m and total gross floor area of 12,019m², comprising:
 - 199m² of non-residential floor space at the ground level, including a commercial premise and community facility.
 - 11,820m² residential floor space, comprising a total of 161 dwellings, including 4 terrace apartments, from Level 1 and above which will be used for the purpose of 100% social and affordable housing.
- Ground floor parking and loading bay, comprising 14 residential and 2 service vehicle car parking spaces and 182 bicycle spaces.
- Vehicular access provided via Bourke Road.
- Associated landscaping and public domain works, including footpath and laneway widening and embellishments.
- Consolidation of the existing lots and subdivision to facilitate dedication of land to Council and future ownership.
- Extension and augmentation of physical infrastructure and utilities as required.
- Remediation of land.

Architectural Drawings and a Design Report prepared by Bates Smart illustrating the proposed development are included within the DA. An artist's impression of the proposed development is shown at **Figure 6** below.



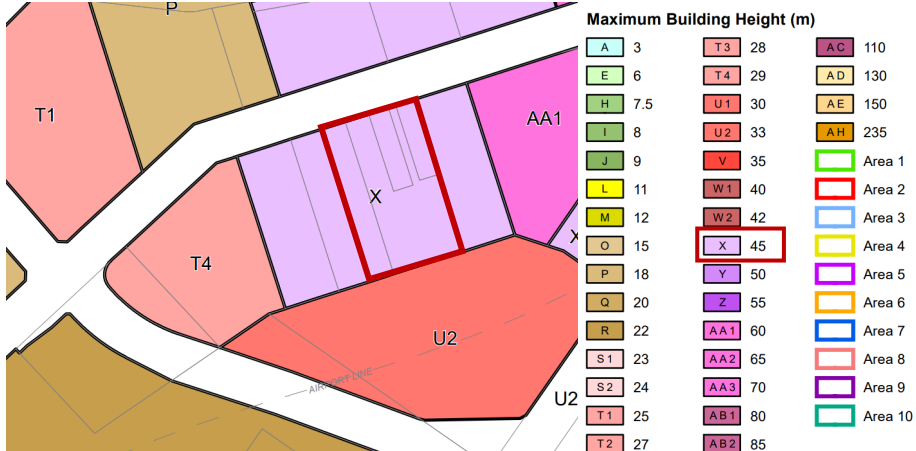
Figure 3 Artist's Impression of the proposed development

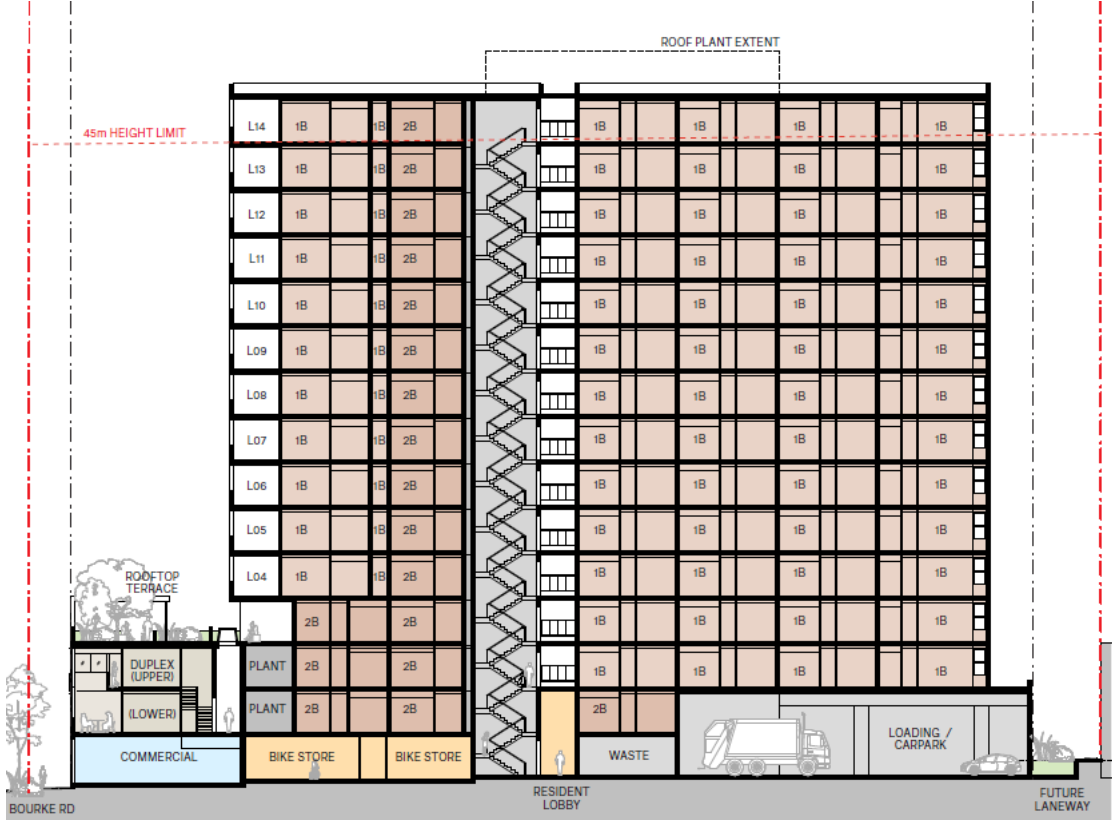
Source: Bates Smart

3.0 The Proposed Variation

This section outlines the relevant environmental planning instrument (EPI), the development standard to be varied and proposed variation.

Table 1 Planning instrument, development standard and proposed variation

Matter	Comment
Environmental planning instrument (EPI) sought to be varied	Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
The site's zoning	E3 Productivity Support The objectives of this land use zone are: - To provide a range of facilities and services, light industries, warehouses and offices. - To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres. - To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity. - To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones. - To provide opportunities for new and emerging light industries. - To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site. - To encourage employment opportunities. - To promote land uses with active street frontages. - To promote for land uses that support the viability of adjoining industrial land uses.
Development standard sought to be varied	Clause 4.3 Height of Buildings The objectives of this clause are: (a) to ensure the height of development is appropriate to the condition of the site and its context, (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, (c) to promote the sharing of views outside Central Sydney, (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas, (e) in respect of Green Square— (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of a street network and public spaces. The maximum building height for the site is 45m (refer to Figure 7).  Figure 4 Height of Building Map – Sheet HOB_011 (site outlined in red) Source: Sydney LEP 2012 Height of Building Maps

Matter	Comment
Planning Context	Pursuant to Clause 4.3 of the Sydney LEP 2012, the maximum permissible building height on the site is 45m. Council is currently pursuing the Sydney Housekeeping amendments, which propose a range of updates to both the Sydney LEP 2012 and the Sydney Development Control Plan 2012 (Sydney DCP 2012). One of the proposed changes of relevance to this project is the proposed amendment to clause 6.21D, which would allow the 10% design excellence bonus to be applied to both building height and floor space, rather than being limited to one or the other. The Sydney Housekeeping Amendments were endorsed by the Central Sydney Planning Committee (CSPC) and Council in July 2025, however, are yet to be formally adopted and gazetted into the LEP and DCP, which is anticipated to be in Q4 2025. While not yet in force, the proposed development has been designed accordingly in anticipation of this amendment and therefore, seeks to utilise the 10% floor space and height bonus, which would allow a maximum building height of 49.5m.
The proposed Variation	The proposed development has a maximum building height of 51.4m, measured to the top of the lift overrun and localised plant enclosure, which represents: • A 6.4m (14.2%) variation to the current 45m height limit, or • A 1.9m (3.8%) variation to the future height limit of 49.5m (if the 10% bonus is applied). As illustrated in Figure 5 below, the variation is limited to one additional storey above the current height limit, or solely due to the lift overrun and localised plant if assessed under the future controls.  Figure 5 Proposed Variation Source: Bates Smart

4.0 Justification for Contravention of the Development Standard

Clause 4.6(3) of the Sydney LEP 2012 provides that:

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

These key considerations are considered in their respective sections below.

4.1 Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary

This Clause 4.6 Variation Request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the height control pursuant to the 'First Method' outlined in Wehbe.

The discussion under the following subheadings demonstrates how the proposed height variation achieves the objectives of the Height of Building development standard notwithstanding the non-compliance.

Objective 4.3(a) to ensure the height of development is appropriate to the condition of the site and its context

The proposed development, including the variation to the height of building development standard, results in a building form that is appropriate for the site and its broader urban context.

The site is located within a highly urbanised and evolving precinct, being Green Square, where the surrounding built form comprises a mix of existing light industrial uses and emerging mid-rise residential and commercial development. As illustrated in **Figure 6** below, the permissible building heights within the surrounding area range from 29 to 60 metres, excluding the 10% design excellence bonus.

Immediately adjacent sites along Bourke Road are currently subject to a 45m height control (or 49.5m with the 10% design excellence bonus). The proposed building, with a height of 51.4m to the top of the lift overrun, will remain contextually appropriate and consistent with the desired future character of the area. The portion of the development that exceeds the height control is modest in scale, primarily limited to the lift overrun and localised plant and one additional storey, which will largely be imperceptible from the street level and the broader public domain.

The minor variation has been carefully considered and is justified through a high-quality design response that reflects extensive site analysis, detailed modelling and extensive consultation with Council and the Design Advisory Panel. The resulting built form responds sensitively to the site's conditions and maintains appropriate scale, articulation and amenity outcomes for both residents as well as the neighbouring development.

Accordingly, the proposed height is considered appropriate in the context of both current controls and the anticipated future character of the area, and it satisfies the objective of Clause 4.3(a) of the Sydney LEP 2012.



Figure 6 Permissible Building Heights of surrounding development

Source: Bates Smart

Objective 4.3(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas

The site is not a heritage item, nor is it located within a heritage conservation area or special character area. Its immediate context is characterised by light industrial land uses and buildings of similar built form and architectural expression to that proposed. The minor increase in height, largely in accordance with the 10% height bonus soon to be implemented, will not result in any adverse impact on local character or heritage items. As such, the proposal is consistent with this objective.

Objective 4.3(c) to promote the sharing of views outside Central Sydney

The site is located within the North Alexandria within both the Southern Enterprise Area and Green Square, which is situated outside of Central Sydney. The area is undergoing a transition from light industrial uses to mid-rise commercial and residential development in line with the broader vision for Green Square.

The proposed development is consistent with the evolving character and built form of the precinct. Although the proposal seeks a variation to the maximum building height standard, the exceedance equates to one additional storey on the basis of the current controls, or a minor lift overrun and localised plant if assessed against the future permissible height with a 10% bonus. In either case, the additional height is minor and will not result in the obstruction of any significant view corridors, and it is not anticipated to obstruct any private views across the site.

Accordingly, the proposed development satisfies Objective 4.3(c) by ensuring equitable view sharing is maintained within a changing urban context, and no adverse impacts arise as a result of the proposed variation.

Objective 4.3(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas

As detailed above and within the Sydney DCP 2012, the site is located within the North Alexandria precinct, which is within both the Green Square Urban Renewal Area and the Southern Enterprise Area as illustrated in **Figure 7** below. This area is located on the western edge of the Green Square centre and will evolve over time from an area characterised by light

industrial uses to a thriving employment neighbourhood incorporating a range of uses, including high density commercial and affordable housing, where suitable.

The proposed development has been designed to deliver a building height that is relatively consistent with the surrounding existing, approved and future developments. It will reinforce the desired future character of the area and contribute to a transition in height and built form moving away from the town centre. The minor height exceedance, primarily due to one additional storey (based on current controls) or due to the lift overrun and localised plant (based on the 10% design excellence bonus) will not result in any adverse visual impacts and is unlikely to be perceptible at street level.

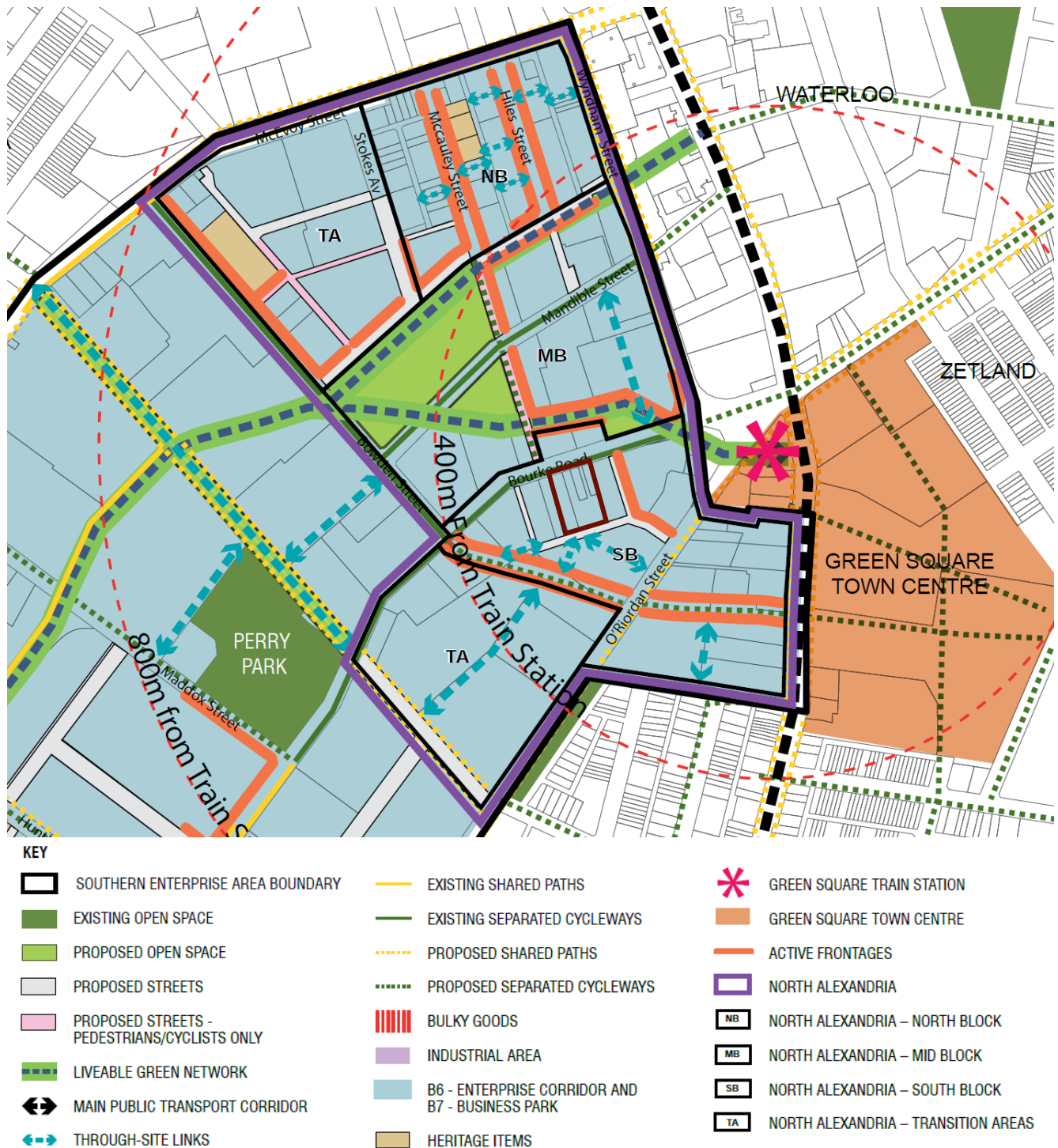


Figure 7 Southern Enterprise Area map

Source: Sydney Development Control Plan 2012

Objective 4.3(e) in respect of Green Square—

(i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and

The proposed built form has been carefully designed to positively contribute to the public domain, with consideration given to building articulation and expression, architectural quality and streetscape integration. The development responds sensitively to the evolving urban character of the area, which is transitioning from a light industrial precinct to a vibrant mixed-use employment neighbourhood as detailed above.

This is demonstrated through the incorporation of key architectural features as illustrated in **Figure 8** below, including the sawtooth roof form along podium fronting Bourke Road. This element references the existing Mecca Building on the site, reinforcing a cohesive urban character and celebrating the industrial heritage of the precinct. In addition, the street wall is articulated into four distinct bays, creating a rhythm in width and built from with adjoining buildings and therefore contributing to a consistent and human scaled streetscape. The quality of the built form and design, together with the proposed upgrades to the public domain will improve the visual and functional amenity of area, creating a more welcoming and engaging pedestrian environment for residents and visitors of the site.

Furthermore, it is emphasised that the proposed height variation, whether considered as one additional storey under current controls or as a minor lift overrun and localised plant under future provisions, have been carefully located and designed to avoid any impact on the public domain. These elements are modest in scale and will not be noticed from the street level, ensuring the amenity of the public domain is protected.

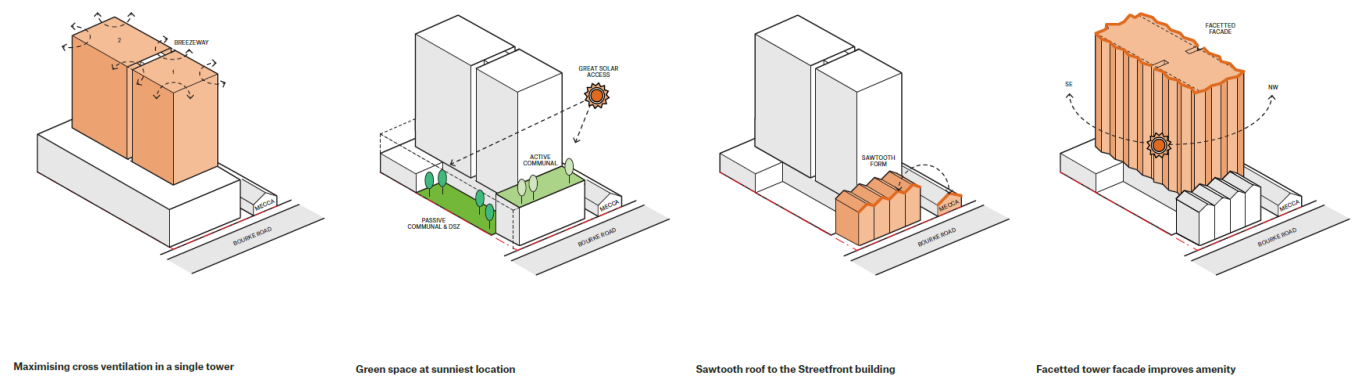


Figure 8 Built Form and Massing Strategy

Source: Bates Smart

(ii) to ensure the built form contributes to the physical definition of the street network and public spaces

As detailed above and within the Design Report prepared by Bates Smart, the proposed development has been designed to reinforce and enhance the urban character of the area by clearly defining the street edge and contributing to a cohesive and legible public domain.

The building establishes a strong three storey street wall along Bourke Road, with the podium articulated into four distinct bays with a sawtooth roof form that references the surrounding industrial character, including the existing Mecca building on the site. The tower above features an angled façade, which creates further articulation to reduce the perceived bulk and scale and enhance visual interest of the site. Together, these design strategies contribute directly to the physical definition of the street network and public spaces by creating a consistent and cohesive built form.

The development also responds to the public domain and road widening objectives of the Sydney DCP 2012 by incorporating a 2.4m setback along Bourke Road for footpath widening and a 3m setback from the southern boundary to facilitate the provision of a new road. Additionally, the proposal includes the staged delivery of a through site link, which will function initially as a vehicular access driveway and later transition into a pedestrianised laneway once the future road to the rear is completed. This element will further integrate the site into the emerging network of connections within Green Square.

At the ground plane, the inclusion of non-residential uses, including the retention of the Mecca café, the proposed community centre, and a new commercial tenancy, will ensure an active and engaging street interface, which will contribute positively to the surrounding public domain.

Overall, the proposal, irrespective of the proposed height variation, delivers a built form that meaningfully defines the street network and enhances the legibility, activation, and connectivity of the public domain and public spaces.

4.1.1 Assessment against the zoning objectives

The proposed development (inclusive of the proposed height exceedance) is consistent with the objectives of the E3 Productivity Support land use zone, as presented in **Table 2**.

Table 2 The proposed development's alignment with the objectives of the E3 Productivity Support zone

Objective	Alignment
<i>To provide a range of facilities and services, light industries, warehouses and offices.</i>	The proposed development comprises affordable housing in line with Clause 7.13A of the Sydney LEP 2012, which permits residential accommodation for the purposes of affordable housing within an identified Business Area on the Locality and Site Identification Map, which the site is located on. As detailed within the SEE, It will also retain the existing roastery and coffee on the site within the existing Mecca building, as well as provide a commercial premise and community facility at the ground level of the new building to support an activate and vibrant public domain.
<i>To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.</i>	The proposed land uses on site including, shop top housing, commercial, community facility and retail are compatible with each other, as well as the surrounding land uses of the local centre. It is acknowledged that there are a range of new approved and proposed developments, including a number of affordable housing projects in line with Clause 7.13A.
<i>To maintain the economic viability of local and commercial centres by limiting the certain retail and commercial activity.</i>	The proposed development involves the retention of the existing Mecca use on the site, which currently attracts a number of visitors throughout the week and weekends. Therefore, the retention of the café and roastery, along with the provision of a commercial premise and community facility, the proposed development will contribute to maintaining the economic viability of the Green Square growth centre.
<i>To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.</i>	In light of the current housing crisis, the provision of affordable housing on the site directly meets the needs of the community as evidenced by the number of applicants on City West Housings waitlist within the Sydney LGA and is consistent with the Council's policy position to allow affordable housing within the zone. The proposed development, including the small commercial premise and the community facility are suited to this location and satisfy the provisions of Clause 7.13A, specifically in that the development is compatible with the existing and approved uses of land in the vicinity of the development.
<i>To provide opportunities for new and emerging light industries.</i>	The retention of the existing Mecca roastery, a warehouse and form of light industry, supports this objective. The proposal safeguards the use, while providing a flexibly designed commercial space at the ground level that can accommodate a range of uses, consistent with the evolving character of the area.
<i>To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.</i>	The proposal supports this objective by retaining the Mecca coffee roastery, which manufactures goods on-site for retail sale, therefore, maintaining a land use that aligns with light industrial functions. In addition, the development also comprises a commercial tenancy and community facility that will meet the daily needs of workers and residents within the precinct and the surrounding area. These uses enhance the amenity of the area and contribute to a diverse and functional precinct.

Objective	Alignment
<i>To encourage employment opportunities.</i>	The proposal retains and enhances existing employment generating uses (café and roastery), while introducing new commercial and community uses that will support additional employment. The affordable housing component also supports the local workforce by enabling residents to live close to employment hubs and contributing to the local economy through increased resident expenditure.
<i>To promote land uses with active street frontages.</i>	The proposed development incorporates commercial and community uses at the ground level with direct street access and frontage, ensuring an active and engaging interface with the public domain. The continued operation of the Mecca café will also reinforce activation and pedestrian engagement. It is noted that the proposal also comprises an internal shared driveway that separates the new building from the existing Mecca building. In future, this driveway will be transferred into a pedestrian laneway, once the future road at the rear of the site is delivered by Council. This laneway, as well as the proposed public domain improvements will contribute towards the activation and enhancement of the street scape.
<i>To provide for land uses that support the viability of adjoining industrial land uses.</i>	The development retains the industrial activity of the coffee roasting facility within the existing Mecca building and introduces compatible land uses, including affordable housing, commercial premises, and a community facility. This mix of uses supports the viability of the surrounding industrial and employment land by providing services and amenities for workers and residents, without displacing or conflicting with existing industrial operations.

4.2 Clause 4.6(3)(b): Sufficient environmental planning grounds to justify the contravention of the development standard

Clause 4.6(3)(b) of the LEP requires the contravention of the development standard to be justified by demonstrating that there are sufficient environmental planning grounds to justify the contravention. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole.

Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action at [24]*). In *Four2Five*, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 Variation Request must be particular to the circumstances of the proposed development on that site at [60].

In this instance, the following reasons, as described in further detail below, are sufficient environmental planning grounds to justify this contravention.

4.2.1 Imminent Changes to the LEP and the Design Excellence Process

Council is currently pursuing the Sydney Housekeeping amendments, which propose a range of updates to both the Sydney LEP 2012 and the Sydney DCP 2012. One of the proposed changes of relevance to this project is the proposed amendment to clause 6.21D, which would allow the 10% design excellence bonus to be applied to both building height and floor space, rather than being limited to one or the other.

The Sydney Housekeeping Amendments were endorsed by the CSPC and Council in July 2025, however, are yet to be formally adopted and gazetted into the LEP and DCP, which is anticipated to be in Q4 2025. While not yet in force, the proposed development has been designed accordingly in anticipation of this amendment and therefore, seeks to utilise the 10% floor space and height bonus, which would allow a maximum building height of 49.5m.

As part of the process to achieve the 10% bonus for both height and floor space, the proposed development has undergone a rigorous design excellence process to ensure the delivery of a high-quality built form that is responsive to its site context, surrounding developments, and the relevant planning controls. This process, undertaken in close collaboration with Council and the Design Advisory Panel (DAP), involved extensive consultation, design testing, and

analysis to create a proposal that is not only contextually appropriate but also aligns with the evolving character of the precinct.

Over the duration of the project, the applicant and design team engaged in four meetings with the DAP, resulting in a detailed Design Statement from them confirming that they consider the project demonstrates the potential to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012. The panel expressed general support and positive feedback for the proposal, particularly noting that the built form and massing are well-suited to the site and its surrounding urban context.

The design excellence process has also involved careful consideration of key urban design principles, such as the articulation of the building mass, the provision of a high level of residential amenity, and the integration of communal spaces that respond to the local context. Strategies to mitigate visual bulk, enhance the pedestrian experience, and optimise solar access have been incorporated into the design, reflecting a commitment to delivering a high standard of urban design.

This collaborative and iterative process has ensured that the proposal meets the objectives of design excellence, resulting in a development that is not only visually appealing but also functional and contextually sensitive. The general support from both the DAP and Council underscores the project's alignment with the broader urban vision for the area and achievement of design excellence, irrespective of the proposed variation to the building height standard.

4.2.2 Delivery of housing diversity and supply

The proposed development delivers a total of 161 dwellings, all of which are for the purposes of affordable housing. This represents a significant contribution to the support of affordable housing within the Sydney LGA and directly responds to the growing housing shortage and crisis affecting Greater Sydney, and Australia more broadly. By providing well-located and affordable housing, the proposal fosters the creation of a diverse, equitable and inclusive community, ensuring access to housing for vulnerable individuals and households.

The proposed height variation is necessary to facilitate the viable delivery of this project. The additional height not only facilitates the construction of two extra storeys but, more importantly enables the delivery of 24 additional affordable dwellings, which would house approximately 34-68 residents, who would otherwise be excluded under the current height standard. Without this variation, the project's yield would be significantly reduced, undermining the intent of Clause 7.13A of the Sydney LEP 2012, which aims to enhance the supply of affordable housing within business areas, as well as broader strategic housing priorities, including:

- The National Housing Accord, which is a Federal Government commitment to deliver 1.2 million new homes across Australia over the next five years until July 2029 in collaboration with state and local governments;
- The NSW Government's Housing 2041 Strategy, which prioritises the acceleration of diverse and affordable housing supply; and
- Several other NSW Government initiatives to increase housing supply and affordability within strategically located areas that have great access to public transport, including the Transit Oriented Development (TOD) Program, the Housing Delivery Authority (HDA) pathway, and the Low to Mid Rise Housing Reforms.

Given the sites location within the Southern Enterprise Area of Green Square and its close proximity to public transport, employment, and key pieces of social and community infrastructure, it is entirely suitable for increased density and the delivery of affordable housing.

The minor breach of the height standard aligns with the objectives of the zone and the desired character of the area. Not only does it support the height transition within the precinct and anchors it as a key precinct, but it also delivers high quality affordable housing, which is a major public benefit that far outweighs any potential impacts from the height variation, which as demonstrated throughout the accompanying documents is clearly minimal.

Further to the above, it is important to recognise that the financial viability of affordable housing projects is already marginal. The requested height variation is crucial to maintaining the feasibility of the development. Without it, the project is at risk of becoming less viable, leaving the site underutilised and contributing no housing. Such an outcome would represent a missed opportunity to alleviate the ongoing housing crisis and the urgent need for affordable housing.

4.2.3 Environmental Impacts

The proposed building height variation will not result in any significant adverse environmental impacts, including overshadowing or visual impact. The additional storey and lift overrun above the current maximum height are modest in scale and will be largely imperceptible from the public domain.

While some overshadowing will occur as a result of the proposed development, this is consistent with the dense urban character of the precinct and is to be expected in a location undergoing strategic urban renewal. Importantly, as demonstrated in the overshadowing analysis prepared by Bates Smart, the development will not reduce solar access to any surrounding residential dwellings.

It is also important to note that under the proposed Sydney Housekeeping Amendments, anticipated to be gazetted in late 2025 while the proposal is under assessment, the 10% height bonus under Clause 6.21D will formally apply. Therefore, the height exceedance would be limited to solely the lift overrun and localised plant. Given that the lift core is centrally located and does not contribute to overall bulk or scale, it will not be visible from the street level and will not result in any additional overshadowing. Any minor shadow cast by the overrun and localised plant will fall onto the rooftop of the development itself or areas already in shadow from the main building mass.

Accordingly, the proposed variation will not result in a significant increase in overshadowing to adjacent residential properties or the public domain, nor will it result in any adverse visual impacts. The environmental impacts of the proposed exceedance are, therefore, negligible and have been mitigated through careful design and planning to ensure a high-quality urban design outcome.

4.2.4 Compliance with Floor Space Ratio control

While the proposed development includes a variation to the maximum height of buildings standard, it is important to emphasise that the proposal fully complies with the maximum floor space ratio (FSR) control of 3.85:1 as prescribed under the Sydney LEP 2012.

Compliance with the FSR control demonstrates that the overall bulk, scale and density of the development remains within the current planning framework of the site. The proposal, therefore, achieves an appropriate balance between built form, open space, and amenity, and reflects the scale and density envisaged for the precinct.

As such, the minor variation to the building height does not result in any unreasonable increase in bulk and scale and does not contribute to a development outcome that is inconsistent with the intended built form for the site. The additional height facilitates improved design outcome and enables the adoption of greater setbacks to mitigate visual privacy concerns. It also facilitates the increase in residential yield, which as detailed above, is a major public benefit for the site.

Therefore, the height variation can be supported on the basis that the development remains within the broader planning intent for the site, particularly given its compliance with the FSR standard, and that it continues to deliver a well-considered and appropriate built form and design outcome that has been confirmed to have the potential to exhibit design excellence.

It light of the above, it is clear that the design excellence process undertaken, compliance with the FSR control and the minimal environmental impact, together with the delivery of housing diversity and supply, particularly affordable housing provide sufficient environmental planning grounds to justify the contravention to the height of building development standard.

Attachment D

Clause 4.6 Variation Request - Floor Space Ratio
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Clause 4.6 Variation

Clause 4.4 Floor Space Ratio – Sydney LEP 2012
20-26 Bourke Road, Alexandria

Prepared for City West Housing

07.04.26
24162

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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Executive Summary

Clause 4.6 of the *Sydney Local Environmental Plan 2012* (Sydney LEP) enables the consent authority to grant consent for development even though it contravenes a development standard. Its objectives are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clauses 4.6(3) requires that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- There are sufficient environmental planning grounds to justify the contravention of the development standard.

The table below provides a summary of the key matters required in a Clause 4.6 Variation set out in the Department of Planning and Environments *Guide to Varying Development Standards November 2023*.

Where is the development site?	20-26 Bourke Road, Alexandria
What is proposed development?	The proposed development is for the redevelopment of an industrial site in Alexandria to deliver a new 15 storey residential building comprising 161 affordable housing dwellings, ground level commercial and community facilities, and associated landscaping and public domain works. The development also seeks to retain the existing Mecca building on site, which is currently used for the purposes of a coffee roasting facility and café.
What is the variation?	The proposed development has a maximum floor space ratio (FSR) of 3.81:1, which represents a 0.31:1 (8.9%) variation to the current maximum permissible floor space ratio (FSR) of 3.5:1, which includes the base 2:1 FSR, and the additional community infrastructure floor area bonus of 1.5:1. This variation is the outcome of a delay in the implementation the proposed Sydney Housekeeping Amendments, which introduces changes to the Sydney LEP 2012 and the Sydney Development Control Plan 2012 (Sydney DCP 2012), including updates to Clause 6.21D that allow the 10% FSR bonus to be granted to developments demonstrating design excellence, including social and affordable housing projects that have undergone an alternative design excellence process. This would permit an FSR of up to 3.85:1, which the proposal entirely complies with. As these amendments have been endorsed and are expected to be finalised shortly within the near future, the design reflects the application of the bonus, as the project has undergone an extensive design excellence process. As such, this Clause 4.6 Variation request addresses the current variation, while recognising the forthcoming controls that would result in a fully compliant building.
Why is compliance with the building height development standard is unreasonable and unnecessary in the circumstances of the case?	The proposal achieves the objectives of Clause 4.4 Floor Space Ratio standard under the Sydney LEP 2012, notwithstanding the non-compliance as: • The floor space ratio is appropriate to the condition of the site and its context, and will assist in meeting housing demand. • The proposal will not result in any unreasonable traffic impacts and remains consistent with the envisaged density of development, built form and land uses for the precinct. • The development has been designed accordingly to reflect the desired character of the precinct and minimises adverse impacts on the amenity of the locality.
What are the sufficient environmental planning grounds to justify contravention of the development standard?	The environmental planning grounds to justify contravention of the FSR standard are: • There are imminent changes to the LEP that would allow the additional 10% FSR bonus to be achieved on the site through an alternative design excellence process for social and affordable housing. The design is a direct result of a rigorous and comprehensive design excellence process undertaken in collaboration with Council and the Design Advisory Panel (DAP), who have ultimately confirmed in a Design Statement that the project demonstrates the potential to achieve design excellence. • The FSR variation will not result in any adverse environmental impacts, particularly in terms of visual impact and overshadowing. • The provision of affordable housing is directly aligned with several NSW strategic planning objectives and will assist in alleviating the current housing crisis, and strict compliance with the controls will reduce the number of affordable dwellings on the site by 24 dwellings, which would otherwise provide housing for 34-68 people. In light of the above that the consent authority can be satisfied that there are sufficient grounds to support the proposed variation.

1.0 The Development Site

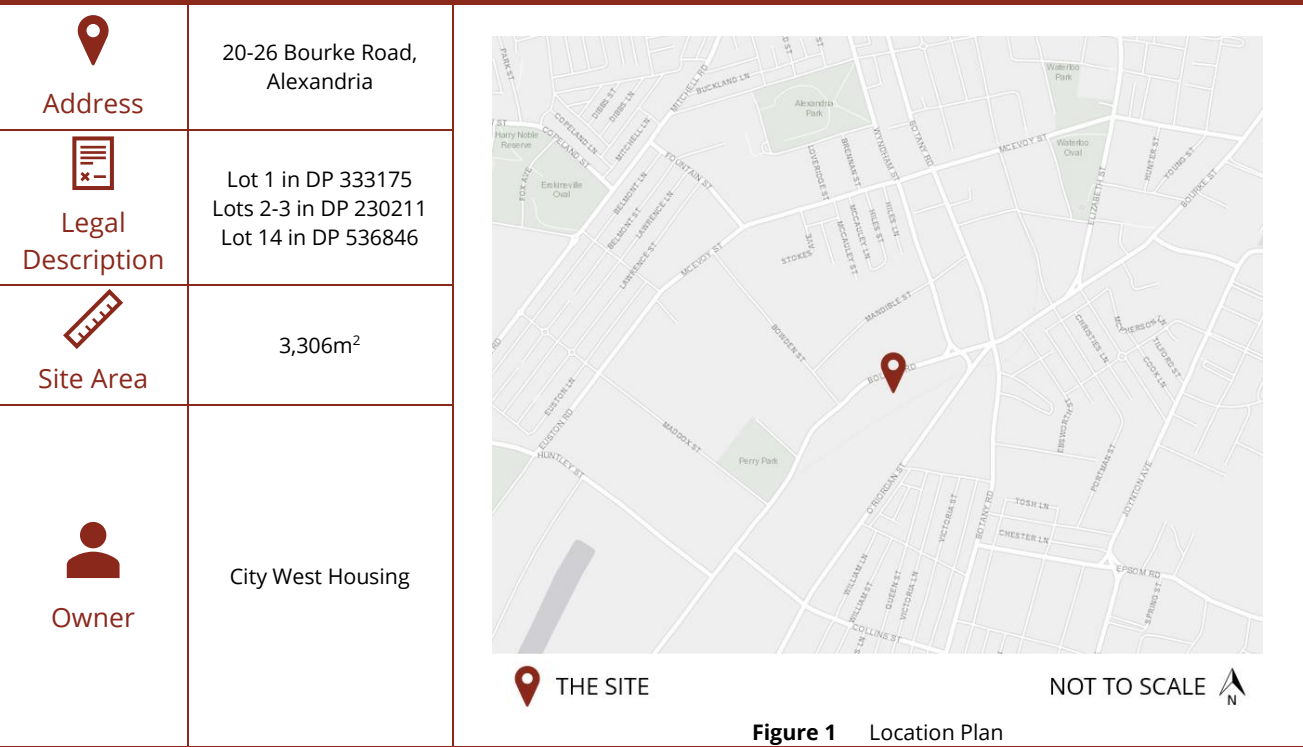


Figure 1 Location Plan

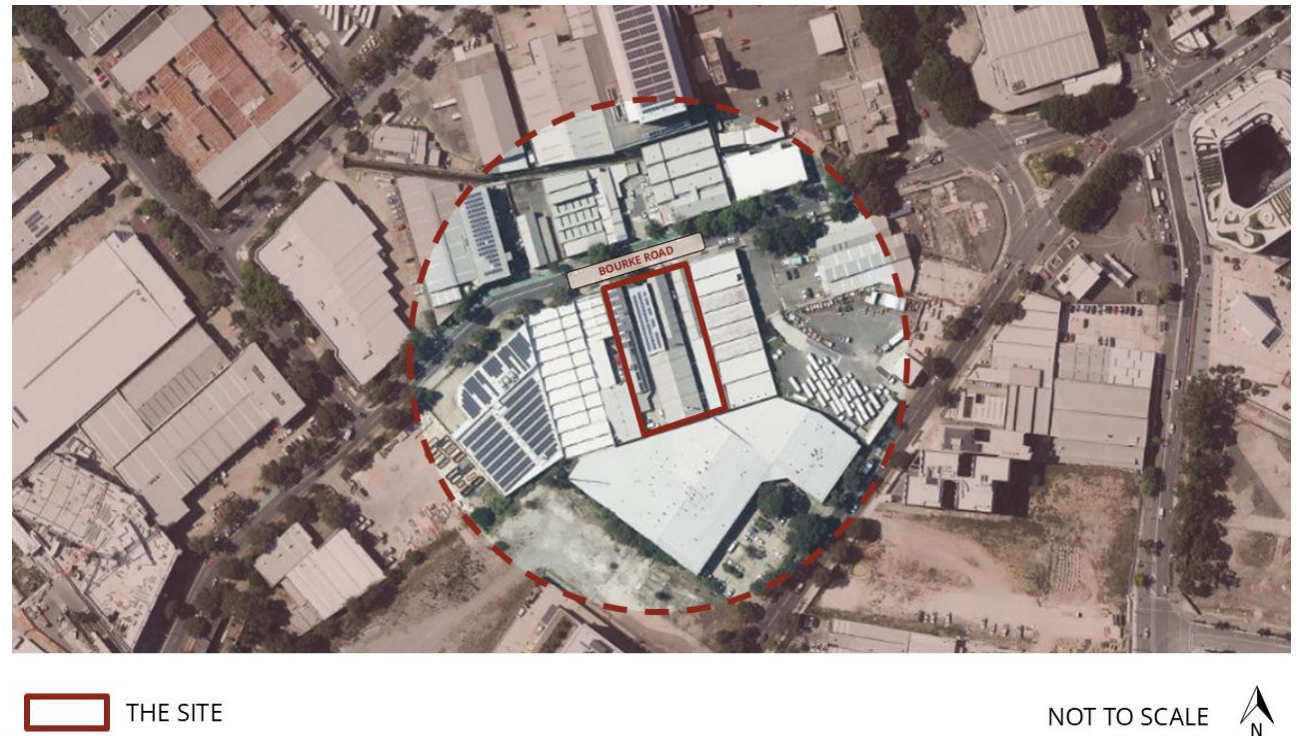


Figure 2 Aerial Photo

2.0 The Proposed Development

The proposed development involves a new mixed-use development, comprising non-residential uses at the ground level and affordable housing above, as well as the retention of the existing Mecca Coffee Café.

Specifically, the proposed works include:

- Early works and site preparation, including excavation and demolition of existing structures at 20-24 Bourke Road.
- Retention of the existing building and use of the Mecca Coffee Café at 26 Bourke Road, with minor alterations to the rear carparking area.
- Construction of a new 15-storey mixed use development with a maximum building height of 51.4m and total gross floor area of 12,019m², comprising:
 - 199m² of non-residential floor space at the ground level, including a commercial premise and community facility.
 - 11,820m² residential floor space, comprising a total of 161 dwellings, including 4 terrace apartments, from Level 1 and above which will be used for the purpose of 100% social and affordable housing.
- Ground floor parking and loading bay, comprising 14 residential and 2 service vehicle car parking spaces and 182 bicycle spaces.
- Vehicular access provided via Bourke Road.
- Associated landscaping and public domain works, including footpath and laneway widening and embellishments.
- Consolidation of the existing lots and subdivision to facilitate dedication of land to Council and future ownership.
- Extension and augmentation of physical infrastructure and utilities as required.
- Remediation of land.

Architectural Drawings and a Design Report prepared by Bates Smart illustrating the proposed development are included within the DA. An artist's impression of the proposed development is shown at **Figure 3** below.



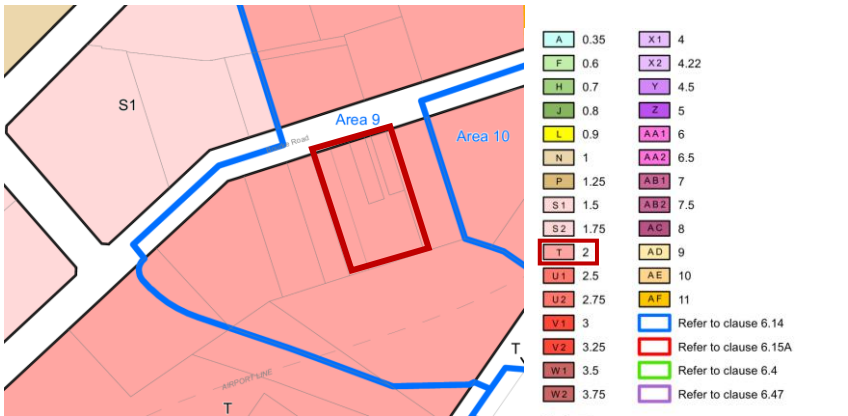
Figure 3 Artist's impression of the proposed development

Source: Bates Smart

3.0 The Proposed Variation

This section outlines the relevant environmental planning instrument (EPI), the development standard to be varied and proposed variation.

Table 1 Planning instrument, development standard and proposed variation

Matter	Comment
Environmental planning instrument (EPI) sought to be varied	<i>Sydney Local Environmental Plan 2012 (Sydney LEP 2012)</i>
The site's zoning	E3 Productivity Support The objectives of this land use zone are: - To provide a range of facilities and services, light industries, warehouses and offices. - To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres. - To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity. - To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones. - To provide opportunities for new and emerging light industries. - To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site. - To encourage employment opportunities. - To promote land uses with active street frontages. (a) To promote for land uses that support the viability of adjoining industrial land uses.
Development standard sought to be varied	Clause 4.4 Floor space ratio The objectives of this clause are: (a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future, (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality. The maximum base floor space ratio for the site is 2:1 (refer to Figure 4).  Figure 4 Floor Space Ratio Map – Sheet FSR_011 (site outlined in red)
Planning context	Pursuant to Clause 4.4 of the Sydney LEP 2012, the maximum base floor space ratio on the site is 2:1. Clause 6.14 of the Sydney LEP 2012 allows an additional 1.5:1 FSR for the provision of communal infrastructure, and therefore, the maximum permissible floor space ratio for the site is 1.5:1.

Matter	Comment
	Council is currently pursuing the Sydney Housekeeping amendments, which propose a range of updates to both the Sydney LEP 2012 and the Sydney Development Control Plan 2012 (Sydney DCP 2012). One of the proposed changes of relevance to this project is the introduction of an alternative design excellence process for social and affordable housing developments delivered by not-for-profit Tier 1 community housing provider, which essentially replaces the competitive design process with a design review process. The Sydney Housekeeping Amendments were endorsed for finalisation by Council and the Central Sydney Planning Committee (CSPC) in July 2025, however, are yet to be formally gazetted. It is noted that these changes were anticipated to be finalised in Q4 2025, and revised timing is unknown. In anticipation of these amendments, the project has undergone an extensive design review process with the Council's Design Advisory Panel (Panel), undertaken in lieu of a competitive design process. As one of the first projects to pursue this new alternative design excellence pathway, the design review process was conducted in accordance with the <i>Terms of Reference: Design Review Process – Social and Affordable Housing (Pilot) (January 2025)</i>, issued by Council. Following four meetings with the Panel, it has been confirmed that the proposal has the potential to achieve design excellence in accordance with Clause 6.21C of the Sydney LEP 2012, irrespective of a competitive design excellence process being undertaken. Clause 6.21D (3) permits a 10% floor space ratio bonus for buildings demonstrating design excellence. It specifically states the following: (3) A building demonstrating design excellence— (a) ... (b) <i>is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of—</i> (i) <i>the amount permitted as a result of the floor space ratio shown for the land on—</i> (A) <i>for a building for which development consent is granted under clause 6.60B—the <u>Alternative Floor Space Ratio Map—Employment Sites</u> or the <u>Alternative Floor Space Ratio Map—Affordable Housing Sites</u>, or</i> (B) <i>otherwise—the <u>Floor Space Ratio Map</u>, and</i> (ii) <i>any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.</i> Clause 6.21A of the Sydney LEP 2012 defines building demonstrating design excellence as '<i>a building where the design of the building, or the design of an external alteration to the building, is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence.</i>' Therefore, on this basis, the 10% design excellence bonus is not strictly applicable under the current statutory framework. Notwithstanding, the proposed Sydney Housekeeping Amendments would extent eligibility for the 10% FSR bonus to developments achieving design excellence via the alternative design review pathway. In anticipation of these changes, the proposed development has been designed to incorporate the 10% FSR uplift, resulting in a maximum FSR of 3.85:1.
The proposed variation	The proposed development has a maximum floor space ratio of 3.81:1, which includes 564m² of the existing gross floor area (GFA) within the Mecca building, and 12,019m² of new GFA. Under the current legislation, the proposal presents the following variation: • 1.81:1 (90.5%) variation to the current 2:1 base FSR; or • 0.31:1 (8.9%) variation to the maximum permissible FSR of 3.5:1 (including the community infrastructure bonus). Despite this, it is emphasised that the proposed development would be fully compliant with the anticipated maximum permissible FSR of 3.85:1, which includes the 10% design excellence bonus under the forthcoming Sydney Housekeeping Amendments.

4.0 Justification for Contravention of the Development Standard

Clause 4.6(3) of the Sydney LEP 2012 provides that:

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

These key considerations are considered in their respective sections below.

4.1 Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary

This Clause 4.6 Variation Request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the height control pursuant to the 'First Method' outlined in Wehbe.

The discussion under the following subheadings demonstrates how the proposed height variation achieves the objectives of the FSR development standard notwithstanding the non-compliance.

Objective 4.4(1)(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future

The proposed variation facilitates a modest increase in floor space that directly supports the delivery of additional affordable housing within a highly accessible and strategically located site. The uplift enables a more efficient use of well-located land, ensuring that the development responds to current and projected housing demand, particularly for affordable housing. In doing so, the proposal satisfies the objective by delivering sufficient floor space to foreseeable development needs without resulting in any adverse environmental or urban design impacts.

Objective 4.4(1)(b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic

The proposed development maintains an appropriate density and built form that is consistent with the emerging character of the Green Square precinct. The additional floor space does not result in excessive bulk or scale and has been carefully designed to integrate with surrounding developments.

Furthermore, the proposal comprises car parking significantly below the maximum allowable car parking rate, which will assist in reducing vehicle generation. This, together with the site's proximity to public transport and employment areas will minimise reliance on private vehicles. The proposal, through public domain improvements and the retention of the Mecca Coffee building, will enhance the pedestrian experience and amenity.

All in all, the variation does not generate unreasonable traffic impacts and remains consistent with the envisaged density of development, built form and land uses for the precinct.

Objective 4.4(1)(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure

The proposed increase in floor space results in a level of development that is appropriate given the site's location within a well-serviced and evolving urban renewal precinct. Green Square is identified as a key growth precinct with significant investment in infrastructure, including transport, public domain and community facilities. The development leverages this infrastructure capacity, and the minor variation to floor space is not anticipated to further strain existing or planned

services. Accordingly, the proposal achieves an appropriate balance between development intensity and infrastructure provision.

Objective 4.4(1)(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality

The proposed development has been subject to a rigorous design process, resulting in a high-quality architectural outcome that is consistent with the desired future character of the locality. The built form, massing, and articulation have been carefully considered to minimise visual bulk and protect amenity, including solar access, privacy, and streetscape quality. The additional floor space does not detract from these outcomes and is effectively a result of the design excellence process and therefore, has been integrated within the overall design. As such, the proposal reflects the evolving urban character of the area while maintaining a high level of amenity for surrounding properties and the public domain.

4.1.1 Assessment against the zoning objectives

The proposed development (inclusive of the proposed exceedance) is consistent with the objectives of the E3 Productivity Support land use zone, as presented in **Table 2**.

Table 2 The proposed development's alignment with the objectives of the E3 Productivity Support zone

Objective	Alignment
<i>To provide a range of facilities and services, light industries, warehouses and offices.</i>	The proposed development comprises affordable housing in line with Clause 7.13A of the Sydney LEP 2012, which permits residential accommodation for the purposes of affordable housing within an identified Business Area on the Locality and Site Identification Map, which the site is located on. As detailed within the SEE, it will also retain the existing roastery and coffee on the site within the existing Mecca building, as well as provide a commercial premise and community facility at the ground level of the new building to support an active and vibrant public domain.
<i>To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.</i>	The proposed land uses on site including, shop top housing, commercial, community facility and retail are compatible with each other, as well as the surrounding land uses of the local centre. It is acknowledged that there are a range of new approved and proposed developments, including a number of affordable housing projects in line with Clause 7.13A.
<i>To maintain the economic viability of local and commercial centres by limiting the certain retail and commercial activity.</i>	The proposed development involves the retention of the existing Mecca use on the site, which currently attracts a number of visitors throughout the week and weekends. Therefore, the retention of the café and roastery, along with the provision of a commercial premise and community facility, the proposed development will contribute to maintaining the economic viability of the Green Square growth centre.
<i>To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.</i>	In light of the current housing crisis, the provision of affordable housing on the site directly meets the needs of the community as evidenced by the number of applicants on City West Housings waitlist within the Sydney LGA and is consistent with the Council's policy position to allow affordable housing within the zone. The proposed development, including the small commercial premise and the community facility are suited to this location and satisfy the provisions of Clause 7.13A, specifically in that the development is compatible with the existing and approved uses of land in the vicinity of the development.
<i>To provide opportunities for new and emerging light industries.</i>	The retention of the existing Mecca roastery, a warehouse and form of light industry, supports this objective. The proposal safeguards the use, while providing a flexibly designed commercial space at the ground level that can accommodate a range of uses, consistent with the evolving character of the area.
<i>To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.</i>	The proposal supports this objective by retaining the Mecca coffee roastery, which manufactures goods on-site for retail sale, therefore, maintaining a land use that aligns with light industrial functions. In addition, the development also comprises a commercial tenancy and community facility that will meet the daily needs of workers and residents within the precinct and the surrounding area. These uses enhance the amenity of the area and contribute to a diverse and functional precinct.
<i>To encourage employment opportunities.</i>	The proposal retains and enhances existing employment generating uses (café and roastery), while introducing new commercial and community uses that will support

Objective	Alignment
	additional employment. The affordable housing component also supports the local workforce by enabling residents to live close to employment hubs and contributing to the local economy through increased resident expenditure.
<i>To promote land uses with active street frontages.</i>	The proposed development incorporates commercial and community uses at the ground level with direct street access and frontage, ensuring an active and engaging interface with the public domain. The continued operation of the Mecca café will also reinforce activation and pedestrian engagement. It is noted that the proposal also comprises an internal shared driveway that separates the new building from the existing Mecca building. In future, this driveway will be transferred into a pedestrian laneway, once the future road at the rear of the site is delivered by Council. This laneway, as well as the proposed public domain improvements will contribute towards the activation and enhancement of the street scape.
<i>To provide for land uses that support the viability of adjoining industrial land uses.</i>	The development retains the industrial activity of the coffee roasting facility within the existing Mecca building and introduces compatible land uses, including affordable housing, commercial premises, and a community facility. This mix of uses supports the viability of the surrounding industrial and employment land by providing services and amenities for workers and residents, without displacing or conflicting with existing industrial operations.

4.2 Clause 4.6(3)(b): Sufficient environmental planning grounds to justify the contravention of the development standard

Clause 4.6(3)(b) of the LEP requires the contravention of the development standard to be justified by demonstrating that there are sufficient environmental planning grounds to justify the contravention. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole.

Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action at [24]*). In *Four2Five*, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 Variation Request must be particular to the circumstances of the proposed development on that site at [60].

In this instance, the relevant aspect of the development is the proposed exceedance of the floor space ratio. There are sufficient environmental planning grounds to justify this contravention, as described below.

4.2.1 Imminent Changes to the LEP and the Design Excellence Process

Council is currently pursuing the Sydney Housekeeping Amendments, which propose a range of updates to both the Sydney LEP 2012 and the Sydney DCP 2012. One of the proposed changes of relevance to this Clause 4.6 is the introduction of an alternative design excellence process for social and affordable housing developments delivered by not-for-profit Tier 1 community housing provider, which essentially replaces the competitive design process with a design review process.

In making this change, the City proposes to amend Clause 6.21D of the Sydney LEP 2012 to permit the consent authority to award a bonus of up to 10% additional building height and up to 10% additional floor space to a building demonstrating design excellence when considering a development application resulting from a competitive process, or in the case of social and affordable housing by a CHP, resulting from the optional design review process.

As discussed in **Table 1**, the Sydney Housekeeping Amendments were endorsed by the CSPP and Council in July 2025, however, are yet to be formally gazetted. While not yet in force, the proposed development has been designed accordingly in anticipation of this amendment and therefore, seeks to utilise the 10% floor space, which would allow a maximum floor space ratio of 3.85:1.

As part of the process to achieve the 10% bonus for both floor space ratio and height of building, the proposed development has undergone a rigorous design excellence process to ensure the delivery of a high-quality built form that is responsive to its site context, surrounding developments, and the relevant planning controls. This process, undertaken in close collaboration with Council and the Design Advisory Panel (DAP), involved extensive consultation, design testing,

and analysis to create a proposal that is not only contextually appropriate but also aligns with the evolving character of the precinct.

Over the duration of the project, the applicant and design team engaged in four meetings with the DAP, resulting in a detailed Design Statement from them confirming that they consider the project demonstrates the potential to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012. The panel expressed general support and positive feedback for the proposal, particularly noting that the built form and massing are well-suited to the site and its surrounding urban context.

The design excellence process has also involved careful consideration of key urban design principles, such as the articulation of the building mass, the provision of a high level of residential amenity, and the integration of communal spaces that respond to the local context. Strategies to mitigate visual bulk, enhance the pedestrian experience, and optimise solar access have been incorporated into the design, reflecting a commitment to delivering a high standard of urban design.

This collaborative and iterative process has ensured that the proposal meets the objectives of design excellence, resulting in a development that is not only visually appealing but also functional and contextually sensitive. The general support from both the DAP and Council underscores the project's alignment with the broader urban vision for the area and achievement of design excellence, irrespective of the proposed variation to the floor space ratio standard.

4.2.2 Delivery of housing diversity and supply

The proposed development delivers a total of 161 dwellings, all of which are for the purposes of affordable housing. This represents a significant contribution to the support of affordable housing within the Sydney LGA and directly responds to the growing housing shortage and crisis affecting Greater Sydney, and Australia more broadly. By providing well-located and affordable housing, the proposal fosters the creation of a diverse, equitable and inclusive community, ensuring access to housing for vulnerable individuals and households.

The proposed floor space variation is necessary to facilitate the viable delivery of the project. The additional floor space allows an additional gross floor area of 1,157m². The typical residential floor has a total GFA of 819m², and therefore, the additional floor space not only facilitates the construction of two extra storeys but, more importantly enables the delivery of 24 additional affordable dwellings, which would house approximately 34-68 residents, who would otherwise be excluded under the current floor space standard.

Without this variation, the project's yield would be significantly reduced, undermining the intent of Clause 7.13A of the Sydney LEP 2012, which aims to enhance the supply of affordable housing within business areas, as well as broader strategic housing priorities, including:

- The National Housing Accord, which is a Federal Government commitment to deliver 1.2 million new homes across Australia over the next five years until July 2029 in collaboration with state and local governments;
- The NSW Government's Housing 2041 Strategy, which prioritises the acceleration of diverse and affordable housing supply; and
- Several other NSW Government initiatives to increase housing supply and affordability within strategically located areas that have great access to public transport, including the Transit Oriented Development (TOD) Program, the Housing Delivery Authority (HDA) pathway, and the Low to Mid Rise Housing Reforms.

Given the sites location within the Southern Enterprise Area of Green Square and its close proximity to public transport, employment, and key pieces of social and community infrastructure, it is entirely suitable for increased density and the delivery of affordable housing.

The minor breach of the floor space ratio standard aligns with the objectives of the zone and the desired character of the area. Not only does it support the revitalisation of the precinct and anchors it as a key precinct, but it also delivers high quality affordable housing, which is a major public benefit that far outweighs any potential impacts from the floor space variation, which as demonstrated throughout the accompanying documents is clearly minimal.

Further to the above, it is important to recognise that the financial viability of affordable housing projects is already marginal. The requested floor space variation is crucial to maintaining the feasibility of the development. Without it, the

project is at risk of becoming less viable, leaving the site underutilised and contributing no housing. Such an outcome would represent a missed opportunity to alleviate the ongoing housing crisis and the urgent need for affordable housing.

4.2.3 Environmental Impacts

The proposed floor space ratio exceedance will not generate any adverse environmental impacts such as overshadowing or visual impacts. The floor space variation is modest in scale and will be imperceptible from the public domain.

It is also important to note that under the proposed Sydney Housekeeping Amendments, anticipated to be gazetted in late 2025 while the proposal is under assessment, the 10% floor space bonus under Clause 6.21D will formally apply and therefore, the proposal will be 100% compliant with the maximum permissible floor space ratio.

Accordingly, the proposed variation will not result in a significant increase in overshadowing to adjacent residential properties or the public domain, nor will it result in any adverse visual impacts. The environmental impacts of the proposed exceedance are, therefore, negligible and have been mitigated through careful design and planning to ensure a high-quality urban design outcome.

Attachment E

Design Statement – Alternative Design Review Process
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Design Statement

19 August 2025

20-26 Bourke Road, Alexandria

Pre-DA reference: PDA/2025/57

Proponent: City West Housing

Proponent's architect: Bates Smart

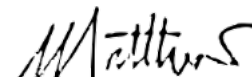
1. The Panel has reviewed the latest package of documentation prepared by Bates Smart and submitted to the City on 25 July 2025 and the key development data submitted on 4 August 2025.
2. The Panel considers the proposed development demonstrates the potential to achieve design excellence under 6.21C of the LEP, subject to the resolution of the matters outlined in the *Design Advice Meeting 04 (Appendix 1)*.
3. This Design Statement informs the City's assessment of the proposed development but does not determine the outcome or in any way fetter the further refinement or decision of the consent authority in its determination of any subsequent development applications associated with the development site.



Ken Maher (Chair)



Kerry Clare



Matthew Pullinger

Appendices

Appendix 1

Design Advice – Meeting 04 (5 August 2025)

Appendix 2

Design Advice – Meeting 03 (by email, 3 July 2025)

Appendix 3

Design Advice – Meeting 02 (27 May 2025)

Appendix 4

Design Advice – Meeting 01 (11 February 2025)

Appendix 1

Design Advice

(Issued 19 August 2025)

Meeting 04

20-26 Bourke Road, Alexandria

Pre-DA reference: PDA/2025/57**Proponent:** City West Housing**Proponent's architect:** Bates Smart

Meeting #4	5 August 2025
Panel members	Ken Maher (Chair) Kerry Clare Matthew Pullinger
Applicant's architect	Matthew Allen, Bates Smart
City of Sydney	Graham Jahn, Executive Director Chris Corradi, Area Planning Manager Gavin Ho, Senior Planner Anita Morandini, Design Excellence Manager Silvia Correia, Design Excellence Coordinator
Conflict of interest declaration	Nil
Submission material	<i>Banksia Apartments City West Housing, Bates Smart, dated 25 July 2025</i> <i>Development Data summary, emailed 4 August 2025</i>

No.	Advice
General:	
1.1	The revised scheme generally addresses issues raised in Meeting 03.
1.2	The Panel notes this advice is separate to any planning advice provided by the City. Amendments may be required to address matters such as amenity, natural cross ventilation, solar access, GFA and vertical circulation.
1.3	Development data figures (GFA, solar, natural cross ventilation) submitted by Bates Smart show general planning compliance. The Panel notes that the City will assess compliance once corresponding diagrams are submitted with the DA.
1.4	Items that require further resolution are set out below.

No.	Advice
-----	--------

Internal planning and amenity

- | | |
|-----|--|
| 2.1 | The ground floor common bathroom opening into the main entry lobby should be reconfigured to be more discrete. |
| 2.2 | Address visitor bike parking which impinges upon the arrival experience and amenity of the main entry. The entry could be widened by realignment of the commercial tenancy wall to recess bike parking clear of the entry passage. |
| 2.3 | Replan rooms identified as 'S' for storage on the drawings to minimise the potential for larger storage rooms without windows to be used as habitable rooms. |
| 2.4 | Consider opportunities to increase openable window area to improve ventilation and enable occupants access to clean windows. The proposed system of awning windows, large fixed areas of glazing and fixed external screens limits ventilation and cleaning. |
| 2.5 | Provide ceiling fans in habitable rooms. Fans are to be shown on typical apartment plan DA drawings. |
| 2.6 | Apartment entry screen doors for ventilation should be reinstated on the DA drawings, acknowledging that separate approval is required by the NSW Fire Brigade. |
| 2.7 | Include acoustic amelioration measures / wall separation to reduce noise and vibration to bedrooms adjoining lifts. |
| 2.8 | Increase the number of lifts servicing the development from two to three. There should generally be no more than 60 apartments per lift. |
| 2.9 | Provide a music practice room that can be sound isolated. This could be accommodated within the community room. |

Architectural expression

- | | |
|-----|---|
| 3.1 | The DA drawings are to include a developed design intent for each primary facade type at approximately 1:20 in section and elevation (or equivalent 3D representation), describing materials, construction systems, balustrades, balcony edges/thresholds, window operation, planter beds, material junctions, balcony and roof drainage and downpipes - particular attention should be given to the design and execution of brick patterns, hit and miss brickwork and other fine-grain detailing. |
| 3.2 | <p>The DA drawings are to include detailed sections with provisions for slab set downs and structural depths.</p> <p>The clearance height from ground to underside of soffit overhang to the service laneway is not to be reduced.</p> |

Landscape design

- | | |
|-----|---|
| 4.1 | The landscape design, particularly to the east, should be developed to include taller vegetation. |
|-----|---|

Mecca lot

No.	Advice
5.1	It is noted that the proposal harvests the development potential of the Mecca lot through the inclusion of the site in the calculation of GFA and additional FSR for design excellence. As the Mecca lot is proposed to remain a separate lot, an easement on title for light and air to protect the amenity of apartments at that interface with the Mecca lot will be required. A further restriction on title to limit GFA on the Mecca lot will be required.

Appendix 2

Design Advice

(Issued 3 July 2025)

Meeting 03 (by email)

20-26 Bourke Road, Alexandria

Pre-DA reference: PDA/2025/57

Proponent: City West Housing

Proponent’s architect: Bates Smart

Meeting #3	3 July 2025
Panel members	Ken Maher Kerry Clare Matthew Pullinger (Chair)
Submission material	<i>Banksia Apartments City West Housing, Bates Smart, dated 25 June 2025</i>

No.	Advice
-----	--------

General:

- 1

The Panel notes the design team's comprehensive response to the Panel's earlier advice and acknowledges positive refinement evident in the proposal, including the satisfactory resolution of a number of issues raised by the Panel.

Although there are a number of more minor residual design matters that still require resolution, the Panel is content to provide the following list of points in lieu of a formal meeting and presentation with the design team.

Internal planning and general arrangement

- 2.1

- The relocation of the open external fire stair serving the rooftop communal open space to the site boundary is supported - further information is needed to confirm whether the stair requires enclosure given its proximity to a neighbouring fire source feature.
 - The relocation of the chamber substation is supported.
 - Clarification is needed to confirm the purpose of the small room adjacent the communal room at street level addressing Bourke Road.
 - Further clarification of the design intent of the laneway elevation to the bike store - the Panel supports a degree of transparency to this facade in the interests of laneway animation, the elevations suggest hit and miss brick, but this should be confirmed.
 - A similar hit and miss brick treatment might be applied to the exposed facades of the car park.

No.	Advice
	• The scale, ceiling height and clearances associated with the residential entry are adequate, but should not be reduced any lower - further structural and services resolution may be required to provide certainty of the outcome. • The apartment plans appear to consistently omit internal planning of laundries - all internal linework should be included. • Drafting error on Level 01 at the intersection between the tower and the duplex wing should be corrected. • The un-named space on Level 01 at the intersection between the tower and duplex wing should be clarified. • Drafting error on Level 02 at the intersection between the tower and the duplex wing (within the balcony of the 2Bed apartment) should be corrected. • The un-named space on Level 02 at the intersection between the tower and duplex wing should be clarified. • The un-named space on Level 03 at the intersection between the tower and rooftop communal open space should be clarified. • The skylights serving the duplex gallery should be developed in cross section to resolve buildability. • The plans should clearly identify the inclusion of ceiling fans. • The plans should clearly identify the inclusion of secure screen doors in the tower component (noting the scheme does not rely on these for cross ventilation performance). • Further refinement of the proposed window operation/opening is encouraged - the Panel is concerned for constrained cross ventilation offered by awning windows and for fixed glass situated behind screening, which is difficult to clean. • Privacy to the bedroom windows adjacent to the open lift lobbies should be reviewed to ensure no cross viewing.

Architectural expression and character

3	• Building sections are generally silent on structural depths (showing only flat slabs) - the Panel encourages a more accurate representation of balcony setdowns/thresholds, rooftop gardens and the inclusion of structural depth likely to be necessary above the loading dock. • The developed sawtooth expression to Bouke Road still appears tentative - perhaps too close to a gable expression - and may benefit from refinement to more definitively read as a sawtooth profile. • The Panel restates its support for the introduction of a shallow juliet balcony to the upper-level of the duplex units serving bedrooms for reasons of amenity and flexibility. • The southern/rear elevation is improved, but still reads as a 'flatter' more abrupt part of the composition - further amplification of the 'flared' forms, perhaps focused on the central corridor may lift the overall coherence of the tower form.
---	---

No.	Advice
	A developed design intent for each primary facade type should be provided within the DA drawing set at approximately 1:20 in section and elevation (or equivalent 3D representation), describing materials, construction systems, balustrades, balcony edges/thresholds, window operation, planter beds, material junctions, balcony and roof drainage and downpipes - particular attention should be given to the design and execution of brick patterns, hit and miss brickwork and other fine-grain detailing.
Landscape design generally	
4	The landscape design solution should be developed with the input of a landscape architect. The landscape buffer to the future new street at the rear of the site should be developed to an appropriate level of resolution, and the long term character of this future streetscape given consideration.

Appendix 3

Design Advice

(Issued 4 June 2025)

Meeting 02

20-26 Bourke Road, Alexandria

Pre-DA reference: PDA/2025/57**Proponent:** City West Housing**Proponent's architect:** Bates Smart

Meeting #2	27 May 2025
Panel members	Ken Maher (Chair) Kerry Clare Matthew Pullinger
Applicant's architect, and project team.	Matthew Allen, Bates Smart Jill Woodley, Bates Smart David Warwick (landscape architect) Michael Rowe (Beam Planning)
City of Sydney	Graham Jahn, Executive Director Andrew Rees, Area Planning Manager Gavin Ho, Senior Planner Anita Morandini, Design Excellence Manager Silvia Correia, Design Excellence Coordinator Adrian Bonanni, Design Excellence Coordinator
Conflict of interest declaration	Nil
Submission material	<i>Banksia Apartments City West Housing, Bates Smart, dated 27 May 2025</i>
Appendix	1. <i>Design Advice – Meeting No. 1</i>

No.	Advice
General:	
2.1	Scheme 01 is the preferred option and forms the basis of this advice.
2.2	Before the next panel meeting, further refinement is needed to address the items below.
2.3	Additional technical studies required by the Panel include acoustic, wind and traffic.

No.	Advice
-----	--------

Tree removal:

- | | |
|-----|--|
| 2.4 | Tree retention options were investigated, and it is accepted that tree retention is unachievable due to traffic sightline requirements and the extent of root impact from the reconstruction and alignment of the driveway crossover. Relocation of the driveway to other parts of the property frontage would not be possible due to the need to retain the existing warehouse currently occupied by Mecca which has a long-term lease. |
| 2.5 | A tree replacement strategy is required, consistent with the City's Street Tree Master Plan 2023. The replacement species should be selected for appropriate shade provision, growth performance, and context. The number and size of replacement trees should be discussed with the City. |

Communal open space strategy:

- | | |
|-----|--|
| 2.6 | The communal open space strategy is generally supported, particularly the sequence between the entry, internal communal open space, the lobby, and adjacent ground floor apartments. |
| 2.7 | Due to the approved developments on the northern side of Bourke Road taking advantage of the 45 metre height limit, Scheme 01 provides improved solar access to both communal open spaces, supporting year-round useability. |
| 2.8 | Maximise the floor-to-ceiling height of the covered entry and lobby to enhance the arrival experience. Bulkheads or overhead services should be minimised to retain openness and spatial quality. |

Built form:

- | | |
|------|---|
| 2.9 | Scheme 01 provides a good massing response, with a defined street wall (as per the site specific DCP controls), podium and tower. |
| 2.10 | The modulation provides positive amenity outcomes including improved solar access, generous balconies and effective shading. While this results in minor encroachments into side and rear setbacks, these may be supported where they enhance environmental performance and residential amenity and do not result in adverse impacts to adjoining properties. |

Environmental performance and residential amenity:

- | | |
|------|---|
| 2.11 | Scheme 01 provides improved solar access and natural cross-ventilation to apartments. |
|------|---|

No.	Advice
2.12	Apartment layouts have improved through the reconfiguration of the stair and internal planning, resulting in additional north-facing units and improved solar access. Notably, 10 of 12 east-west facing units now receive winter sun.
2.13	Maximise openable window area to achieve natural cross-ventilation while addressing acoustic and visual privacy between the breezeway and the adjacent apartments. Consider the use of operable louvres with translucent or frosted glass to balance ventilation, privacy, and acoustic control.
2.14	Investigate the use of secure screen doors to support natural ventilation; while not counted towards compliance, they may enhance amenity.
2.15	Include ceiling fans to habitable rooms in all apartments to enhance air movement.
2.16	Within the tower, resolve the 'pinch point' at the southern end of the internal corridor by increasing the window to match the width of the corridor, enhancing light and spatial quality.
2.17	Within the tower, maximise natural light to internal corridors. Explore opportunities to introduce windows.
2.18	Enhance the quality of the circulation corridor at the rear of the duplexes.
2.19	Address visual and acoustic privacy between the duplexes, rear corridor, and external stairs to the communal open space, and between the stairs and adjacent apartments (particularly, the apartment at the internal corner within the tower).
2.20	Explore relocating the external stair towards the boundary to mitigate privacy impacts.
2.21	Address acoustic impacts for north-facing apartments on Bourke Street and those adjacent to the breezeway. An acoustic assessment is required.
2.22	Explore Juliet balconies to north-facing apartments to improve articulation and enhance amenity.
Façade treatment and materials:	
2.23	The proposed horizontal articulation strategy is supported for its greater flexibility and potential to enhance residential amenity.
2.24	Refine the proportions of the expressed sawtooth forms to better relate to the scale of the adjacent Mecca building. Further consider the street façade, the sawtooth and whether there should be increased visibility from the terrace.

No.	Advice
2.25	The southern façade is underdeveloped. Explore variation in depth and articulation to avoid a blank or “mute” appearance to the future street. A more resolved and coherent overall tower form should be the objective.
2.26	Include the proposed fenestration to the western elevation of the podium in the architectural plans.
2.27	Materiality should prioritise robustness and longevity. Precast concrete, brick slips, and masonry may be supported, noting further resolution is required around construction methods, jointing, a sense of depth and relief, and carbon impact.
Commercial space:	
2.28	The floor-to-ceiling height of the commercial space may not meet DCP requirements with bulkheads and concealed services.
2.29	Clarify the intended future use(s) of the space and clarify if services will need to be exposed to maintain functional ceiling heights and tenancy flexibility.
2.30	Explore opportunities to increase visual connectivity between the commercial tenancy and the residential entryway from Bourke Road.
Waste, loading and parking:	
2.31	Waste storage, loading areas, and swept paths require further resolution. The current arrangement may conflict with adjacent car parking and circulation.
2.32	Vehicle movement and queuing must be adequately accommodated.
2.33	Clarify and confirm car parking numbers, turning circles, and the integration of waste collection and loading areas.
Roof, plant and services:	
2.34	Locating plant within the mezzanine level is supported to minimise visual and acoustic impacts.
2.35	Prevent falling objects from accessible rooftop areas. Consider planter edges.
2.36	Ensure that roof plant, parapet, and all rooftop structures remain within the height limit.

No.	Advice
2.37	The lift overrun is not shown in the NS cross-section. Ensure adequate parapet to screen rooftop plant.
2.38	Condensers, clotheslines, and other service elements should be fully concealed or discretely located on balconies.
2.39	The substation directly fronts Bourke Road. Explore relocating the substation further to the south in order to increase street activation and minimise the impact of service.
Site consolidation:	
2.40	Establish the legal agreements and mechanisms related to the inclusion of the Mecca building's lot use of floor space potential – such as a title covenant/restriction.
2.41	It is recommended that the lessee's agreement to any floor space potential be secured as early as possible to avoid delays to the development approval.

Appendix 4

Design Advice

(Issued 18 February 2025)

20-26 Bourke Road, Alexandria

Pre-DA reference: PDA/2024/213

Proponent: City West Housing

Proponent’s architect: Bates Smart

Meeting 01

Meeting 01	11 February 2025
Panel members	Ken Maher (Chair) Kerry Clare Matthew Pullinger
Applicant’s architect	Matthew Allen, Bates Smart Jill Woodley, Bates Smart
City of Sydney	Graham Jahn, Executive Director Andrew Rees, Area Planning Manager Gavin Ho, Senior Planner Nick Reid, Specialist Planner Cathy Xu, Urban Designer Anita Morandini, Design Excellence Manager Adrian Bonanni, Design Excellence Coordinator
Conflict of interest declaration	Nil
Submission material	<i>Banksia Apartments City West Housing, Bates Smart, dated 4 February 2025</i>

No.	Advice
-----	--------

General:

- 1.1
- This review focused on establishing a massing option to support the achievement of design excellence.

Before the next panel meeting, the massing options presented require further refinement to address key design considerations including:

 - tree retention
 - deep soil zone location
 - solar access and natural cross-ventilation
 - visual and acoustic privacy.

No.	Advice
1.2	Additional technical studies and reports required by the Panel, include: • arborist • acoustic • flooding.
Ground plane and public domain interface:	
1.3	Prioritise tree retention, subject to arborist report findings.
1.4	Address vehicle access and loading locations to accommodate tree retention.
1.5	Further explore opportunities to locate the deep soil zone towards Bourke Road (Site Strategy 3, p.39). Consider the spatial and functional relationship between the deep soil zone, the “Mecca” warehouse building, the proposed retail space and tree retention.
Massing:	
1.6	The retention of the warehouse building is to be considered as part of the overall site and massing strategy.
1.7	The tower response to the DCP setback controls and its relationship to potential development on adjoining sites is generally supported. Further refinement and testing are needed to address solar access, natural cross-ventilation and visual privacy.
1.8	The breezeway shown in the Site Strategy (p.45) is generally supported subject to further testing, as it may contribute to natural cross-ventilation and solar access. The breezeway must be fully weather protected while allowing for airflow.
Environmental performance and residential amenity:	
1.9	Explore reconfiguring and relocating apartments to maximise solar access and natural cross-ventilation, specifically the south-facing 3-bedroom units within the podium.
1.10	Explore repositioning the tower core to improve natural cross-ventilation for the four west-facing units and improve access to the lobby and its visibility from the street.
1.11	Address visual and acoustic privacy with natural cross-ventilation for windows located on the breezeway.
1.12	Include at least one window at the end of each corridor within the tower.
1.13	Ensure visual and acoustic privacy along the southern boundary, considering setbacks and the interim condition before the laneway is completed.

- 1.14 Address acoustic privacy and natural cross-ventilation along the Bourke Road frontage.
-

Communal open space:

- 1.16 Prioritise solar access to communal open spaces for year-round useability. Further explore the provision of communal open space on the podium's rooftop.
-

Waste storage:

- 1.17 Provide adequate waste storage space to meet the City's requirements.
-

Attachment F

Draft Voluntary Planning Agreement

Planning agreement

The Council of the City of Sydney

ABN 22 636 550 790

and

City West Housing Pty Limited

ACN 065 314 758

For **20-26 Bourke Road, Alexandria NSW 2015**

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THIS PLANNING AGREEMENT is made on

2026

BETWEEN:

- (1) **The Council of the City of Sydney** ABN 22 636 550 790 of Town Hall House, 456 Kent Street, SYDNEY NSW 2000 (the **City**); and
- (2) **City West Housing Pty Limited** ACN 065 314 758 of Suite G01, Building B, 33-35 Saunders Street, PYRMONT NSW 2009 (the **Developer**).

BACKGROUND

- (A) The Developer is the owner of the Land and intends to undertake the Development on the Land.
- (B) The Developer has offered to enter into this document with the City to provide the Public Benefits on the terms of this document.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this document.

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Adverse Affectation has the same meaning as in Part 3 of Schedule 2 of the *Conveyancing (Sale of Land) Regulation 2022 (NSW)*.

Attributed Value means the value the City and the Developer agree is to be attributed to each element of the Public Benefits as at the date of this document, as set out in clause 1 of Schedule 3 of this document.

Authorisation means:

- (a) an approval, authorisation, consent, declaration, exemption, permit, licence, notarisation or waiver, however it is described, and including any condition attached to it; and
- (b) in relation to anything that could be prohibited or restricted by law if a Government Agency acts in any way within a specified period, the expiry of that period without that action being taken,

including any renewal or amendment.

Business Day means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, Australia.

City's Policies means all policies and procedures relevant to the provision of the Public Benefits, as notified by the City in writing to the Developer.

City's Representative means the person named in Item 3 of Schedule 1 or his/her delegate.

Completion means the point at which:

- (a) the Developer's Works are complete except for minor defects:
 - (i) the existence of which do not prevent the Developer's Works being reasonably capable of being used for their intended purpose;
 - (ii) which the Developer has grounds for not promptly rectifying; and
 - (iii) rectification of which will not affect the immediate and convenient use of the Developer's Works for their intended purpose; and
- (b) to the extent the RAB (CEP) Act or the DBP Act (as applicable) applies to the Developer's Works, the Developer has obtained and submitted all Occupation Certificate(s) for the Developer's Works to the City (and such Occupation Certificates are not invalid by reason of the RAB (CEP) Act or the DBP Act) (as applicable).

Completion Notice means a notice issued by the Developer in accordance with clause 6.1.

Confidential Information means:

- (a) information of a party (**disclosing party**) that is:
 - (i) made available by or on behalf of the disclosing party to the other party (**receiving party**), or is otherwise obtained by or on behalf of the receiving party; and
 - (ii) by its nature confidential or the receiving party knows, or ought reasonably to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly, and before, on or after the date of this document.

Confidential Information does not include information that:

- (a) is in or enters the public domain through no fault of the receiving party or any of its officers, employees or agents;
- (b) is or was made available to the receiving party by a person (other than the disclosing party) who is not or was not then under an obligation of confidence to the disclosing party in relation to that information; or
- (c) is or was developed by the receiving party independently of the disclosing party and any of its officers, employees or agents.

Construction Certificate has the same meaning as in the Act.

Construction Issued Regulated Design means, in respect of the Developer's Works, a "construction issued regulated design" as that term is defined in the DBP Regulation.

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Corporations Act means the *Corporations Act 2001* (Cth).

DBP Act means the *Design and Building Practitioners Act 2020* (NSW).

DBP Regulation means the *Design and Building Practitioners Regulation 2021* (NSW).

Dealing means selling, transferring, assigning, novating, mortgaging, charging, or encumbering and, where appearing, **Deal** has the same meaning.

Defect means any error, omission, defect, non-conformity, discrepancy, shrinkage, blemish in appearance or other fault in the Public Benefits or any other matter which prevents the Public Benefits from complying with the terms of this document.

Defects Liability Period means in relation to the Public Benefits, the period of 12 months from the date on which the Developer's Works reach Completion.

Design Compliance Declaration means, in respect of the Developer's Works, a "design compliance declaration" as that term is defined in the DBP Act.

Developer's Lane Works means those parts of the Public Benefit described as "Developer's Lane Works" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Developer's Representative means the person named in Item 4 of Schedule 1 or his/her delegate.

Developer's Works means those parts of the Public Benefit described as "Developer's Works" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Development means the development of the Land by the Developer described at Item 2 of Schedule 1.

Development Application means the development application identified in Item 5 of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended supplemented) submitted to the consent authority before the determination of that Development Application.

Development Consent means the consent granted to the Development Application for the Development and includes all modifications made under section 4.55 of the Act.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this document, including any dispute or difference as to the formation, validity, existence or termination of this document.

Environmental Laws means all laws and legislation relating to environmental protection, building, planning, health, safety or work health and safety matters and includes the following:

- (a) the *Work Health and Safety Act 2011* (NSW);
- (b) the *Protection of the Environment Operations Act 1997* (NSW); and

(c) the *Contaminated Land Management Act 1997 (NSW)*.

Future Road Land means land forming part of the Public Benefit that is to be transferred to the City in accordance with Schedule 3 of this document.

Government Agency means:

- (a) a government or government department or other body;
- (b) a governmental, semi-governmental or judicial person; or
- (c) a person (whether autonomous or not) who is charged with the administration of a law.

Gross Floor Area has the meaning given to that term in the *Sydney Local Environment Plan* in effect at the date of this document.

GST means the same as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Guarantee means a bank guarantee or documentary performance bond for the Guarantee Amount which must:

- (a) be denominated in Australian dollars;
- (b) be an unconditional undertaking;
- (c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:
 - (i) BBB + (Standard & Poors and Fitch);
 - (ii) Baa 1 (Moody's); or
 - (iii) Bbb (Bests);
- (d) be issued on behalf of the Developer;
- (e) have no expiry or end date;
- (f) state the beneficiary as the City;
- (g) be irrevocable;
- (h) state the Guarantee Amount as the minimum amount required by this document to be lodged as security;
- (i) state the purpose of the security as required in accordance with this document; and
- (j) be on such other terms approved by the City.

Guarantee Amount(s) means the total amount listed in Item 6 of Schedule 1 of this document.

Guarantee Amount(s) Due Date means the date or milestone by which the Developer must provide the Guarantee Amount to the City, set out at Item 7 of Schedule 1.

Index Number means the Consumer Price Index (Sydney all groups) published by the Australian Bureau of Statistics from time to time.

Insolvency Event means:

- (a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed;
- (b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property
- (c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand;
- (d) an application being made to a court for an order for its winding up;
- (e) an order being made, or the person passing a resolution, for its winding up;
- (f) the person:
 - (i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or
 - (ii) being unable to pay its debts or otherwise insolvent;
- (g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors;
- (h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or
- (i) any analogous event under the laws of any applicable jurisdiction,

unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party.

Land means the land described in Item 1 of Schedule 1 of this document.

Laws means all applicable laws, regulations, industry codes and standards, including all Environmental Laws.

Monetary Contribution means that part of the Public Benefits described as "Monetary Contribution" in clause 1 of Schedule 3 to be paid by the Developer to the City in accordance with this document.

Occupation Certificate has the same meaning as in the Act.

Personal Information means:

- (a) personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* (NSW);
- (b) health information within the meaning of the *Health Records and Information Privacy Act 2002* (NSW); and
- (c) any information which does not fall within the scope of paragraphs (a) and (b) above, but is personal information within the meaning of the *Privacy Act 1988* (Cth).

Personnel means the Developer's officers, employees, agents, contractors or subcontractors.

Plans means the additional plans shown in Annexure A of this document.

Privacy Laws means the *Privacy Act 1988* (Cth), the *Privacy and Personal Information Protection Act 1998* (NSW), the *Health Records and Information Privacy Act 2002* (NSW); the *Spam Act 2003* (Cth), the *Do Not Call Register Act 2006* (Cth) and any other applicable legislation, regulations, guidelines, codes and the City's Policies relating to the handling of Personal Information.

Public Benefits means the provision of benefits to the community by the Developer in the form and at the times specified in Schedule 3.

Quantity Surveyor means a qualified independent and practising quantity surveyor with at least five years' experience in the assessment of building and construction costs.

Quantity Surveyor's Assessment means the assessment by the Quantity Surveyor of the cost to deliver the Developer's Works.

RAB (CEP) Act means the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW).

RAB (CEP) Regulation means the *Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020* (NSW).

Regulated Design means, in respect of the Developer's Works, a "regulated design" as that term is defined in the DBP Act.

Regulation means the *Environmental Planning and Assessment Regulation 2021* (NSW).

Site Audit Report has the same meaning as defined in the *Contaminated Land Management Act 1997* (NSW).

Site Audit Statement has the same meaning as defined in the *Contaminated Land Management Act 1997* (NSW).

Standards means the policies, procedures and standards for carrying out the Developer's Works, listed non-exhaustively at clause 6 of Schedule 3.

Subdivision of Land has the same meaning as in the Act.

Tax means a tax, levy, duty, rate, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

Transfer Land means land forming part of the Public Benefit that is to be either dedicated or transferred to the City in accordance with Schedule 3 of this document.

1.2 **Rules for interpreting this document**

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) or agreement, or a provision of a document (including this document) or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
 - (iii) a party to this document or to any other document or agreement includes a permitted substitute or a permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural, and vice versa.
- (c) A word which suggests one gender includes the other genders.
- (d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
- (e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (f) A reference to **including** means "including, without limitation".
- (g) A reference to **dollars** or **\$** is to an amount in Australian currency.
- (h) A reference to **this document** includes the agreement recorded by this document.
- (i) Words defined in the GST Act have the same meaning in clauses about GST.

- (j) This document is not to be interpreted against the interests of a party merely because that party proposed this document or some provision in it or because that party relies on a provision of this document to protect itself.

2. APPLICATION OF THE ACT AND THE REGULATION

2.1 Application of this document

This document is a planning agreement within the meaning of section 7.4 of the Act and applies to the Land.

2.2 Public Benefits to be made by Developer

Clause 5 and Schedule 3 set out the details of the:

- (a) Public Benefits to be delivered by the Developer;
- (b) time or times by which the Developer must deliver the Public Benefits; and
- (c) manner in which the Developer must deliver the Public Benefits.

2.3 Application of sections 7.11, 7.12 and 7.24 of the Act

The application of sections 7.11, 7.12 and 7.24 of the Act are excluded to the extent set out in Items 5 and 6 of Schedule 2 to this document.

2.4 City rights

This document does not impose an obligation on the City to:

- (a) grant Development Consent for the Development; or
- (b) exercise any function under the Act in relation to a change to an environmental planning instrument, including the making or revocation of an environmental planning instrument.

2.5 Explanatory note

The explanatory note prepared in accordance with clause 205 of the Regulation must not be used to assist in construing this document.

3. OPERATION OF THIS PLANNING AGREEMENT

3.1 Commencement

This document will commence on the date of execution of this document by all parties to this document.

4. WARRANTIES

4.1 Mutual warranties

Each party represents and warrants that:

- (a) (**power**) it has full legal capacity and power to enter into this document and to carry out the transactions that it contemplates;
- (b) (**corporate authority**) it has taken all corporate action that is necessary or desirable to authorise its entry into this document and to carry out the transactions contemplated;
- (c) (**Authorisations**) it holds each Authorisation that is necessary or desirable to:
 - (i) enable it to properly execute this document and to carry out the transactions that it contemplates;
 - (ii) ensure that this document is legal, valid, binding and admissible in evidence; or
 - (iii) enable it to properly carry on its business as it is now being conducted, and it is complying with any conditions to which any of these Authorisations is subject;
- (d) (**documents effective**) this document constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;
- (e) (**solvency**) there are no reasonable grounds to suspect that it will not be able to pay its debts as and when they become due and payable; and
- (f) (**no controller**) no controller is currently appointed in relation to any of its property, or any property of any of its subsidiaries.

4.2 **Developer warranties**

- (a) The Developer warrants to the City that, at the date of this document:
 - (i) it is the registered proprietor of the Land;
 - (ii) it is legally entitled to obtain all consents and approvals that are required by this document and do all things necessary to give effect to this document;
 - (iii) all work performed by the Developer and the Personnel under this document will be performed with due care and skill and to a standard which is equal to or better than that which a well experienced person in the industry would expect to be provided by an organisation of the Developer's size and experience; and
 - (iv) it is not aware of any matter which may materially affect the Developer's ability to perform its obligations under this document.
- (b) The Developer warrants to the City that, prior to commencing delivery of the Public Benefits it will have obtained all Authorisations and insurances required under any Law to carry out its obligations under this document.

5. **PUBLIC BENEFITS**

5.1 **Developer to provide Public Benefits**

The Developer must, at its cost and risk, provide the Public Benefits to the City in accordance with this document.

5.2 **Maintenance of Developer's Works**

(a) In this clause 5.2, the following definitions apply:

Maintain means works to bring an item to a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, but does not include removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings.

Maintenance Period is the period of 12 months from the date on which the Developer's Works reach Completion.

Maintenance Schedule means the schedule of proposed Maintenance works as listed in Annexure A under the heading 'Maintenance of Developer's Works'.

- (b) The Developer's Works must be Maintained by the Developer during the Maintenance Period in accordance with the Maintenance Schedule.
- (c) The Developer must follow the City's Policies and obtain and comply with all Authorisations necessary to carry out the Maintenance required under this clause 5.2.
- (d) If, during the Maintenance Period:
 - (i) the Developer fails to materially comply with the approved Maintenance Schedule and does not rectify that failure within 15 Business Days of being notified of that failure by the City or within a reasonable period of time agreed between the parties; or
 - (ii) the City becomes aware of an item of the Developer's Works that requires urgent Maintenance to ensure public safety or avoid damage or loss to the public or property,

the City may, by itself, its employees, contractors or agents, carry out the required works and may recover as a debt due and owing to the City, any difference between the amount of the Guarantee and the costs incurred by the City in carrying out the Maintenance work.

6. **COMPLETION**

6.1 **Date of Completion**

The Developer must ensure that the Developer's Works reach Completion on or before the date or milestone referred to in clause 1 of Schedule 3 of this document.

6.2 **Developer completion notice**

When, in the reasonable opinion of the Developer, the Developer's Works have

reached Completion, and all hold points inspections have been approved by the City, the Developer must notify the City's Representative in writing and must include in that notice:

- (a) a statement from the person with direct responsibility and supervision of that work that in their opinion the Developer's Works have reached Completion;
- (b) copies of any warranties, guarantees, maintenance information or other material reasonably required for the City to assume responsibility for the Developer's Works; and
- (c) at least two sets of the "as built" drawings of the Developer's Works, including one set in electronic format, , prepared in accordance with the City's Public Domain Manual and Technical Specifications or other policies as applicable,

(Completion Notice). For the avoidance of doubt, the Developer can issue separate Completion Notices at separate times for different elements of the Developer's Works, however the Developer must ensure that Completion is achieved for the Developer's Works before the due date specified in Item 1 of Schedule 3.

6.3 **Inspection by the City**

- (a) The City's Representative must inspect the Developer's Works within 5 Business Days of the date that the Completion Notice is received by the City. The City's Representative may refuse to complete the inspection until the Completion Notice has been issued with all required documentation attached in accordance with clause 6.2. Within 10 Business Days of the date of the inspection by the City's Representative, the City must by written notice to the Developer:
 - (i) state that Completion has been achieved;
 - (ii) state that Completion has not been achieved and, if so, identify the Defects, errors or omissions which, in the opinion of the City's Representative, prevent Completion; or
 - (iii) issue a notice under clause 6.4(a).
- (b) Nothing in this clause 6.3, or any notice issued under this clause 6.3, will:
 - (i) reduce or waive in any manner the Developer's responsibility to:
 - (A) deliver the Developer's Works in accordance with this document; or
 - (B) the Developer's responsibility to correct Defects, errors or omissions, whether or not these are identified by the City; or
 - (ii) create any liability for the City in relation to any defective aspect of the Developer's Works.

6.4 **Non-completion of Public Benefits**

- (a) If the Developer makes a request by notice in writing not to complete the Public Benefits (or any part of the Public Benefits):
 - (i) the City may permit the Developer not to complete the Public Benefits (or any part of the Public Benefits) by issuing a notice in writing to the Developer stating that completion of the items identified in that notice is not required to fulfil the Developer's obligations under this document; and
 - (ii) the City may make a claim on the Guarantee in such amount as the City considers necessary to complete the portion of Public Benefit not being delivered by the Developer.
- (b) If the Developer fails to complete the whole of the Public Benefits in the form and to the standards required under the Development Consent or this document then the City may either:
 - (i) complete the Public Benefits itself, including by exercising its right to compulsorily acquire the Transfer Land in accordance with clause 10.6 of this document; or
 - (ii) modify the Public Benefits to reasonably achieve the objectives identified in the Development Consent and this document,

and may recover all costs of and reasonably incidental to that work from the Developer. The City can claim on the Guarantee in order to exercise this right, in which case the provisions of clause 10 will apply. To the extent that the City's costs exceed the amount of the Guarantee, the City can recover this amount from the Developer as a debt due and owing to the City.
- (c) If the City exercises its rights under this clause 6.4 to complete the Public Benefits, the Developer grants the City a licence for the period necessary for the City to access the Land to carry out, or procure the carrying out, of the Public Benefits and, to the extent the DBP Act or the RAB (CEP) Act applies to the Developer's Works, the Developer must provide all required assistance to the City to enable the City to comply with the DBP Act and the RAB (CEP) Act (as applicable).

7. **INDEMNITY**

The Developer indemnifies the City against all damage, expense, loss or liability of any nature suffered or incurred by the City arising from any act or omission by the Developer (or any Personnel) in connection with the performance of the Developer's obligations under this document, except to the extent the damage, expense, loss or liability suffered or incurred is caused by, or contributed to by, any wilful or negligent act or omission of the City (or any person engaged by the City).

8. **DEFECTS LIABILITY**

8.1 **Security for Defects Liability Period**

Until the expiry of the relevant Defects Liability Period, the City may retain from the Guarantee an amount equal to 10% of the Attributed Value of the Developer's Works as security for the Developer's performance of its obligations under this

clause 8. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Defects Liability Period in accordance with this clause.

8.2 Defect in the Public Benefits

- (a) If:
 - (i) the Developer is in breach of clause 4.2 of this document; or
 - (ii) the City notifies the Developer of a Defect in the Public Benefits within the Defects Liability Period,then, following written notice from the City, the Developer must promptly correct or replace (at the Developer's expense) the defective elements of the Public Benefits.
- (b) If the Developer is unable or unwilling to comply with clause 8.2(a), or fails to rectify the Defect within three months of receiving notice from the City under clause 8.2(a), the City may:
 - (i) rectify the Defect itself;
 - (ii) make a claim on the Guarantee in accordance with clause 10 for the reasonable costs of the City in rectifying the Defect; and
 - (iii) to the extent the costs incurred to rectify the Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to the City.
- (c) If the City requires access to the Land to rectify any Defect, the Developer grants the City and its contractors a licence for such period as is necessary for the City and its contractors to access the Land to carry out, or procure the carrying out, of the rectification works.

9. REGISTRATION AND CAVEAT

9.1 Registration of this document

- (a) The Developer:
 - (i) consents to the registration of this document at the NSW Land Registry Services on the certificate of title to the Land;
 - (ii) warrants that it has obtained all consents to the registration of this document on the certificate of title to the Land; and
 - (iii) must within 10 Business Days of a written request from the City do all things necessary to allow the City to register this document on the certificate of title to the Land, including but not limited to:
 - (A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and

- (B) providing the City with payment for registration, electronic lodgement and requisition fees (where applicable) required for registration of this document at NSW Land Registry Services.
- (iv) The Developer must act promptly in complying with and assisting to respond to any requisitions raised by the NSW Land Registry Services that relate to registration of this document.

9.2 Release of this document

- (a) If the City is satisfied that the Developer has provided all Public Benefits and otherwise complied with this document then the City must promptly do all things reasonably required to remove this document from the certificate of title to the Land.
- (b) The Developer must, within 10 Business Days of a written request from the City, do all things necessary to allow the City to comply with clause 9.3(a), including but not limited to:
 - (A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and
 - (B) providing the City with payment for registration, lodgement and requisition fees (where applicable) required for removal of this document from the certificate of title to the Land by NSW Land Registry Services.

10. ENFORCEMENT

10.1 Developer to provide Guarantee

The Developer must deliver the Guarantee for the Guarantee Amount to the City by the Guarantee Amount Due Date.

10.2 Adjustment of Guarantee Amount

- (a) Subject to clause 10.2(b), following each anniversary of the date of the Guarantee (the "Adjustment Date") and at any time prior to the expiry of the Defects Liability Period, the Guarantee Amounts are to be adjusted to a revised amount by applying the following formula:

$$\mathbf{RGA} = \mathbf{GA} \times (\mathbf{A/B})$$

where:

RGA is the revised guarantee amount applicable from the relevant Adjustment Date

GA is the Guarantee Amount that is current on the relevant Adjustment Date

A is the Index Number most recently published before the relevant Adjustment Date

B is the Index Number most recently published:

- (i) before the date of the Guarantee for the first Adjustment Date; and
- (ii) before the preceding Adjustment Date for every subsequent Adjustment Date

If after the formula is applied the revised Guarantee Amount will be less than the amount held at the preceding Adjustment Date, the Guarantee Amount will not be adjusted.

- (b) If the Guarantee Amount is adjusted under clause 10.2(a), the Developer is not required to provide the City with a replacement Guarantee for that revised Guarantee Amount until such time as the City notifies the Developer that the City is ready to exchange the then current Guarantee held by the City, following which the City and the Developer must promptly exchange the then current Guarantee held by the City with a replacement Guarantee for that revised Guarantee Amount from the Developer.

10.3 **Right of City to claim on Guarantee**

- (a) The Developer agrees that the City may make an appropriation from the Guarantee in such amount as the City, acting reasonably, thinks appropriate if:
 - (i) the Developer fails to comply with clause 4.2 of Schedule 3 of this document (provision of detailed design drawings and detailed costs estimate);
 - (ii) the Developer fails to comply with clause 2 of Schedule 3 (payment of Monetary Contribution);
 - (iii) the City allows the Developer not to complete the Public Benefits, or any part of them, in accordance with clause 6.4(a)(ii);
 - (iv) an Insolvency Event occurs in respect of the Developer;
 - (v) the Developer fails to deliver the Public Benefits in accordance with clause 6.4(b);
 - (vi) the Developer fails to carry out Maintenance in accordance with clause 5.2 of this document;
 - (vii) the Developer fails to rectify a Defect in accordance with clause 8.2 of this document;
 - (viii) the detailed designs for the Developer's Works are not finalised between the parties within 12 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development;
 - (ix) to the extent the DBP Act applies to the Developer's Works, any Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works are not procured by the Developer (or the Developer's Personnel) as required by the DBP Act or the DBP Regulation or otherwise not provided to the City as and when required by this document;

- (x) to the extent the RAB (CEP) Act applies to the Developer's Works, the City incurs any other cost, expense or liability in exercising its rights to appeal or make representations under clause 5.5(a)(vi) of Schedule 3 or 5.5(b) of Schedule 3;
 - (xi) the Developer's Works do not reach Completion within 36 months of the date of issue of the first Construction Certificate in respect of the Development (or such later time as agreed by the City in writing);
 - (xii) the Developer fails to maintain the Developer's Works in accordance with clause 5.2 and Annexure A; or
 - (xiii) the City incurs any other expense or liability in exercising its rights and powers under this document.
- (b) Any amount of the Guarantee appropriated by the City in accordance with clause 10.2 must be applied only towards:
- (i) the costs and expenses incurred by the City rectifying any default by the Developer under this document;
 - (ii) carrying out any works required to achieve the Public Benefits;
 - (iii) to the extent the DBP Act applies to the Developer's Works, the costs and expenses incurred by the City rectifying any failure by the Developer (or the Developer's Personnel) to procure Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works as required by the DBP Act or the DBP Regulation and to provide copies of any Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works to the City when required by this document; or
 - (iv) to the extent the RAB (CEP) Act applies to the Developer's Works, any costs, expenses or liabilities incurred by the City in exercising its rights to appeal or make representations under clause 5.5(a)(vi) of Schedule 3 or 5.5(b) of Schedule 3.

10.4 **Expenditure by the City**

If the City claims on the Guarantee to Complete the Developer's Works, then the City:

- (a) is not required to expend more money than the Guarantee Amount and may elect not to carry out items of the Developer's Works to ensure that those works can be carried out for an amount equal to or less than the Guarantee Amount; or
- (b) may expend more than the Guarantee Amount. If the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer.

10.5 **Top-up and return of Guarantee**

- (a) If the City calls upon the Guarantee in accordance with this clause 10 then the Developer must immediately provide to the City a replacement Guarantee to ensure that, at all times until the Guarantee is released in accordance with paragraph (b), the City is in possession of a Guarantee for a face value equivalent to the Guarantee Amount.
- (b) If:
 - (i) the monies secured by the Guarantee have not been expended;
 - (ii) the City has concurred with Completion in accordance with clause 6.3(a)(i) of this document, taking into account any approved non-completion of Public Benefits approved by clause 6.4(a) of this document; and
 - (iii) the City has been provided with the security for the Defects Liability Period in accordance with clause 8.1,then the City will promptly return the Guarantee to the Developer following the issue of a notice pursuant to clause 6.3(a)(i) of this document.
- (c) If, following expiry of the Defects Liability Period, the City is satisfied that all defects have been rectified in accordance with clause 8 then the City must promptly return to the Developer the portion of the Guarantee retained by the City as security for the Defects Liability Period.

10.6 **Compulsory acquisition**

If the Developer fails to transfer or dedicate the Transfer Land to the City in accordance with Schedule 3 of this document then the City may compulsorily acquire that land for the amount of \$1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*. The City and the Developer agree that:

- (a) this clause 10.6 is an agreement between the Developer and the City for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*;
- (b) in this clause 10.6 the Developer and the City have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition; and
- (c) the Developer must pay the City, promptly on demand, an amount equivalent to all costs incurred by the City in acquiring the whole or any part of the Transfer Land as contemplated by this clause 10.6.

11. **DISPUTE RESOLUTION**

11.1 **Application**

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.2 **Negotiation**

- (a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**) refer the Dispute to the Developer's Representative and the City's Representative for resolution. The Dispute Notice must:
 - (i) be in writing;
 - (ii) state that it is given pursuant to this clause 11; and
 - (iii) include or be accompanied by reasonable particulars of the Dispute including:
 - (A) a brief description of the circumstances in which the Dispute arose;
 - (B) references to any:
 - (aa) provisions of this document; and
 - (bb) acts or omissions of any person, relevant to the Dispute; and
 - (C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.
- (b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative and the City's Representative must meet at least once to attempt to resolve the Dispute.
- (c) The Developer's Representative and the City's Representative may meet more than once to resolve a Dispute. The Developer's Representative and the City's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

11.3 **Not use information**

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 11 is to attempt to settle the Dispute. Neither party may use any information or documents obtained through any dispute resolution process undertaken under this clause 11 for any purpose other than in an attempt to settle the Dispute.

11.4 **Condition precedent to litigation**

Subject to clause 11.5, a party must not commence legal proceedings in respect of a Dispute unless:

- (a) a Dispute Notice has been given; and
- (b) the Resolution Period has expired.

11.5 **Summary or urgent relief**

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

12. **TAXES AND GST**

12.1 **Responsibility for Taxes**

- (a) The Developer is responsible for any and all Taxes and other like liabilities which may arise under any Commonwealth, State or Territory legislation (as amended from time to time) as a result of or in connection with this document or the Public Benefits.
- (b) The Developer must indemnify the City in relation to any claims, liabilities and costs (including penalties and interest) arising as a result of any Tax or other like liability for which the Developer is responsible under clause 12.1(a).

12.2 **GST free supply**

To the extent that Divisions 81 and 82 of the GST Law apply to a supply made under this document:

- (a) no additional amount will be payable by a party on account of GST; and
- (b) no tax invoices will be exchanged between the parties.

12.3 **Supply subject to GST**

To the extent that clause 12.2 does not apply to a supply made under this document, this clause 12.3 will apply.

- (a) If one party (**Supplying Party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**Receiving Party**) must also pay an amount (**GST Amount**) equal to the GST payable in respect of that supply.
- (b) Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.
- (c) If one party must indemnify or reimburse another party (**Payee**) for any loss or expense incurred by the Payee, the required payment does not include any amount which the Payee (or an entity that is in the same GST group as the Payee) is entitled to claim as an input tax credit, but will be increased under clause 12.3(a) if the payment is consideration for a taxable supply.
- (d) If an adjustment event arises in respect of a taxable supply made by a Supplying Party, the GST Amount payable by the Receiving Party under clause 12.3(a) will be recalculated to reflect the adjustment event and a payment will be made by the Receiving Party to the Supplying Party, or by the Supplying Party to the Receiving Party, as the case requires.

- (e) The Developer will assume the City is not entitled to any input tax credit when calculating any amounts payable under this clause 12.3.
- (f) In this document:
 - (i) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and
 - (ii) in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

13. **DEALINGS**

13.1 **Dealing by the City**

- (a) The City may Deal with its interest in this document without the consent of the Developer if the Dealing is with a Government Agency. The City must give the Developer notice of the Dealing within five Business Days of the date of the Dealing.
- (b) The City may not otherwise Deal with its interest in this document without the consent of the Developer, such consent not to be unreasonably withheld or delayed.

13.2 **Dealing by the Developer**

- (a) Prior to registration of this document in accordance with clause 9, the Developer must not Deal with this document or the Land without:
 - (i) the prior written consent of the City; and
 - (ii) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.
- (b) On and from registration of this document in accordance with clause 9:
 - (i) the Developer may Deal with this document without the consent of the City only as a result of the sale of the whole of the Land (without subdivision) to a purchaser of the Land;
 - (ii) the Developer may register a plan of strata subdivision, and the City consents to this document remaining registered only on the certificate of title to the common property of the strata plan upon registration of the strata plan; and
 - (iii) the Developer must not otherwise Deal with this document to a third party that is not a purchaser of the whole or any part of the Land without:
 - (A) the prior written consent of the City; and

- (B) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.
- (c) The Developer must pay the City's costs and expenses relating to any consent or documentation required due to the operation of this clause 13.2.

13.3 **Extinguishment or creation of interests on Transfer Land**

- (a) Prior to the dedication or transfer of the Transfer Land to the City, the Developer must:
 - (i) extinguish all leases and licences over the Transfer Land; and
 - (ii) extinguish all redundant encumbrances and those that, in the City's opinion, would unreasonably impede the intended use of all or any part of the Transfer Land.
- (b) The Developer must comply with any directions by the City relating to the Transfer Land, including but not limited to the creation of any encumbrances over the Transfer Land.

14. **TERMINATION**

- (a) The City may terminate this document by notice in writing to the Developer if the Development Consent lapses or is surrendered by the Developer.
- (b) If the City terminates this document under clause 14(a) then:
 - (i) the rights of each party that arose before the termination or which may arise at any future time for any breach or non-observance of obligations occurring prior to the termination are not affected;
 - (ii) the Developer must take all steps reasonably necessary to minimise any loss the each party may suffer as a result of the termination of this document;
 - (iii) the City will return the Guarantee to the Developer after first deducting any amounts owing to the City or costs incurred by the City by operation of this document. If in exercising its rights under this document the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer; and
 - (iv) the City will, at the Developer's cost, do all things reasonably required to remove this document from the title to the Land.

15. **CONFIDENTIALITY, DISCLOSURES AND PRIVACY**

15.1 **Use and disclosure of Confidential Information**

A party (**receiving party**) which acquires Confidential Information of another party (**disclosing party**) must not:

- (a) use any of the Confidential Information except to the extent necessary to exercise its rights and perform its obligations under this document; or
- (b) disclose any of the Confidential Information except in accordance with clauses 15.2 or 15.3.

15.2 **Disclosures to personnel and advisers**

- (a) The receiving party may disclose Confidential Information to an officer, employee, agent, contractor, or legal, financial or other professional adviser if:
 - (i) the disclosure is necessary to enable the receiving party to perform its obligations or to exercise its rights under this document; and
 - (ii) prior to disclosure, the receiving party informs the person of the receiving party's obligations in relation to the Confidential Information under this document and obtains an undertaking from the person to comply with those obligations.
- (b) The receiving party:
 - (i) must ensure that any person to whom Confidential Information is disclosed under clause 15.2(a) keeps the Confidential Information confidential and does not use it for any purpose other than as permitted under clause 15.2(a); and
 - (ii) is liable for the actions of any officer, employee, agent, contractor or legal, financial or other professional adviser that causes a breach of the obligations set out in clause 15.2(b)(i).

15.3 **Disclosures required by law**

- (a) Subject to clause 15.3(b), the receiving party may disclose Confidential Information that the receiving party is required to disclose:
 - (i) by law or by order of any court or tribunal of competent jurisdiction; or
 - (ii) by any Government Agency, stock exchange or other regulatory body.
- (b) If the receiving party is required to make a disclosure under clause 15.3(a), the receiving party must:
 - (i) to the extent possible, notify the disclosing party immediately it anticipates that it may be required to disclose any of the Confidential Information;

- (ii) consult with and follow any reasonable directions from the disclosing party to minimise disclosure; and
- (iii) if disclosure cannot be avoided:
 - (A) only disclose Confidential Information to the extent necessary to comply; and
 - (B) use reasonable efforts to ensure that any Confidential Information disclosed is kept confidential.

15.4 **Receiving party's return or destruction of documents**

On termination of this document the receiving party must immediately:

- (a) deliver to the disclosing party all documents and other materials containing, recording or referring to Confidential Information; and
- (b) erase or destroy in another way all electronic and other intangible records containing, recording or referring to Confidential Information,

which are in the possession, power or control of the receiving party or of any person to whom the receiving party has given access.

15.5 **Security and control**

The receiving party must:

- (a) keep effective control of the Confidential Information; and
- (b) ensure that the Confidential Information is kept secure from theft, loss, damage or unauthorised access or alteration.

15.6 **Media releases**

The Developer must not issue any information, publication, document or article for publication in any media concerning this document or the Public Benefits without the City's prior written consent.

15.7 **Privacy**

- (a) Without limiting its obligations at law with respect to privacy and the protection of Personal Information, the Developer:
 - (i) must not, directly or indirectly collect, use or disclose any Personal Information under or in connection with this document except to the extent necessary to perform its obligations under this document; and
 - (ii) must in the delivery of the Public Benefits and the performance of all its other obligations under this document comply with the Privacy Laws and must not do any act or engage in any practice that would breach the Privacy Laws or which if done or engaged in by the City would be a breach of any Privacy Laws.

16. **NOTICES**

- (a) A notice, consent or other communication under this document is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail or email. If it is sent by mail, it is taken to have been received 5 Business Days after it is posted. If it is sent by email, it is taken to have been received the same day the email was sent, provided that the sender has not received a delivery failure notice (or similar), unless the time of receipt is after 5:00pm in which case it is taken to be received on the next Business Day.
- (b) A person's address and email address are those set out in Schedule 1 for the City's Representative and the Developer's Representative, or as the person notifies the sender in writing from time to time.

17. **CHAIN OF RESPONSIBILITY**

- (a) In this clause:
 - (i) **Chain of Responsibility** means legislation that extends liability for Road Law offences to all parties whose actions, inactions or demands influence conduct on the road particularly in relation to speed, fatigue, vehicle standards, vehicle roadworthiness, load restraint, and mass and dimension.
 - (ii) **HVNL** means the *Heavy Vehicle National Law* (NSW), regulations and other instruments under it including any codes of practice and any consolidations, amendments, re-enactments or replacements.
 - (iii) **Heavy Vehicle** has the meaning given to it in the HVNL.
 - (iv) **Road Law** means any law, regulation or rule relating to the use of a road, restrictions on driving hours (in whichever legislative instrument those requirements may appear), mass, load and restraint requirements for the carriage of goods, dangerous goods, environmental impacts and speed and traffic requirements and includes the HVNL.
- (b) The Developer must in connection with any activity carried out on land owned by the City under or in relation to this document:
 - (i) comply with all Chain of Responsibility legislation and must ensure that any activity relating to a Heavy Vehicle used in connection with this document is undertaken in accordance with all applicable Chain of Responsibility obligations (including any fatigue, speed, mass, dimension or load restraint requirements);
 - (ii) not ask, direct or require (directly or indirectly) the driver of a Heavy Vehicle or a party in the Chain of Responsibility to do or not do something the Developer knows, or ought reasonably to know, would have the effect of causing the driver to contravene their Chain of Responsibility obligations, including to breach any fatigue, speed, mass, dimension or load restraint requirements;

- (iii) ensure that any subcontractors (where any Heavy Vehicle activities are sub-contracted under this document) are contractually bound by similar Chain of Responsibility obligations to those set out in this clause 17(b).
- (c) The Developer will ensure that it has proper processes in place to manage its Chain of Responsibility obligations under this clause 17.
- (d) The Developer must provide the City, upon request, with all information and documentation reasonably required by the City to monitor or audit compliance with this clause (including permitting inspections of vehicles and business premises).

18. **GENERAL**

18.1 **Governing law**

- (a) This document is governed by the laws of New South Wales.
- (b) Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales, and any court that may hear appeals from any of those courts, for any proceedings in connection with this document, and waives any right it might have to claim that those courts are an inconvenient forum.

18.2 **Access to information**

In accordance with section 121 of the *Government Information (Public Access) Act 2009 (NSW)*, the Developer agrees to allow the City immediate access to the following information contained in records held by the Developer:

- (a) information that relates directly to the delivery of the Public Benefits by the Developer;
- (b) information collected by the Developer from members of the public to whom the Developer provides, or offers to provide, services on behalf of the City; and
- (c) information received by the Developer from the City to enable the Developer to deliver the Public Benefits.

18.3 **Liability for expenses**

- (a) The Developer must pay its own and the City's expenses incurred in negotiating, executing, registering, releasing, administering and enforcing this document.
- (b) The Developer must pay for all reasonable costs and expenses associated with the preparation and giving of public notice of this document and the explanatory note prepared in accordance with the Regulations and for any consent the City is required to provide under this document.

18.4 **Relationship of parties**

- (a) Nothing in this document creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and
- (b) No party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

18.5 **Giving effect to this document**

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this document.

18.6 **Time for doing acts**

- (a) If:
 - (i) the time for doing any act or thing required to be done; or
 - (ii) a notice period specified in this document,expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5pm on the specified day, it is taken to have been done on the following Business Day.

18.7 **Severance**

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this document without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

18.8 **Preservation of existing rights**

The expiration or termination of this document does not affect any right that has accrued to a party before the expiration or termination date.

18.9 **No merger**

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this document for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

18.10 **Waiver of rights**

A right may only be waived in writing, signed by the party giving the waiver, and:

- (a) no other conduct of a party (including a failure to exercise, or delay in exercising, the right) operates as a waiver of the right or otherwise prevents the exercise of the right;
- (b) a waiver of a right on one or more occasions does not operate as a waiver of that right if it arises again; and
- (c) the exercise of a right does not prevent any further exercise of that right or of any other right.

18.11 **Operation of this document**

- (a) This document contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this document and has no further effect.
- (b) Any right that a person may have under this document is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this document which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless this would materially change the intended effect of this document.

18.12 **Operation of indemnities**

- (a) Each indemnity in this document survives the expiry or termination of this document.
- (b) A party may recover a payment under an indemnity in this document before it makes the payment in respect of which the indemnity is given.

18.13 **Inconsistency with other documents**

Unless the contrary intention is expressed, if there is an inconsistency between any of one or more of:

- (a) this document;
- (b) any Schedule to this document; and
- (c) the provisions of any other document of the Developer,

the order of precedence between them will be the order listed above, this document having the highest level of precedence.

18.14 **No fetter**

Nothing in this document in any way restricts or otherwise affects the City's unfettered discretion to exercise its statutory powers as a public authority.

18.15 **Counterparts**

This document may be executed in counterparts.

SCHEDULE 1

Agreement Details

ITEM	TERM	DESCRIPTION
1.	Land	Folio Identifiers 3/230211, 2/230211, 14/536846 and 1/333175, being the land known as 20-26 Bourke Road, Alexandria NSW 2015
2.	Development	Early works and site preparation, demolition of existing structures, retention of existing building at 26 Bourke Road, construction of a new 15-storey mixed use development comprising non-residential uses on ground floor and affordable housing above and associated landscape and public domain works. The total Gross Floor Area for the Development is 12,596 square metres.
3.	City's Representative	Name: Executive Director, Planning, Development and Transport Address: Level 1, 456 Kent Street, Sydney NSW 2000 Email: council@cityofsydney.nsw.gov.au Or such alternative representative nominated by the City from time to time and notified in writing to the Developer's Representative
4.	Developer's Representative	Name: Lisa Sorrentino Address: Suite 1.02, Building B, 33-35 Saunders Street, Pyrmont 2009 Email: Lisa.Sorrentino@citywesthousing.com.au Or such alternative representative nominated by the Developer from time to time and notified in writing to the City's Representative
5.	Development Application	D/2025/1070

6.	Guarantee Amount	A total amount of \$60,135
7.	Guarantee Amount Due Date	Prior to the issue of the first Construction Certificate for the Development

SCHEDULE 2

Requirements under the Act and Regulation (clause 2)

The below table summarises how this document complies with the Act and Regulation.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
1.	Planning instrument and/or development application (section 7.4(1) of the Act) The Developer has: (a) sought a change to an environmental planning instrument; (b) made, or proposes to make, a Development Application; or (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) No (b) Yes (c) No
2.	Description of land to which this document applies (section 7.4(3)(a) of the Act)	Item 1 of Schedule 1.
3.	Description of change to the environmental planning instrument to which this document applies and/or the development to which this document applies (section 7.4(3)(b) of the Act)	The Development as described in clause 2.1.
4.	The nature and extent of the provision to be made by the developer under this document, the time or times by which the provision is to be made and the manner in which the provision is to be made (section 7.4(3)(c) of the Act)	Schedule 3 and Annexure A.
5.	Whether this document excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development (section 7.4(3)(d) of the Act)	Section 7.11 is not excluded Section 7.12 is not excluded Section 7.24 is not excluded

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
6.	Applicability of section 7.11 of the Act (section 7.4(3)(e) of the Act)	The application of section 7.11 of the Act is not excluded in respect of the Development and contributions (if any) under section 7.11 will be required to be paid.
7.	Consideration of benefits under this document if section 7.11 applies (section 7.4(3)(e) of the Act)	Benefits are not to be taken into consideration in determining a development contribution under section 7.11 of the Act (as relevant).
8.	Mechanism for Dispute Resolution (section 7.4(3)(f) of the Act)	Clause 11
9.	Enforcement of this document (section 7.4(3)(g) of the Act)	Clause 10
10.	No obligation to grant consent or exercise functions (section 7.4(9) of the Act)	Clause 2.4
11.	Registration of this document (section 7.6 of the Act)	Clause 9
12.	Whether certain requirements of this document must be complied with before a construction certificate is issued (section 205(2) of the Regulation)	Payment of Monetary Contribution and provision of Guarantee
13.	Whether certain requirements of this document must be complied with before a subdivision certificate is issued (section 205(2) of the Regulation)	Nil
14.	Whether certain requirements of this document must be complied with before an occupation certificate is issued (section 205(2) of the Regulation)	Dedication or Transfer of Transfer Land, completion of the Developer's Works, creation of the Future Road Land lots via subdivision (being Lots 2 and 3), and completion of the Developer's Land Works
15.	Whether the explanatory note that accompanied exhibition of this document may be used to assist in construing this document (section 205(5) of the Regulation)	Clause 2.5

SCHEDULE 3

Public Benefits (clause 5)

1. PUBLIC BENEFITS - OVERVIEW

The Developer must provide the Public Benefits in accordance with Schedule 3 and this document. The Attributed Value, timing of delivery and additional specifications relating to the Public Benefits is set out in the table below

	Public Benefit	Attributed Value	Due date	Additional specifications
1.	Monetary Contribution	\$2,178,140	Prior to the issue of the first Construction Certificate for the Development.	N/A
2.	Transfer Land (Lot 1)	\$16,800	After Completion but before the issue of the first or any Occupation Certificate for the Development.	An area of approximately 84 square metres for a 2.4m footpath widening to Bourke Road frontage. Transfer Land to be dedicated or transferred in accordance with the Plans as described in Annexure A to this document.
3.	Developer's Works (Lot 1)	\$42,720	Prior to the issue of the first or any Occupation Certificate for the Development.	Embellishment of the Transfer Land for a widened footpath as described in Annexure A to this document.
4.	Future Road Land (Lots 2 and 3)	\$27,000	As outlined in Annexure B to this document.	The transfer of approximately 135 square metres of land for a future road being approximately 3 metres wide along the southern boundary of the Land as described in Annexure B.
5.	Developer's Lane Works (Lots 2 and 3)	\$17,415	Prior to the first or any Occupation	Clearance and levelling of land and provision of soft landscaping for

			Certificate for the Development.	future conversion by Council to a laneway as described in Annexure B.
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2. **PAYMENT OF MONETARY CONTRIBUTION**

2.1 **Payment**

The Developer must pay the Monetary Contribution to the City prior to the first Construction Certificate for the Development.

2.2 **Indexation**

If the Monetary Contribution is not paid to the City on the date of this document then at the date of payment the Monetary Contribution must be indexed as follows:

Monetary Contribution (to be provided) =

Monetary Contribution (as per item 1 of clause 1 above) x
(A/B)

where:

A is the Index Number most recently published before the date the Monetary Contribution is to be paid

B is the Index Number most recently published before the date this agreement commenced in accordance with clause 3.1 of this document.

If after the formula is applied the Monetary Contribution will be less than the amount stated in item 1 of clause 1 above, the Monetary Contribution will not be adjusted.

2.3 **No trust**

Nothing in this document creates any form of trust arrangement or fiduciary duty between the City and the Developer. Following receipt of the Monetary Contribution, the City is not required to separately account for the Monetary Contribution, report to the Developer regarding expenditure of the Monetary Contribution or comply with any request by the Developer to trace the Monetary Contribution.

3. **TRANSFER LAND**

3.1 **Dedication of land – decision**

The Developer must, at its cost, take all steps required to transfer the Transfer Land to the City by the due date specified in clause 1 of Schedule 3. As part of this obligation, the Developer must seek the City's confirmation as to whether the Transfer Land is to be:

(a) dedicated to the City on registration of a plan of subdivision; or

- (b) transferred to the City on registration of a transfer instrument.

3.2 **Obligations on dedication**

The requirement for the Developer to dedicate the Transfer Land to the City is satisfied where the Developer provides to the City evidence of registration of a plan of subdivision, including a complete copy of the registered instrument, showing that the Transfer Land has been dedicated to the City in accordance with the requirements of this document.

3.3 **Obligations on transfer**

The requirement for the Developer to transfer the Transfer Land to the City is satisfied where:

- (a) a PEXA workspace has been set-up with respect to the transfer and all required parties are present in the workspace;
- (b) all written consents for registration have been provided to the City and uploaded into PEXA;
- (c) the Transfer has been lodged in PEXA; and
- (d) the Developer has provided the City with a title search showing that ownership of the Transfer Land has been transferred to the City in accordance with the requirements of this document.

3.4 **General Obligations**

- (a) The Developer is to do all things reasonably necessary to enable registration of the plan of subdivision or transfer instrument to occur.
- (b) The Developer must ensure that the Transfer Land is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except for any encumbrances agreed in writing by the City in its absolute discretion.
- (c) The Developer must indemnify and agree to keep indemnified the City against all claims made against the City as a result of any Contamination in, over, under or migrating from the whole or any part of the Transfer Land but only in relation to Contamination that existed on or before the date that the Transfer Land is dedicated to the City in accordance with the requirements of this clause.
- (d) The Developer warrants that as at the date of this deed the Transfer Land is not subject to any Adverse Affectation and warrants as to those matters in Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2022*(NSW), unless otherwise notified to and agreed by the City in writing in its absolute discretion.

4. FINAL DESIGN OF THE DEVELOPER'S WORKS

4.1 Scope of Developer's Works

As at the date of this document, the nature and extent of the required Developer's Works is set out in Annexure A to this document. The parties agree that further design refinement of the Developer's Works may be necessary, having regard to:

- (a) the extent to which the design of the Developer's Works has been approved by the City;
- (b) conditions affecting the Developer's Works that were not reasonably capable of identification prior to the date of this document;
- (c) the extent of any refinement of the design of the Developer's Works permitted by this clause 4.1 of Schedule 3;
- (d) to the extent the DBP Act applies to the Developer's Works:
 - (i) any refinement of the Regulated Designs for the Developer's Works required to ensure compliance with the DBP Act or DBP Regulation and to enable Design Compliance Declarations to be issued in respect of those Regulated Designs; and
 - (ii) any refinement of the Regulated Designs for the Developer's Works required to enable those Regulated Designs to be Construction Issued Regulated Designs and to enable Design Compliance Declarations to be made in respect of those Construction Issued Regulated Designs;
- (e) any modification to the Development Consent made and approved under section 4.55 of the Act or any other development consent granted that relates to the Developer's Works; and
- (f) the reasonable requirements of the City, including in regard to the Standards.

4.2 Final design of Developer's Works

- (a) Within 3 months of the date of this document (or a later time approved by the City in writing, with approval not to be unreasonably withheld) but prior to the issue of the first Construction Certificate for the Development, the Developer must submit to the City's Representative for approval:
 - (i) detailed design drawings of the Developer's Works that reflect the plans and specifications set out in Annexure A; and
 - (ii) to the extent the DBP Act or the DBP Regulation apply to the Developer's Works, the Regulated Designs and the Design Compliance Declarations for those Regulated Designs.
- (b) Within 30 Business Days after the City's Representative has received the detailed design drawings, the City will inform the Developer in writing as to whether the detailed design drawings are approved. If the detailed design drawings are not approved, the City will inform the Developer in writing of

what further information or modifications are required and the Developer will have a further 15 Business Days to re-submit the required information, following which the process outlined in this paragraph (b) will apply again.

(c) If the Developer:

- (i) fails to prepare the detailed design drawings;
- (ii) fails to provide the Regulated Designs and Design Compliance Declarations referred to in clause 4.2(a)(ii) of Schedule 3 (if applicable); or
- (iii) does not provide further information or modify the detailed design drawings,

in accordance with this clause 4.2 of Schedule 3, then the City may exercise its rights under clause 10 of this document in order to carry out the Developer's Works itself at the cost of the Developer.

(d) The Developer agrees that the value of the Developer's Works may be adjusted following completion of the process set out in this clause 4.2 of Schedule 3. The Developer acknowledges that the scope of the Developer's Works will not change or reduce if the costs required to complete those works is greater than the amount estimated at the date of this document.

4.3 Preparation of and changes to construction design drawings

(a) Following approval of the detailed design drawings by the City in accordance with clause 4.2 of Schedule 3, the Developer must promptly:

- (i) prepare construction design drawings that comply with the detailed design drawings;
- (ii) to the extent the DBP Act or the DBP Regulation apply to the Developer's Works, prepare all necessary Construction Issued Regulated Designs and obtain Design Compliance Declarations for those Construction Issued Regulated Designs; and
- (iii) provide the City with a copy of the construction design drawings and the designs and documents referred to in clause 4.3(a)(ii) of Schedule 3.

(b) The City, acting reasonably, may by written notice to the Developer at any time, approve, vary or direct the Developer to vary the construction design drawings so that the Developer's Works reflect:

- (i) the Standards;
- (ii) a departure or discrepancy from the plans approved under clause 4.2 of Schedule 3; or
- (iii) any other standard or specification for materials or methodology for carrying out works that is adopted by the City from time to time,

provided that any direction given under this clause 4.3(b)(iii) of Schedule 3 does not significantly increase:

- (A) the cost of that element of the Developer's Works; or
 - (B) the complexity of implementation of the Developer's Works that may lead to a significant delay in the completion of the Developer's Works.
- (c) Within 20 Business Days of receiving a notice from the City under clause 4.3(b) of Schedule 3, the Developer must:
- (i) to the extent practicable, use reasonable endeavours to comply with the notice given by the City; or
 - (ii) if the Developer determines that the notice given by the City is unreasonable or impracticable, notify a dispute in accordance with clause 11 of this document.

If the Developer does not provide any response during the 20 Business Days after receiving a notice from the City under clause 4.3(b) of Schedule 3, it is deemed that the Developer accepts the notice given by the City and will take all steps required to comply with the notice.

- (d) The City does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under this clause 4.3 of Schedule 3 or for any errors, omissions or non-compliance with this document.
- (e) No participation by the City in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this document or constitute an acknowledgement by the City that the Developer has complied with its obligations under this document.

5. CONSTRUCTION OF DEVELOPER'S WORKS

5.1 Insurance

- (a) From commencement of the Developer's Works until expiration of the Defects Liability Period, the Developer must effect and maintain (or cause to be effected and maintained under one or more policies of insurance and without requiring any risk to be double insured) the following insurances held with an insurer licensed by the Australian Prudential Regulation Authority or holding an investment grade rating from Standard & Poors, Moody's or Fitch:
 - (i) worker's compensation insurance or registrations as required by Laws;
 - (ii) public liability insurance written on an occurrence basis with a limit of indemnity of not less than \$20,000,000 covering all aspects of the Developer's Works;

- (iii) construction works insurance in relation to the Developer's Works; and
 - (iv) motor vehicle third party cover with a limit of indemnity of not less than \$20 million for each and every occurrence.
- (b) The Developer must submit a copy of all certificates of insurance to the City:
 - (i) prior to commencing construction of the Developer's Works; and
 - (ii) promptly following a written request by the City, provided that such a request is not made more than twice in any 12 month period.

5.2 **Approvals and consents**

The Developer must, at its cost, obtain all relevant approvals and consents for the Developer's Works, whether from the City or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the Developer's Works, the Developer must give to the City copies of all approvals and consents for the Developer's Works, other than the Development Consent.

5.3 **Construction work**

The Developer must, at its cost:

- (a) carry out and complete the Developer's Works in accordance with all approvals and consents relating to the Developer's Works, including any approval given by the City under this document;
- (b) ensure that all Developer's Works are constructed in a good and workmanlike manner, in accordance with the plans approved under this document so that the Developer's Works are structurally sound, fit for purpose and suitable for their intended use;
- (c) ensure that the Developer's Works are Complete by the due date specified in clause 1 of Schedule 3 and promptly after becoming aware advise the City's Representative of any significant delays in completing the Developer's Works or delays that may impact the delivery of the Public Benefits by the due date specified in Item 1 of Schedule 3; and
- (d) comply with all reasonable directions of the City in respect to construction of the Developer's Works.

5.4 **Inspections by the City**

The City, as a party to this document and not in its role as a Government Agency, will:

- (a) issue a set of hold points with the approval of the Plans under Clause 3 of Schedule 3;
- (b) inspect the Developer's Works in accordance with the hold points during the course of construction at reasonable times and on reasonable notice; and

- (c) notify the Developer's Representative of any material or significant defect, error or omission relating to the construction or installation of the Developer's Works identified during or as the result of an inspection.

The Developer must ensure that it adheres to all hold point inspections during construction. Any failure by the City to identify a Defect, error or omission will not be construed as amounting to an acceptance by the City of the Defect, error or omission.

5.5 **RAB (CEP) Act**

This clause 5.5 of Schedule 3 (other than this sentence) applies only to the extent that the RAB (CEP) Act or the RAB (CEP) Regulation applies to the Developer's Works.

- (a) Without limiting any other obligation of the Developer, the Developer:
 - (i) must ensure that the Developer and its Personnel and their respective employees and agents:
 - (A) comply with the RAB (CEP) Act and the RAB (CEP) Regulation;
 - (B) do not cause the City to contravene the RAB (CEP) Act or the RAB (CEP) Regulation;
 - (C) do not carry out the Developer's Works in a manner that results in, or could result in:
 - (aa) a serious defect in relation to a residential apartment building;
 - (bb) significant harm or loss to the public or occupiers or potential occupiers of any building to which the Developer's Works relates; or
 - (cc) significant damage to property; and
 - (D) do not, by any act or omission, cause or contribute to any serious defect or the issue of any prohibition order, stop work order or building work rectification order;
 - (ii) must immediately provide the City with a copy of any notice issued to the Developer under the RAB (CEP) Act, including any prohibition order, stop work order, building work rectification order, notice of proposed building work rectification order and compliance cost notice;
 - (iii) must issue an expected completion notice to the Secretary in accordance with the RAB (CEP) Act at least 6 months, but not more than 12 months, before an application is made for an Occupation Certificate for any part of a residential apartment building for which the Developer's Works is being carried out and in any event so as to ensure that:
 - (A) the Developer's Works are not delayed; and

- (B) an Occupation Certificate is able to be applied for at the earliest possible time;
- (iv) must issue any required expected completion amendment notice to the Secretary in accordance with the RAB (CEP) Act;
- (v) must provide all reasonable assistance to the City in exercising any right to make representations concerning any building work rectification order or right of appeal as contemplated by the RAB (CEP) Act, including by providing the City with any information that may be necessary or required by the City for the purposes of any such representation or appeal;
- (vi) acknowledges and agrees that:
 - (A) the RAB (CEP) Act contemplates particular orders and requirements, including:
 - (aa) requirements of an authorised officer;
 - (bb) stop work orders;
 - (cc) building work rectification orders; and
 - (dd) orders of the Court referred to in section 49(3) of the RAB (CEP) Act;
 - (B) such orders and requirements may be given or otherwise communicated directly to the Developer or otherwise; and
 - (C) the Developer must ensure that the Developer, its Personnel and their respective employees and agents comply with any such orders and requirements, whether they are given or otherwise communicated directly to the Developer or to any other person; and
- (vii) must comply with any compliance cost notice and reimburse the City for any costs incurred by the City in respect of any compliance cost notice, to the extent any such compliance cost notice relates to the Developer's Works.
- (b) The Developer must satisfy all obligations imposed on a developer under the RAB (CEP) Act.
- (c) The Developer indemnifies the City against any claims against, damages, expenses, losses or liability suffered or incurred by, the City arising out of, or in any way in connection with, any breach by the Developer of clause 5.5(a) of Schedule 3 or 5.5(b) of Schedule 3.
- (d) The Developer will not be entitled to make, and the City will not be liable upon, any claim, damage, expense, loss or liability arising out of, or in any way in connection with, the Developer's obligations under this clause 5.5 of Schedule 3.

- (e) Except as otherwise provided in clause 1.1, all terms used in this clause 5.5 of Schedule 3 have the meanings given to them in the RAB (CEP) Act.

5.6 **DBP Act and DBP Regulation**

This clause 5.6 of Schedule 3 (other than this sentence) applies only to the extent that the DBP Act and the DBP Regulation applies to the Developer's Works.

- (a) Without limiting any other obligation of the Developer, the Developer must ensure that the Developer and its Personnel and their respective employees and agents:
 - (i) comply with the DBP Act and the DBP Regulation, including by preparing, providing and lodging all necessary or relevant documentation as and when required by, and in the form and method required by, the DBP Act and the DBP Regulation;
 - (ii) will be registered as required by the DBP Act and the DBP Regulation;
 - (iii) do not carry out the Developer's Works in a manner that results in, or could result in:
 - (A) significant harm or loss to the public or occupiers or potential occupiers of any building to which the Developer's Works relates; or
 - (B) significant damage to property; and
 - (iv) do not, by any act or omission, cause or contribute to the issue of any stop work order.
- (b) The Developer warrants to the City that the Developer will perform the Developer's Works so as to avoid, and to otherwise not cause or contribute to, any economic loss (as contemplated by Part 4 of the DBP Act) on the part of any owner arising out of or in connection with any defect or otherwise arising out of or in connection with the Developer's Works.
- (c) In addition to and without limiting any other duty or obligation assumed by the Developer, the Developer acknowledges and agrees that it owes a duty to the City to exercise reasonable care to avoid economic loss (as contemplated by Part 4 of the DBP Act and whether suffered or incurred by the City or any owner) arising out of or in connection with any defect or otherwise arising out of or in connection with the Developer's Works.
- (d) The Developer indemnifies the City against any claims against, damages, expenses, losses or liabilities suffered or incurred by, the City arising out of, or in any way in connection with, any breach by the Developer of this clause 5.6 of Schedule 3.
- (e) The Developer must include in any Completion Notice provided under clause 6.2 a statement from each person directly responsible for the lodgement of documents as required by the DBP Act that all necessary and relevant

documentation relating to the Developer's Works has been prepared, provided and lodged as and when required by, and in the form and method required by, the DBP Act and DBP Regulation. The Developer must provide a copy of all such documentation referred to in this clause 5.6(e) of Schedule 3 to the City with any Completion Notice.

- (f) The Developer will not be entitled to make, and the City will not be liable upon, any claim, damage, expense, loss or liability arising out of, or in any way in connection with, the Developer's obligations under this clause 5.6 of Schedule 3.
- (g) Except as otherwise provided in clause 1.1, all terms used in this clause 5.6 of Schedule 3 have the meanings given to them in the DBP Act and the DBP Regulation.

6. **STANDARDS**

The following list of Standards are included for information purposes only, and as a guide to the relevant standards for the general nature of the work identified as Developer's Works in this document. The City makes no representation or warranty as to the currency of the standards identified, or their application on the final design of the Developer's Works. The Developer must make its own enquiries regarding whether any standard has been replaced or supplemented. In the event that an Australian Standard prescribed a different level of material, finish, work or workmanship than those contained in a City standard, then the higher of the two standards will apply. If there is a conflict between City standards then the Developer must request the City nominate the correct and applicable City standard. The City's decision as to the applicable standard is final.

Relevant Australian Standards – Verge Works, Through site links

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 1743 Road signs
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1428 Design for Access and Mobility

- AS 4454 Composts, soil conditioners and mulches

Relevant Australian Standards – Roads (including pedestrian areas)

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 1428 Design for Access and Mobility
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1742 Manual of uniform traffic control devices
- AS 1743 Road Signs

City Standards (All Works)

- City of Sydney Contaminated Lands DCP 2004
- Sydney Street Code 2013
- Sydney Lights Code 2013
- City of Sydney Access Policy
- Sydney Street Technical Specification and Drawings
- City of Sydney Street Tree Master Plan 2011
- City of Sydney Public Domain Manual

EXECUTION

EXECUTED as a deed.

Signed, sealed and delivered for
**THE COUNCIL OF THE CITY OF
SYDNEY** (ABN 22 636 550 790) by
its duly authorised officer, in the
presence of:

Signature of officer

Signature of witness

Name of officer

Name of witness

456 Kent Street, Sydney NSW 2000

Address of witness

Position of officer

Authorised delegate pursuant to
section 377 of the Local Government
Act 1993

EXECUTED by **CITY WEST
HOUSING PTY LIMITED** (ACN 065
314 758)

in accordance with s127(1) of the
Corporations Act 2001 (Cth):

Signature of director

Signature of director/secretary

Name

Name

ANNEXURE A

Public Benefits – additional plans and specifications

Transfer Land (Lot 1)

1. Dedication or Transfer

The Transfer Land excluding the Future Road Land must:

- (a) be remediated in accordance with the Development Consent to be suitable for use as a public footpath, prior to its transfer or dedication to the City; and
- (b) be dedicated or transferred to the City free of any encumbrances or encroachments except for:
 - (i) underground services or utilities; or
 - (ii) other encumbrances or encroachments that do not unreasonably impede the intended use of the Transfer Land as a public footpath; or
 - (iii) other encumbrances or encroachments agreed in writing by the City in its absolute discretion.

2. Remediation

The Transfer Land (excluding the Future Road Land) must:

- (a) be remediated to be fit for purpose for use as a public footpath to a minimum of 1.5 metres below the top-most surface level of the Transfer Land;
- (b) not be subject to a long-term environmental management plan associated with the Transfer Land above 1.5 metres; and
- (c) be accompanied by an Site Audit Report or Site Audit Statement, which must be submitted to the City following completion of remediation and prior to the commencement of the Developer's Works.

3. Developer's Works

The Developer's Works comprise the following elements to be delivered in accordance with this document:

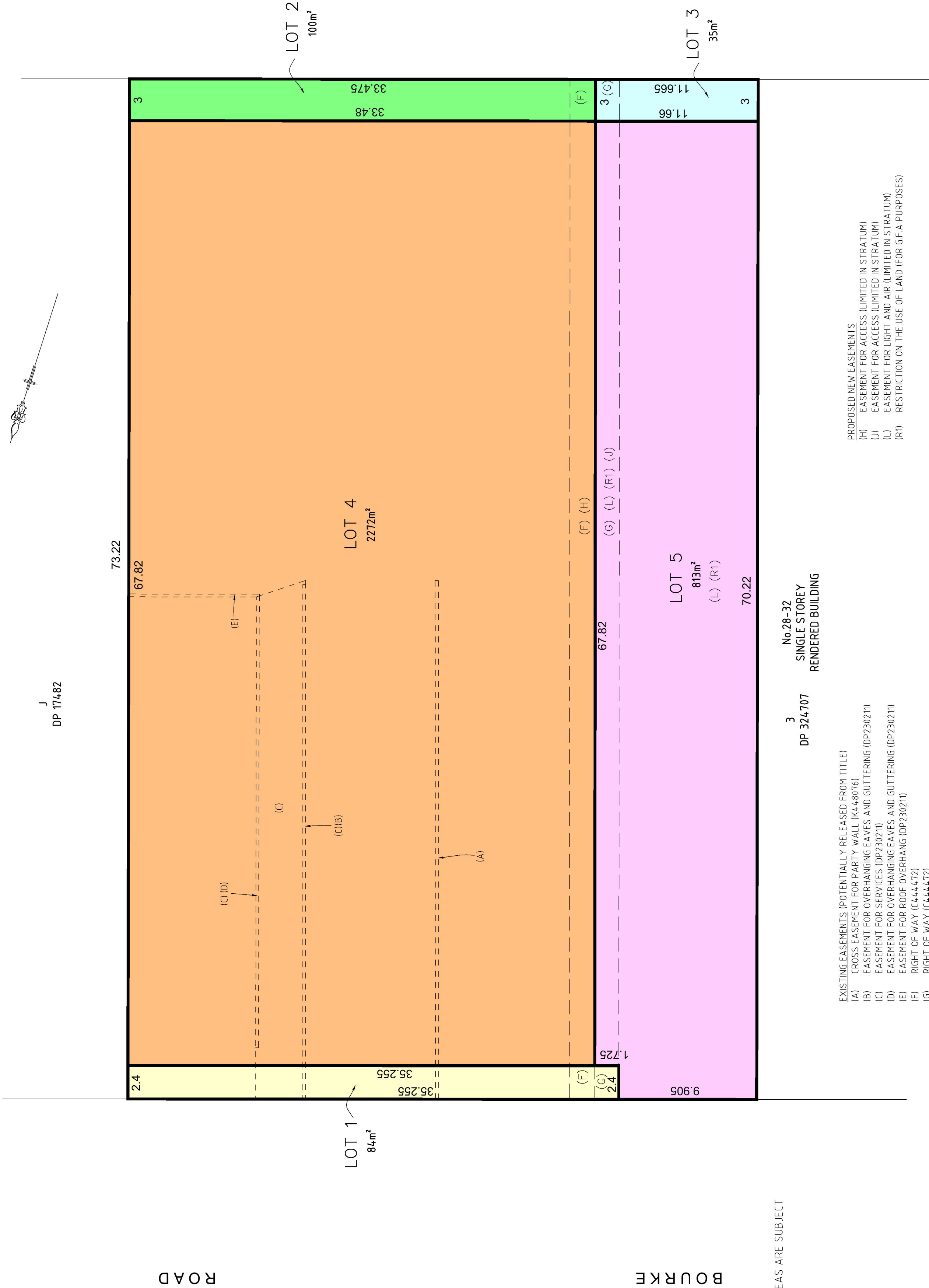
- (a) construct within the applicable Transfer Land a continuous accessible path of travel of insitu concrete with a staggered jointing pattern;
- (b) construct all works in accordance with:
 - (i) The City's Public Domain Manual (June 2021);
 - (ii) The Sydney Landscape Code - Volume 2: All Development Except for Single Dwellings;

- (iii) The City's Street Tree Master Plan 2023;
 - (iv) The City's Urban Forest Strategy 2023;
 - (v) The Sydney Streets technical specifications (Revision 6, Aug 2023); and
 - (vi) The Sydney Streets - Public Domain Design Codes 2021; and
- (c) ensure the new footpath is integrated with existing and adjoining footpaths.

4. Timing – Prior to issue of Occupation Certificate

The Developer's Works will be completed and the Transfer Land dedicated or transferred to the City prior to the issue of the first or any Occupation Certificate for the Development.

THIS PLAN IS BASED ON INFORMATION SUPPLIED BY CITY WEST HOUSING
DWG No CWH SUBDIVISION PLAN MARKUP 27 AUGUST 2025



ALL DIMENSIONS AND AREAS ARE SUBJECT
TO FINAL SURVEY

PRELIMINARY PLAN
PREPARED BY
BEVERIDGE WILLIAMS



www.beveridgewilliams.com.au
Level 5, 447 Kent Street
Sydney 2000
Tel. 02 9283 6677
sydney@bevwill.com.au

- LOT 1 PROPOSED ROAD WIDENING
- LOT 2 TO BE DEDICATED TO COUNCIL FOR FUTURE ROAD
- LOT 3 TO BE DEDICATED TO COUNCIL FOR FUTURE ROAD
- LOT 4 DEVELOPMENT SITE
- LOT 5 RESIDUAL LOT

- EXISTING EASEMENTS (POTENTIALLY RELEASED FROM TITLE)
- (A) CROSS EASEMENT FOR PARTY WALL (K448076)
 - (B) EASEMENT FOR OVERHANGING EAVES AND GUTTERING (DP230211)
 - (C) EASEMENT FOR SERVICES (DP230211)
 - (D) EASEMENT FOR OVERHANGING EAVES AND GUTTERING (DP230211)
 - (E) EASEMENT FOR ROOF OVERHANG (DP230211)
 - (F) RIGHT OF WAY (C444472)
 - (G) RIGHT OF WAY (C444472)

- PROPOSED NEW EASEMENTS
- (H) EASEMENT FOR ACCESS (LIMITED IN STRATUM)
 - (J) EASEMENT FOR ACCESS (LIMITED IN STRATUM)
 - (L) EASEMENT FOR LIGHT AND AIR (LIMITED IN STRATUM)
 - (R1) RESTRICTION ON THE USE OF LAND (FOR G.F.A. PURPOSES)

3
DP 324707
No.28-32
SINGLE STOREY
RENDERED BUILDING

SURVEYOR

Name: DANIEL GERARD WILLIAMS

Date:

Reference: 2400094 SUB

PLAN OF PROPOSED SUBDIVISION OF LOTS 2 & 3
DP230211, LOT 14 DP 536846 & LOT 1 DP 333175

LGA: SYDNEY

Locality: ALEXANDRIA

Reduction Ratio: 1:200

Lengths are in metres.

REGISTERED

DRAFT

VERSION 01
PRINTED 03 SEPTEMBER 2025

ANNEXURE B

Future Road Land (Lots 2 and 3)

1. Creation of lot

Prior to the issue of the first Occupation Certificate for the Development, the Developer shall subdivide the Land to create two (2) separate lots and titles for the Future Road Land, identified as Lots 2 and 3 in this Annexures B).

2. Remediation

The Future Road Land must:

- (a) be remediated to be suitable for use as a public road prior to the issue of the first or any Occupation Certificate for the Development;
- (b) be remediated to RL 9.0 (which is 1.5 metres below the top-most surface of the Future Road Land level assumed at RL 10.5);
- (c) not be subject to a long-term environmental management plan associated with the Transfer Land above 1.5 metres; and
- (d) be accompanied by an Interim Site Auditor's Report or Site Audit Statement, which must be submitted to the City following completion of remediation and prior to the commencement of the Developer's Works.

3. Developer's Lane Works

The Developer must provide interim landscaping in the non-trafficable areas of Lot 2, east of the easement between current Lots 20–24 Bourke Rd and 26 Bourke Rd, at the assumed future roadway level (RL 10.5), prior to the issue of the first or any Occupation Certificate for the Development.

4. Transfer of Future Road Land

- (a) At the time of transfer to the City, the Future Road Land must be free of any buildings, encumbrances or encroachments except for:
 - (i) underground services or utilities, or
 - (ii) other encumbrances or encroachments that do not unreasonably impede the intended use of the land as a public road, or;
 - (iii) any encumbrances or encroachments agreed in writing by the City in its absolute discretion.
- (b) The Developer must transfer the Future Road Land to the City:
 - (i) for one dollar (\$1.00); and
 - (ii) within 12 months from the date it receives written notification from the City that the City intends to construct the public road.

City Works

- (a) Upon the City becoming the registered proprietor of the Future Road Land, the City will use its best endeavours to commence immediate construction of the new road as shown in the Sydney Development Control Plan 2012.
- (b) The City must, at its own cost:
 - (i) carry out and complete the construction of the new public road in accordance with all relevant approvals and consents in a prompt and efficient manner;
 - (ii) ensure that the new public road is constructed in a good and workmanlike manner, in accordance with the City's technical specifications applicable at the time, including any ancillary services such as stormwater and lighting so that the roads are structurally sound, fit for purpose and suitable for their intended use;
 - (iii) minimise disruption and nuisance to adjoining properties during the construction period;
 - (iv) liaise with the Developer to ensure that vehicle access to the Development is maintained at all times during the construction period; and
 - (v) upon completion of the construction work undertake a subdivision process (if required) or otherwise undertake the necessary steps to have the new road dedicated as public road in a manner that does not prevent access to and from the Land.
- (c) The City agrees that the Developer will not be responsible for any future:
 - (i) development or construction costs associated with the new road as shown in the Sydney Development Control Plan 2012; and
 - (ii) remediation costs associated with the new road, except to the extent the Developer has not met their obligations at clause 2 of Annexure B above.

Attachment G

Submissions

From: Lee Ryan [REDACTED] on behalf of Lee Ryan [REDACTED] <Lee Ryan [REDACTED]>
Sent on: Thursday, November 13, 2025 8:00:20 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/1070 - 20 Bourke Road ALEXANDRIA NSW 2015 - Attention Gavin Ho

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi,

I'm writing to express my strong support for development D/2025/1070 at 20 Bourke Rd Alexandria. This development is consistent with the high density character of the area and would take advantage of the exceptional amenities there. Sydney desperately needs more housing of all kinds, especially affordable, and I would argue that this development could be even larger at this location in order to provide more housing, especially multi-bedroom units for families. I'm currently renting in nearby Darlington and personally would love to live in a development such as this one with its proximity to Green square station and the city.

Thanks and regards, Lee.

From: Cameron Kline [REDACTED] on behalf of Cameron Kline
[REDACTED] <Cameron.Kline@[REDACTED]>
Sent on: Tuesday, December 9, 2025 6:00:13 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2025/1070 - 20 Bourke Road ALEXANDRIA NSW 2015 - Attention Gavin Ho
Attachments: 251209 Submission to CoS.pdf (1.5 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Gavin,

Thank you for the opportunity to comment on D/2025/1070 (20 Bourke Rd, Alexandria). Please find attached our comments on behalf of the landowner of the neighbouring property at 28-32 Bourke Road, Alexandria.

Kind regards

Cameron Kline
Senior Development
Manager

D: [REDACTED]	Level 41, Chifley Tower, 2 Chifley Square
M: [REDACTED]	Sydney NSW 2000
E: [REDACTED]	centuria.com.au
[REDACTED]	Centuria Capital Limited
P: [REDACTED]	

Centuria



[Linkedin](#)

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9 December 2025

Gavin Ho

Senior Planner

City of Sydney

By email: dasubmissions@cityofsydney.nsw.gov.au

Attn: Gavin Ho

Dear Gavin,

Submission - D/2025/1070 - 20 Bourke Road ALEXANDRIA NSW 2015

Alexandria Property Development Pty Ltd on behalf of Centuria Healthcare Property Services (Centuria) provide this submission as the responsible entity for the State Significant Development (SSD) known as Alexandria Health Centre (AHC) at 28-32 Bourke Road, Alexandria (see site location below).



This submission is in relation to the Development Application currently under assessment with Council for the site at 20-26 Bourke Road, Alexandria.

We appreciate the opportunity to participate in the planning process and submit our comments on the project, specifically regarding how the proposal aligns with the assumptions that have been made as part of the detailed design for the AHC project in relation to the DCP laneway network including traffic flow and stormwater.

Background

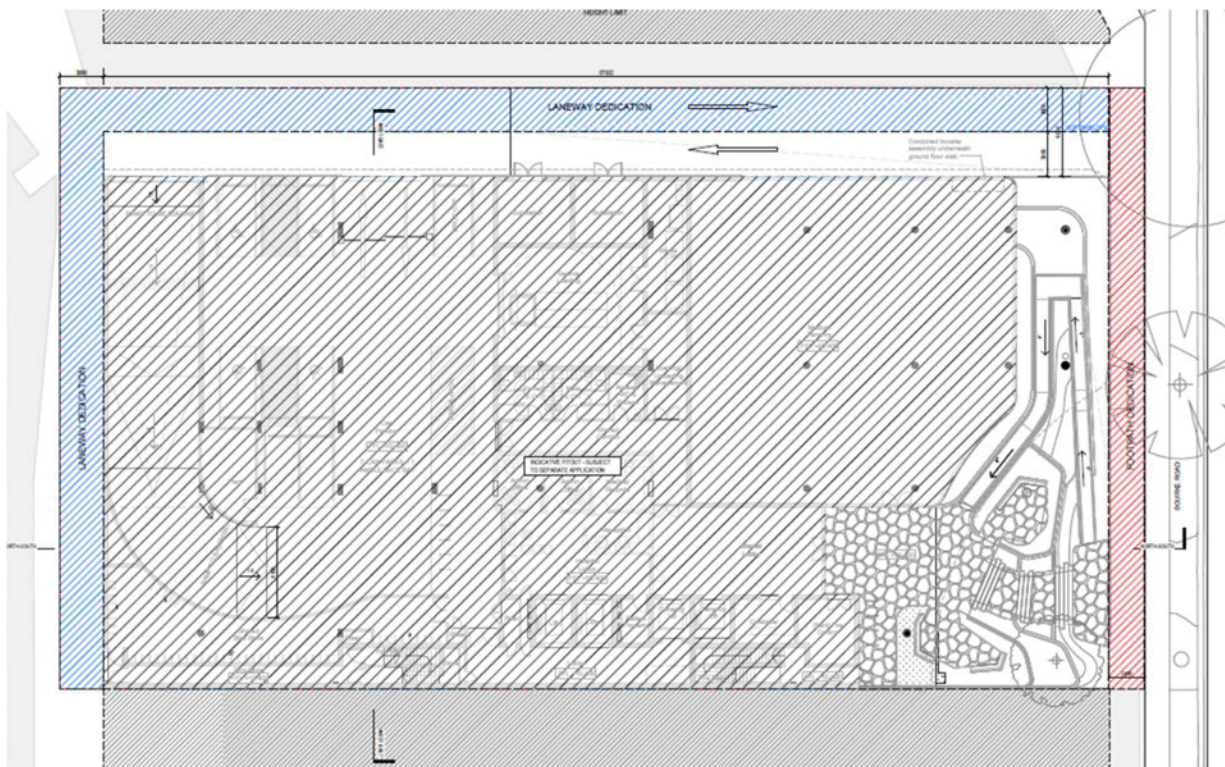
The AHC SSDA (SSD-59006709) seeks consent for the construction of a multi-storey mental health hospital and medical centre and site works including roads, car parking and landscaping.

The proposed mental health hospital and medical practice will serve as a key piece of community infrastructure, providing access to critical mental health services to the broader community. The facility will provide unique services targeted at patients aged 18+ with mood disorders, anxiety disorders, and those with comorbid drug and alcohol disorders. The proposal will provide a large investment in infrastructure spending and developer contributions.

The SSDA proposal includes land dedication towards the construction of a laneway that in the future will contribute to a wider laneway network in accordance with the Sydney DCP 2012.

The land dedication comprises a 3m wide lane along the site's western boundary contributing towards a 6m wide lane, and a 3m wide lane along the site's southern boundary, contributing towards a 9m wide lane (see **Figure 1** below with laneway dedication land shown in blue).

Figure 1 – Laneway Land Dedication Plan



The SSDA is currently under assessment with DPHI.

Traffic flow

As part of the AHC SSDA, several discussions have occurred with the City's traffic engineers on the design specifications of the future DCP laneway. The designated direction of the laneway in its future form is unknown and not specifically detailed in the DCP. This includes the potential direction of its one-way arrangement.

Through the traffic assessment undertaken for the AHC SSDA, it is noted that the proposed arrangements of the laneway as prescribed in the DCP do not comply with the minimum requirements of the Australian

Standard for Commercial Parking Facilities – AS2890.2 in terms of providing sufficient lane width to accommodate vehicles greater in size than a Small Rigid Vehicle (SRV 6.4m in length).

The provision of a central lane with pedestrian pathways on either one side or either side would not allow service vehicles to traverse the laneway, in either direction, without encroachment / impact onto the pedestrian pathways and the bollards which would provide separation.

Given the narrowness of the laneway and the need to accommodate pedestrians, the traffic advice prepared in support of the AHC proposal concludes the following:

- The best overall outcome would be a one-way laneway arrangement for the full length (**either clockwise or anticlockwise**) under a ‘**shared zone**’ arrangement where vehicles and pedestrians share the road space.
- The future laneway arrangements should include a minimum laneway width of **3.5m** for straight sections with further analysis of the bends arrangements based on turn path assessments of the expected largest vehicles which would use the future laneway.

It is unclear from reviewing the plans submitted as part of D/2025/1070 the traffic flow and DCP laneway assumptions made as part of the proposal. We submit that the laneway findings and assumptions included as part of the AHC SSDA should be adopted as part of D/2025/1070 to ensure a consistent approach to the future DCP laneway traffic and pedestrian design.

Flood Levels

As part of the AHC SSDA, several discussions have occurred with the City’s public domain and engineering teams on the design specifications of the future DCP laneway.

Given the AHC development was the first development fronting the proposed laneway network, and in the absence of information from the City regarding the desired future grading of the DCP laneway network, the project Civil Engineers have prepared concept grading for the laneways.

The concept grading has been used in assessing the impact of flooding on the site with respect to the future laneways.

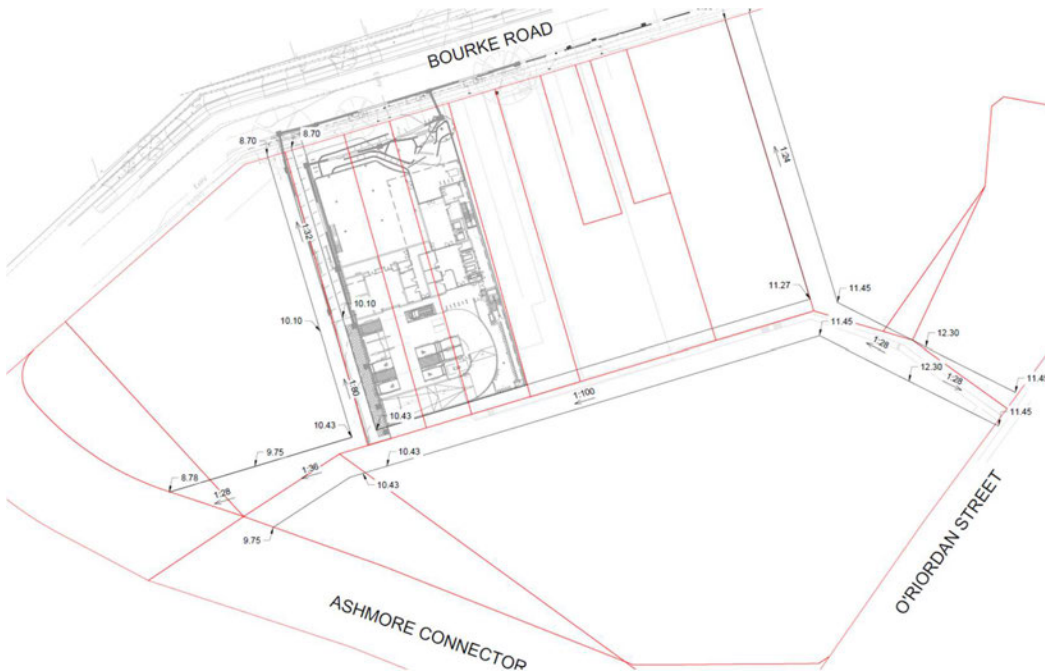
The concept master grading has been designed in accordance with the requirements of the City’s Interim Floodplain Management Policy and has been informed by flood planning levels and is based on the following principals:

- Connections at Bourke Road, O’Riordan Street and the Ashmore Connector are smooth and trafficable (ie, proposed levels match the existing levels at these points).
- It is desirable to keep the laneways flood-free.
- Minimise any impact on surrounding properties as a result of opening the laneway network.
- Longitudinal gradients should be accessible for pedestrians, with a maximum grade of 1:20.

By designing a laneway network that prevents flood water flowing through the network, the possible impact of flood water conveyed from O’Riordan Street through to Bourke Road is eliminated. If flood planning is not considered in the laneway network, opening the network up to overland flows will have a negative impact on properties on Bourke Road with additional flood water arriving at Bourke Road from O’Riordan Street.

It is desirable for the precinct to have a flood free laneway network. By providing protection from the PMF, a flood free laneway network enables the surrounding future developments, including the subject site, to have basement entries accessed via the laneways. This can also assist in providing a local refuge in the event of an extreme flood event.

The laneway concept grading as included in the flood model for AHC is presented below, with proposed levels labelled. This has been presented in previous versions of the AHC SSDA Flood Reports to the City. See **Attachment A** for detailed information.



It is not immediately clear from a review of the plans submitted as part of D/2025/1070 what grading level assumptions have been included.

It is noted that for AHC, the building entry level at the south-eastern most corner of the site has been set at RL + 10.800.

We submit that the laneway concept grading developed as part of the AHC SSDA should be adopted for D/2025/1070 to ensure a consistent approach to the future DCP laneway to ensure they are kept flood free.

Conclusion

We appreciate the opportunity to participate in the planning process and would like to be kept informed on the development as the assessment progresses.

Yours sincerely,

Cameron Kline

Senior Development Manager

Centuria Capital Group



status			
SKETCH			
scale at A1 1:400	drawn MZV	checked TAH	approved TAH
project no. 6691	sheet CV-SK-001		rev. 01

rev	date	description	dm	ch'k

drawing title

Item 5.

Public Exhibition - Planning Proposal - 44-78 Rosehill Street, Redfern - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment and Sydney Development Control Plan 2012 Amendment - Student Accommodation

File No: X095910

Summary

Rosehill Street Redfern is part of a well-connected mixed-use corridor anchored by Redfern Station and the emerging Waterloo Metro station. The area has strong links to major education, health and research institutions, established neighbourhood centres and the employment, cultural and innovation precincts at South Eveleigh. Ongoing investment in this area supports growth in student and worker populations and strengthens its role as an accessible education-focused hub.

A planning proposal has been prepared for 44–78 Rosehill Street, Redfern, following a request by the applicant to amend the planning controls for the site. The proposal seeks to amend the height of building and floor space ratio controls to enable a part-5, part-6 storey co-living housing development for student accommodation. The proposed height increase is modest and to accommodate the slope of the site, with the built form sitting largely within the existing 18-metre limit. These changes will support purpose-built student accommodation in a highly accessible location close to major transport and education facilities. The scheme is more modest than earlier proposals for the site and has been designed to respond to site constraints and to protect the amenity of neighbouring development and open spaces.

The applicant has submitted a public benefit offer to enter into a planning agreement. The offer includes the dedication of land to facilitate the widening of Margaret Street and an affordable housing monetary contribution equal to 17% of the additional residential floor space generated by the proposal (exclusive of any future 3% development application contribution), consistent with Council's recently exhibited draft Affordable Housing Program. A draft site-specific development control plan has been prepared to guide the built form, consistent with the planning proposal.

A separate amendment to the Sydney Development Control Plan 2012 is also proposed to introduce tailored provisions for student accommodation across the local government area. These updates respond to the distinct operational and design characteristics of purpose-built student housing and recent industry feedback.

This report recommends approval of the planning proposal for submission to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination, followed by public exhibition. It also recommends that the draft development control plans are endorsed for exhibition and that a draft planning agreement is prepared based on the public benefit offer. It is proposed that all documents are exhibited concurrently.

Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 44-78 Rosehill Street, Redfern, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 44-78 Rosehill Street, Redfern, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 20 April 2026 that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 44-78 Rosehill Street, Redfern;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 20 April 2026 that Council approve the Draft Sydney Development Control Plan 2012 - 44-78 Rosehill Street, Redfern, as shown at Attachment B to the subject report, for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 20 April 2026 that Council approve the Draft Sydney Development Control Plan 2012 - Student Accommodation, as shown at Attachment C to the subject report, for public exhibition;
- (F) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 44-78 Rosehill Street, Redfern, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (G) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 44-78 Rosehill Street, Redfern and to Draft Sydney Development Control Plan 2012 - Student Accommodation, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (H) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 12 November 2025, shown at Attachment D to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Attachments

- Attachment A.** Planning Proposal - 44-78 Rosehill Street, Redfern, and appendices
- Attachment B.** Draft Sydney Development Control Plan 2012 Amendment - 44-78 Rosehill Street, Redfern
- Attachment C.** Draft Sydney Development Control Plan 2012 Amendment - Student Accommodation
- Attachment D.** Public Benefit Offer - 44-78 Rosehill Street, Redfern

Background

1. A planning proposal request has been lodged for a site in Redfern, close to Redfern Station. The site is located at 44-78 Rosehill Street, Redfern and has frontages to Rosehill Street, Margaret Street and Cornwallis Lane, as shown in Figure 1.



Figure 1: Aerial image of subject site (in red) and immediate vicinity

2. The site has a total site area of approximately 2,544 square metres. Existing development on the site consists of a 2-storey concrete building with commercial tenancies and ground-level car parking.
3. The site is zoned MU1 Mixed Use, with a maximum building height of 18-metres and a maximum floor space ratio of 2:1. It is not a heritage item and is not in a heritage conservation area. The Redfern Estate Heritage Conservation Area (C56) is located approximately 70 metres to the east of the site, and the State-listed Eveleigh Railway Workshops are to the west.
4. Further details of the site and existing planning controls can be found in Section 1 and Section 2 of the Planning Proposal at Attachment A. An image of the existing building is shown at Figure 2, with the site context at Figures 3 and 4.



Figure 2: View of the existing building (site outlined in red)



Figure 3: Site context (site outlined in red)



Figure 4: View from Gibbons Street and Boundary Street towards the site (site outlined in red)

5. Mecone, on behalf of the applicant, lodged a request to prepare a planning proposal in December 2025.
6. The site has been subject to 2 previous planning proposal requests. In 2018, the City refused a proponent-led planning proposal seeking to increase the maximum floor space ratio (FSR) from 2:1 to 10.4:1 and the maximum building height from 18 metres to 99.6 metres. The reference design included 2 residential towers of 30 and 18 storeys. The proponent initiated a rezoning review following the refusal. The Independent Planning Commission also refused the proposal and supported the City's position.
7. In 2021, the City prepared a precinct-wide planning proposal for the Botany Road Precinct to increase development potential from Redfern Station to McEvoy Street. The proposal included the site and identified potential building heights up to 70 metres and floor space ratios up to 7.75:1 (8.525:1 with design excellence). During public exhibition, residents raised concerns about scale and amenity impacts. After reviewing submissions, the City removed several northern sites, including 44–78 Rosehill Street, from the proposal. Key concerns related to solar access impacts on the apartments along Gibbons Street and limited separation to apartments along Cornwallis Street.
8. The reference scheme that underpins the current planning proposal is significantly smaller in scale than the earlier proposals. It responds to previous concerns through building separation, a building envelope shaped to reduce overshadowing and a building height largely within the existing control. These matters are discussed in subsequent sections of this report.

Key implications

The proponent has requested increased height and floor space controls to enable a co-living housing development for student accommodation

9. The proponent has requested a planning proposal to facilitate the redevelopment of the site to include:
 - (a) a part 5, part 6-storey co-living building up to a maximum height of 20 metres;
 - (b) a total gross floor area of 8,837 square metres, representing an FSR of up to 3.5:1 including the non-discretionary bonus for co-living housing under the State Environmental Planning Policy (Housing) 2021 (Housing SEPP); and
 - (c) ground-floor communal space, communal rooftop open space of about 500 square metres, and approximately 327 student rooms.
10. Images prepared by the proponent of the indicative development scheme are shown in Figures 5, 6 and 7.



Figure 5: Indicative development concept - view at the corner of Margaret Street



Figure 6: Indicative development concept - view from Gibbons Street



Figure 7: Indicative development concept - at intersection of Rosehill Street and Gibbons Street

The City has prepared a planning proposal to increase the height and floor space for a co-living housing development for student accommodation

11. The planning proposal details the proposed amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting new site-specific provisions.

12. The provisions are to:
- (a) permit a maximum building height of 20 metres, an increase from the current control of 18 metres;
 - (b) provide a site-specific FSR bonus of 1.2:1 where the development is a co-living development used for student accommodation, enabling a total maximum FSR of 3.5:1 inclusive of the mapped FSR (2:1), the 10% bonus for co-living housing under Clause 68 of the Housing SEPP and site-specific bonus of 1.2:1; and
 - (c) exclude the ability for the consent authority to grant additional height or floor space for design excellence under clause 6.21D(3).
13. Further explanation of the provisions can be found in Section 4 of the Planning Proposal.

A site-specific Development Control Plan will guide the built form of the co-living housing development to protect local amenity

14. A draft site-specific development control plan (draft site-specific DCP) is at Attachment B and provides further guidance for development facilitated by this planning proposal. It contains site-specific provisions that include:
- (a) a defined building envelope, including required setbacks from all boundaries, upper-level step-backs, building articulation and maximum height in storeys (refer Figure 8);
 - (b) requirements to minimise impacts on neighbouring residential properties, including privacy measures, building breaks, and controls to maintain solar access to Daniel Dawson Reserve;
 - (c) deep-soil landscaping requirements along Cornwallis Lane and Margaret Street to support urban tree canopy and improve the public domain;
 - (d) access, loading and waste servicing controls, including no private vehicle parking and swept-path requirements for Council waste vehicles; and
 - (e) sustainability measures.



Figure 8: 44-78 Rosehill Street, Redfern - Setbacks and height in storeys

Changes to the Development Control Plan will provide tailored controls for student accommodation across the local area

15. A separate amendment to the DCP relating to co-living housing used as student accommodation (draft student accommodation DCP) is provided at Attachment C. This draft DCP contains additional provisions to apply across the local government area.
16. In June 2025, Council approved Policy and Housekeeping amendments to the Sydney Development Control Plan 2012 which included controls for boarding houses and co-living housing such as minimum private room dimensions and bicycle parking rates. As student accommodation is captured in the definition of co-living housing under the Sydney Local Environmental Plan 2012, these controls will also apply to student accommodation once the Policy and Housekeeping PP is finalised by the Department of Planning, Housing and Infrastructure. This is expected within the next couple of months.
17. The draft student accommodation DCP at Attachment C introduces tailored controls that reflect the distinct operational model, design needs and occupancy characteristics of purpose-built student accommodation. The additional provisions will operate alongside the new provisions for boarding house and co-living housing. The additional provisions include:
 - (a) new definitions to distinguish student rooms from other co-living rooms;
 - (b) adjusted design controls for student rooms, including a reduced minimum internal room dimension of 2.4 metres, recognising the different layouts commonly used in purpose-built student accommodation;
 - (c) modified requirements for in-room facilities, enabling smaller kitchens, bathrooms and laundries where high-quality communal facilities are provided;
 - (d) reduced wardrobe requirements for student rooms, reflecting shorter average residency duration and typical patterns of student occupation;
 - (e) tailored bicycle parking rates of one resident space per 5 rooms and one visitor space per 50 rooms in highly accessible locations; and
 - (f) reworded amenity standards for private rooms to improve clarity.
18. These provisions respond to feedback from student accommodation operators received following the approval of the Policy and Housekeeping Local Environmental Plan and Development Control Plan amendments. Operators highlighted that they have a distinct design model that places greater emphasis on high-quality communal facilities and compact private rooms and typically located close to university campuses and major public transport nodes. As a result, certain requirements in the broader co-living controls - particularly bicycle parking - were found to be disproportionate to actual demand. Surveys undertaken by operators and submitted to the City demonstrate consistently low utilisation of bicycle parking provided under the current DCP rates, supporting the need for tailored standards.
19. The City considers it appropriate to introduce these tailored controls for student accommodation to take effect when the Policy and Housekeeping amendments commence, avoiding the need for further amendment soon after their introduction.

The proposal is a good contextual fit and has site-specific merit

20. The proposed building envelope has been designed to respond to the site's context and maintain an appropriate scale within the surrounding mid-rise character. The proposal includes a modest increase to the maximum building height from 18-metres to 20-metres, to allow a consistent building form across the site.
21. The height increase provides flexibility for the building envelope to accommodate the slope of the site. As demonstrated in Figure 9, the envelope extends above the existing 18-metre controls only at the south-west corner of the site affected by a natural dip in the ground, which reaches approximately 1.5-metres at its deepest point. The remainder of the built form sits within the existing 18-metre height limit.
22. Elements that extend above the 18-metre height, aside from the south-west corner, relate to rooftop structures rather than habitable built form. These include plant rooms and lift overruns that support a green roof with communal open space. These rooftop elements may exceed the new 20-metre height in line with the City's forthcoming LEP provision for structures associated with green roofs. This provision aims to support green roofs where overshadowing and privacy impacts are minimal. It does not allow any gross floor area above the maximum height limit.
23. As shown in Figure 8 above, the site-specific DCP identifies the maximum height in storeys for the development, to ensure that future development on the site largely remains within the existing 18-metre limit.

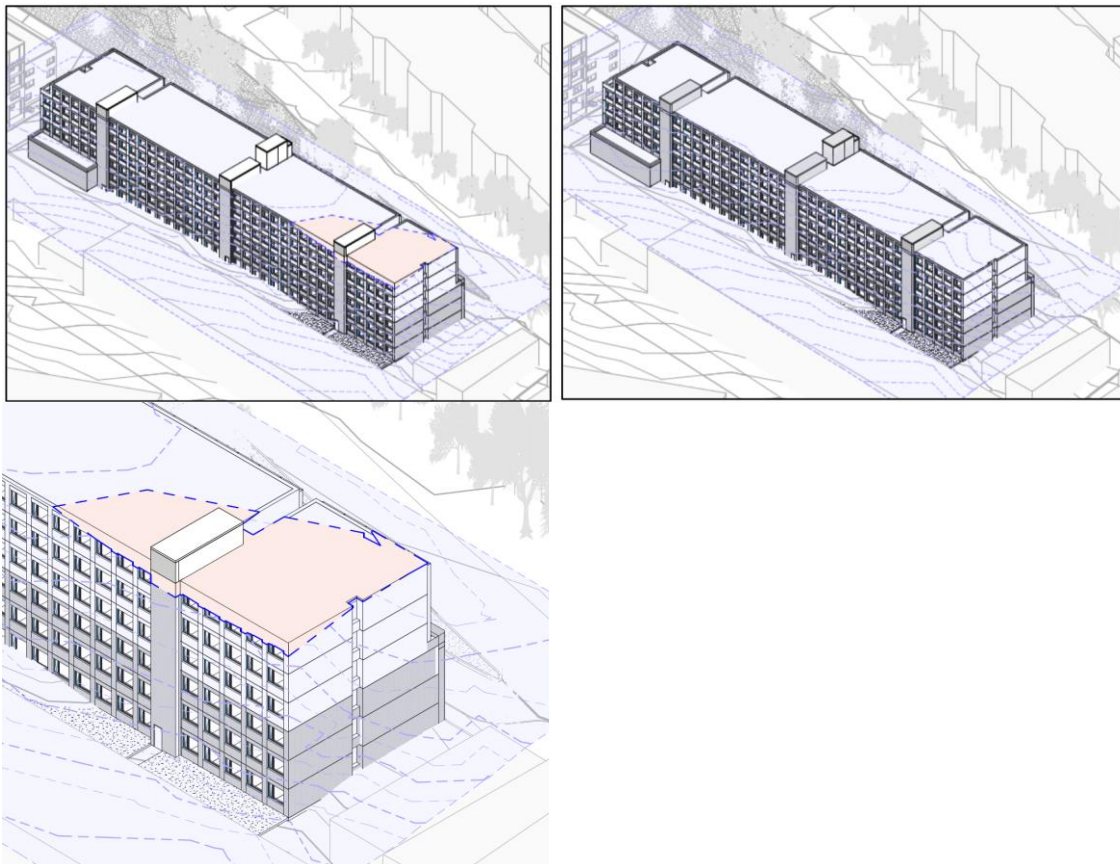


Figure 9: Analysis of building height - existing 18-metre height plan (left and extract at lower left) and proposed 20-metre height plane (right)

The proposed building envelope has been shaped to minimise overshadowing of nearby residential buildings and public open spaces.

24. Overshadowing of neighbouring residential buildings has been assessed in accordance with the Apartment Design Guide (ADG) and the City's guidelines. The analysis confirms that the envelope can comply with the requirements to minimise overshadowing at 15- 29 and 31-41 Cornwallis Street ('2' on Figure 10), the terraces at 80-88 Rosehill Street ('3' on Figure 10) and 39-61 Gibbons Street ('4' on Figure 10).
25. As shown in Figure 8 above, the site-specific DCP includes setbacks that ensure adequate building separation. In particular, it requires a 6-metre setback from the centre line of Cornwallis Lane to provide suitable separation between the site and the residential apartments to the west. This separation supports privacy, reduces visual bulk and contributes to acceptable amenity outcomes for neighbouring residents.
26. Testing for 15-29 Cornwallis Street (under construction) is based on analysis of available floor plans and should be updated at DA stage in case the internal layouts change. Any localised impacts can be assessed at development application stage, and any necessary mitigation can be resolved through detailed design responses.
27. For the 39-61 Gibbons Street apartments, Figure 12 shows 2 notches to the envelope ('clipping plane subtractions'), indicated with red crosses, that were originally included to achieve compliance with the ADG and the City's guidelines. A later review identified a minor modelling error in the assumed ground-floor levels of the apartments - which confirmed these units do not currently receive the minimum 2 hours of solar access required by the ADG. Accordingly, the 2 red-marked clipping planes are no longer required and do not form part of the proposed controls. Overshadowing impacts will be assessed further at the development application stage.
28. Overshadowing of public open spaces ('1' on Figure 10) has been assessed against the LEP sun access planes and the City's guidelines. The reference scheme includes a green-marked clipping plane subtraction, shown in Figure 11, which is retained to ensure no overshadowing of Daniel Dawson Reserve between 10am and 2pm, consistent with the sun access plane in the LEP. Minor overshadowing of Gibbons Street Reserve occurs between 1pm and 2pm and is limited to the narrowest and least functional part of the space, while the majority of the reserve continues to receive more than 4 hours of direct sunlight. Figure 12 illustrates the solar access outcomes for public open spaces.

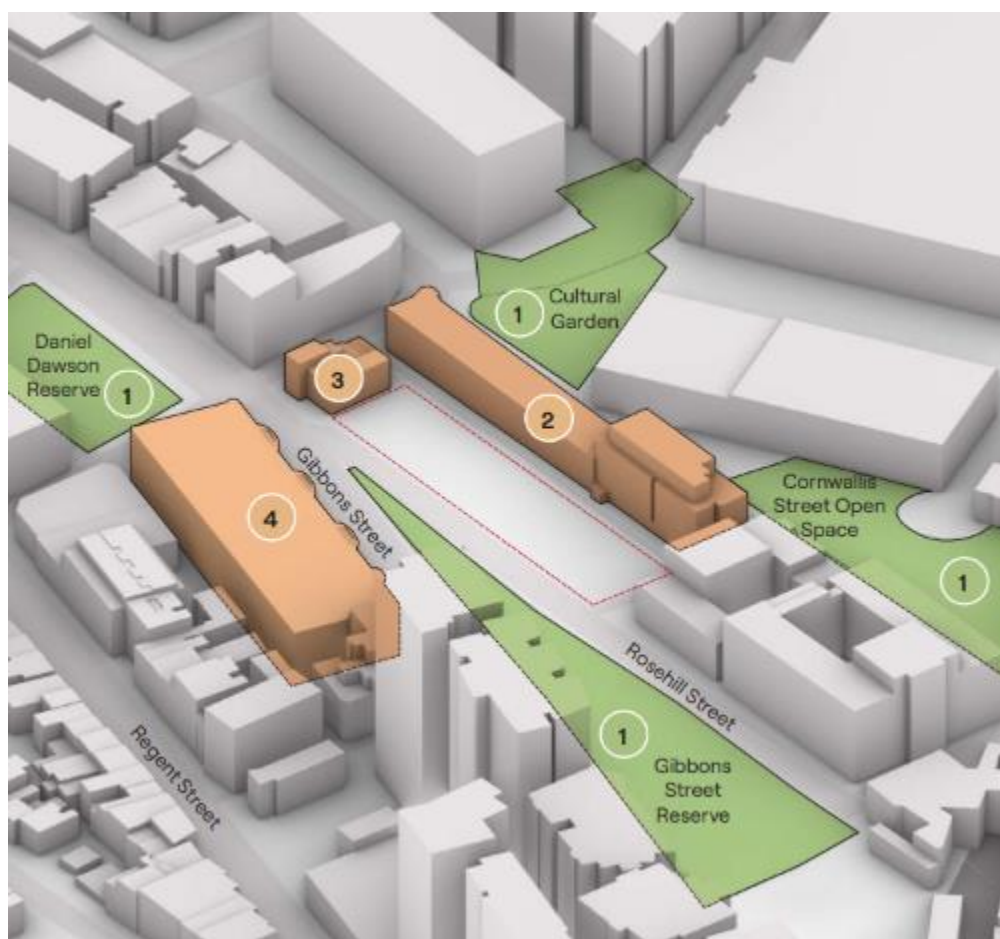


Figure 10: Surrounding buildings and open space tested for solar impact. Source: SJB Urban Design Report.

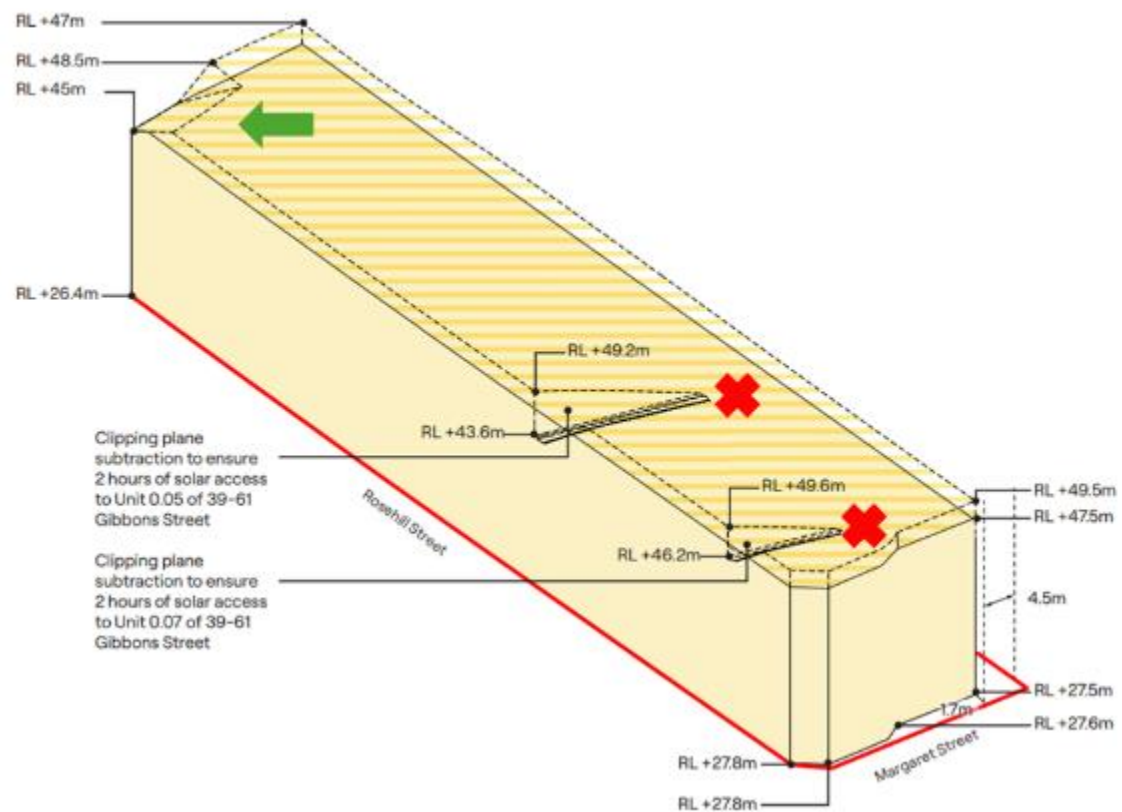


Figure 11: Proposed envelope with solar access clipping planes. Source: SJB Urban Design Report (red (no longer required) and green (required) indicators added).

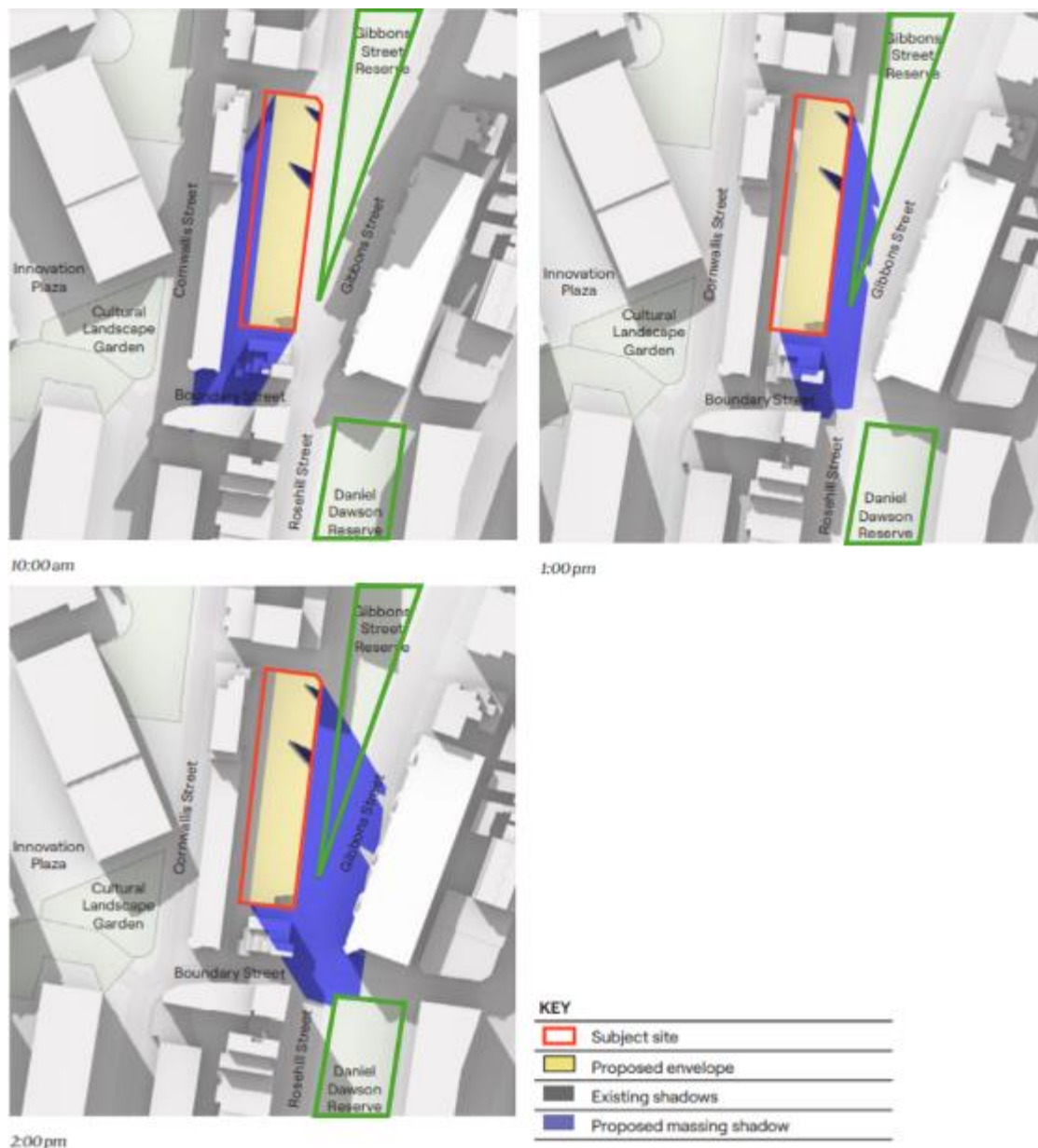


Figure 12: Shadow analysis to public open space. Source: SJB Urban Design Report (green outlines added).

29. The proposal will have minimal traffic impacts as no on-site car parking is provided, with any vehicle movements expected to be limited to taxis and rideshare services outside commuter peak periods. The reference scheme includes bicycle parking at a rate of one space per 5 rooms, with short-stay visitor parking at one space per 50 rooms, encouraging active transport for residents and visitors.

30. Waste and servicing arrangements have been designed to minimise impacts on the public domain and maintain activation along Rosehill Street. Consistent with the City's Guidelines for Waste Management in New Developments, the draft site-specific DCP requires a dedicated, enclosed waste storage room separate from the loading dock and bicycle parking areas, sized to accommodate the full bin volume generated by the development. Waste collection and servicing are to occur from Margaret Street, which provides a more functional location for a 10.6-metre Council waste vehicle to manoeuvre, subject to land dedication and road widening to be secured by the voluntary planning agreement. This approach keeps Rosehill Street free for active frontages and improves operational efficiency.
31. Further information on the urban design, heritage and environmental impacts of the planning proposal can be found in section 5.4 of the planning proposal.

A Voluntary Planning Agreement will deliver land for the widening of Margaret Street and contribute to affordable housing

32. The proponent has offered to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits as part of this planning proposal. The Environmental Planning and Assessment Act 1979 (the Act) allows the proponent to enter into a legally binding Voluntary Planning Agreement with Council. Voluntary Planning Agreements are voluntary and must be freely entered into by the public authority and a proponent. They are publicly exhibited and held on a publicly accessible register.
33. The letter of Offer from Kyanite Rosehill Landowner Pty Ltd, provided at Attachment D, outlines the public benefits. The City has accepted this letter of Offer. The Offer includes the dedication of land to enable the widening of Margaret Street and an affordable housing monetary contribution equal to 17% of the additional floor space generated by the planning proposal, which is consistent with the City's recently exhibited changes to the Affordable Housing Program. The widening of Margaret Street will provide a more suitable location for waste collection and servicing functions, reducing operational impacts on surrounding streets and improving access and manoeuvring for service vehicles.
34. This Offer does not offset local infrastructure contributions required under a contributions plan (section 7.11 of the Act) or housing and productivity contributions (division 7.1, subdivision 4 of the Act).
35. A draft VPA will be prepared and publicly exhibited with the planning proposal.

Planning Proposal is consistent with City's strategic vision

36. The City's Local Strategic Planning Statement, City Plan 2036, sets out the 20-year vision for land use planning in the City and the priorities and actions needed to achieve this vision. This planning proposal gives effect to the following priorities:
 - (a) infrastructure - the proposal locates new co-living housing in an area with excellent access to existing and planned transport infrastructure, services and major education facilities.
 - (b) liveability - the proposal contributes to a more diverse housing mix by providing purpose-built student accommodation close to universities and employment, supporting the City's objective to deliver new homes that meet the needs of different community groups.

37. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This plan is aligned with the following strategic directions and objectives:
- (a) Direction 5 - A city for walking, cycling and public transport - The proposal is well-located and walkable neighbourhood. It is also within 300-450m of Redfern station and Waterloo Metro station which will support the continued optimal use of existing and planned transport infrastructure.
 - (b) Direction 6 - An equitable and inclusive city - The proposal will support diversity in the housing market and support the growing need for this form of accommodation in the city.
 - (c) Direction 9 - A transformed and innovative economy - Co-living can be considered as a compatible land use to help meet housing demands while not compromising the long-term viability of other forms of commercial development. When market cycles again see high demand for income-producing space, potential reuse or conversion of the site to other uses is not constrained by individual strata owners.
 - (d) Direction 10 - Housing for all - The proposal will support diverse housing options within the City.
38. Further information regarding the alignment with the strategic planning framework can be found in Section 5.3 of the Planning Proposal.

Risks

39. City staff have undertaken a thorough assessment of the planning proposal and found that it demonstrates strategic and site-specific merit in accordance with NSW Government guidelines. The planning proposal is consistent with City policies and strategies including City Plan 2036 and Sustainable Sydney 2030-2050 Continuing the Vision. Progressing the planning proposal is within the City's risk tolerance and appetite.
40. The planning proposal has demonstrated that development can be capable of complying with relevant environmental and planning laws, regulations and industry standards and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.
41. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for public exhibition, it will be forwarded to the Department of Planning, Housing and Infrastructure in accordance with section 3.34 of the Act for Gateway Determination. Proceeding with the planning proposal will meet the City's minimal appetite for disruption to our regulatory functions as decisions will be within the timeframes set in the NSW Government's Statement of Expectations Order 2024.

Relevant Legislation

42. Environmental Planning and Assessment Act 1979.
43. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

44. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for public exhibition, it will be forwarded to the Department of Planning, Housing and Infrastructure in accordance with section 3.34 of the Act for Gateway Determination.
45. The Gateway Determination will provide the required date for the completion of the Local Environmental Plan amendment.
46. Following public exhibition, the outcomes will be reported back to Council and the Central Sydney Planning Committee.

Public Consultation

47. The public exhibition process for this planning proposal will be determined by the Department of Planning, Housing and Infrastructure. It is proposed that the public exhibition of the planning proposal, notification of the planning agreement, draft site-specific DCP and draft student accommodation DCP will run concurrently. Noting the draft student accommodation DCP has a broader application than the draft site-specific DCP, student housing providers that operate within the local area will be notified. The consultation will be in accordance with the requirements of:
 - (a) the Gateway Determination issued by the Department of Planning, Housing and Infrastructure under section 3.34 of the Act;
 - (b) the Environmental Planning and Assessment Regulation 2021;
 - (c) in relation to the Planning Agreement, section 7.5(2) of the Act; and
 - (d) the City of Sydney's Community Engagement Strategy and Participation Plan.
48. It is likely that the public exhibition period for the planning proposal would be a minimum of 20 working days.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Angela Smidmore, Specialist Planner

Attachment A

**Planning Proposal – 44-78 Rosehill Street,
Redfern**

Planning Proposal – 44-78 Rosehill Street, Redfern



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Executive Summary

This planning proposal has been prepared by the City of Sydney (the City) for 44–78 Rosehill Street, Redfern (the site), in response to a request from the landowner to change the planning controls in the Sydney Local Environmental Plan 2012 (LEP) and the Sydney Development Control Plan 2012 (Sydney DCP 2012) as they apply to the site.

The site

Located in Redfern within approximately 3 km of central Sydney, the site comprises a single rectangular lot with an area of around 2,540 m². Existing development includes a two-storey commercial building. It has frontages to Rosehill Street, Margaret Street and Cornwallis Lane. The site is highly accessible, situated approximately 150 metres from Redfern Station and 400 metres from the Waterloo Metro Station.

Existing development controls

The site is zoned MU1 Mixed Use in the Sydney LEP 2012 which permits a range of uses including residential, office, retail, and entertainment facilities. The site has a maximum building height of 18 metres and maximum floor space ratio of 2:1.

Intended outcome for development on the site

The proposed change to the planning controls will facilitate redevelopment with the following outcomes:

- a co-living housing development used as student accommodation in accordance with the State Environmental Planning Policy (Housing) 2021
- a building form that is compatible with surrounding development and able to comply with requirements for deep soil, waste and solar access to neighbouring development and nearby public open space
- delivery of public benefits including land dedication for the widening of Margaret Street and monetary affordable housing contributions.

The planning proposal – Sydney Local Environmental Plan 2012 controls

This planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by:

- amending the height of building map from 18m to 20m
- inserting a new site-specific clause under Division 5 Site specific provisions to provide a site-specific FSR bonus of 1.2:1 where the development is a co-living development used for student accommodation, enabling a total maximum FSR of 3.5:1 inclusive of the mapped FSR (2:1), the 10% bonus for co-living housing under Clause 68 of the Housing SEPP and site-specific bonus of 1.2:1.

Draft site-specific Development Control Plan

The City has prepared a draft site-specific amendment to the Sydney DCP 2012 to provide detailed provisions for the development of the site where a development seeks to utilise the additional floor space ratio permitted by the proposed LEP clause. In these circumstances, the draft DCP provisions apply and override other provisions of Sydney Development Control Plan 2012 where there is an inconsistency. The draft DCP includes controls relating to built form, setbacks, deep soil, parking and waste.

1. Background

1.1. Site identification

The planning proposal relates to land at 44-78 Rosehill Street, Redfern (the site). The legal description of the site is Lot 1 in DP 79262 and as shown in below in Figure 1.

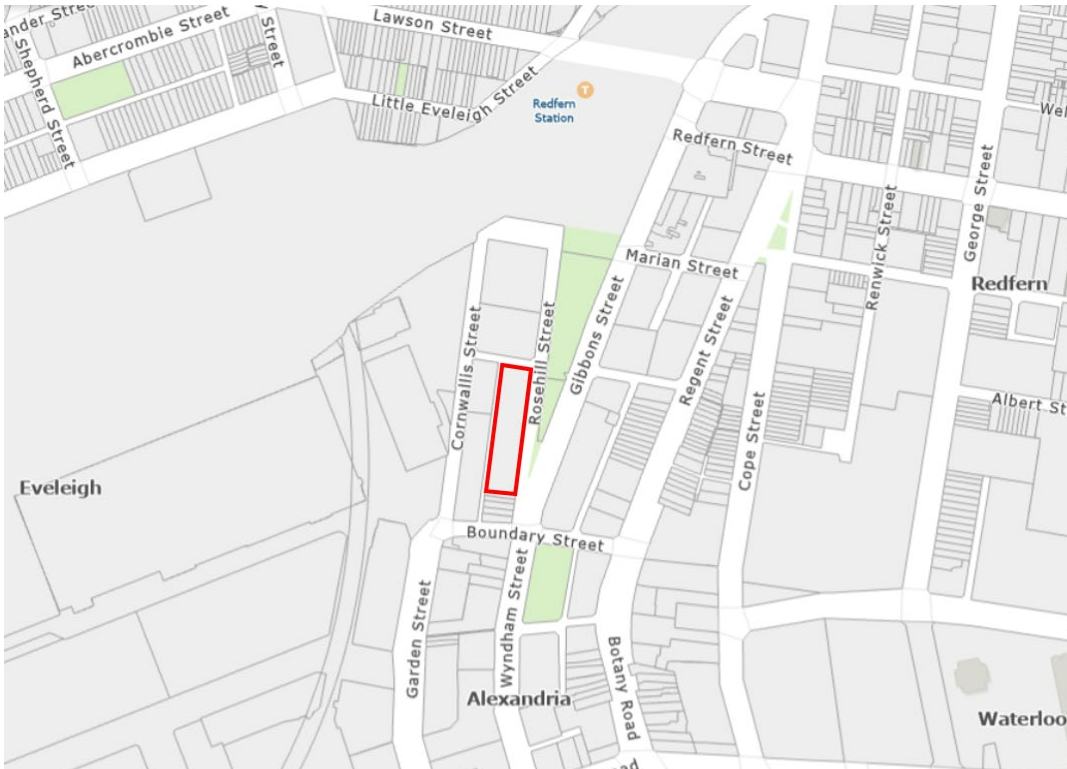


Figure 1. Land affected by this planning proposal.

1.2. Site location

The site is located in the suburb of Redfern. It is located approximately 3km south of Sydney's central business district.

The surrounding area comprises a mix of residential, light industrial, and commercial uses, with pockets of retail and food and beverage establishments along Redfern Street and nearby Regent Street. To the east, several low- to mid-rise residential buildings provide a transition to the predominantly residential neighbourhood of Redfern.

The site sits at the interface between the more traditional residential grid of Redfern's streets to the east and the irregular lot patterns and industrial remnants associated with former Eveleigh Railway Workshops to the west and south-west of the site.

The site is close to major local and arterial roads, such as Botany Road and Redfern Street, which connect the site to the Sydney CBD, Sydney Airport and Eastern Suburbs. The site is well serviced by public transport, with Redfern Train Station located approximately 150 metres north of the site. The Waterloo Metro Station is also within a 450-metre walk of the site. Bus routes also run close to the site along Wyndham and Regent Streets.

The site is also close to several smaller green spaces and a mix of uses along Regent and Redfern Streets. South Eveleigh, to the south-west of the site, provides grocery shopping, co-working spaces, and a variety of food and beverage premises. The site is also well connected to University of Sydney, the University of Technology Sydney and TAFE NSW Ultimo. The strategic context is shown in Figure 2.



Figure 2. Strategic context of the site. Source: SJB Urban Design Report.

1.3. Site characteristics

The site has an area of approximately 2,540m² and comprises a singular, rectangular lot. It has street frontages to Rosehill Street to the east, Margaret Street to the north and Cornwallis Lane to the west. The topography generally falls towards the south and west across the site. Existing development consists of a two-storey commercial building including ground level car parking. Vegetation on the site is minimal, with a single tree located in the north-eastern corner. Council-owned street trees are present along the Rosehill Street boundary. Street views of the site and surrounding area are shown below in Figure 3.



View from Gibbons Street and Boundary Street towards site View of existing development on the site



View from Margaret Street looking east with site on right to Street

View from Cornwallis Lane looking north with site located on right of lane



View from Gibbons Street looking west towards the site

View from Rosehill Street looking southwest towards site

Figure 3. Street views of site and surrounding area. Source: Mecone Planning Proposal Report and SJB Urban Design Report.

2. Existing planning controls

2.1 Zoning

The site is zoned MU1 Mixed Use zone. All development is permitted with consent under the MU1 Mixed Use Zone, except *Extractive industries; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture*, which are prohibited.

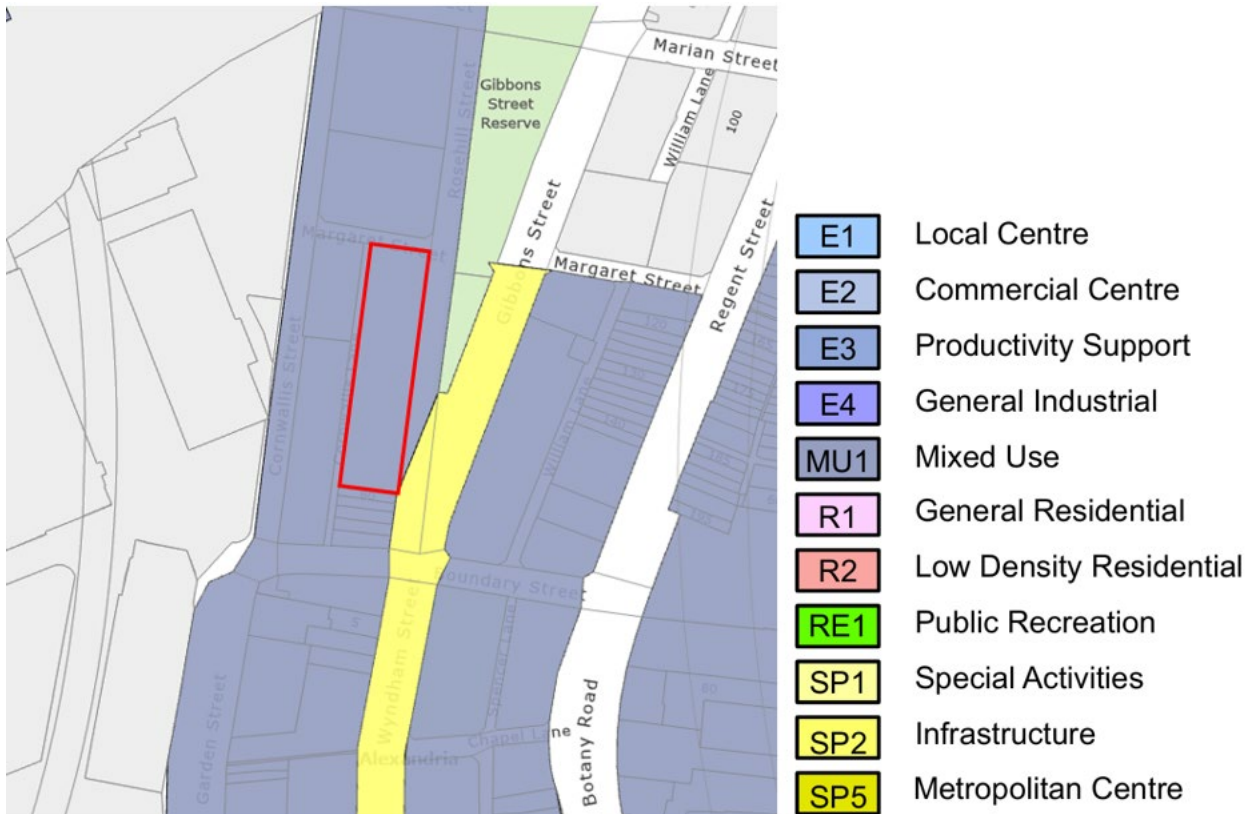


Figure 4. Zoning Map Sydney LEP 2012

2.2 Building height

The maximum height of buildings for the site is 18m.

The site is also affected by the Daniel Dawson Reserve Sun Access Plane, which protects sunlight to the reserve all year between 10am and 2pm, in accordance with Clause 6.17 Sun access planes of the LEP. Development must not project above the mapped sun access plane, to ensure no overshadowing of the reserve during the protected hours.

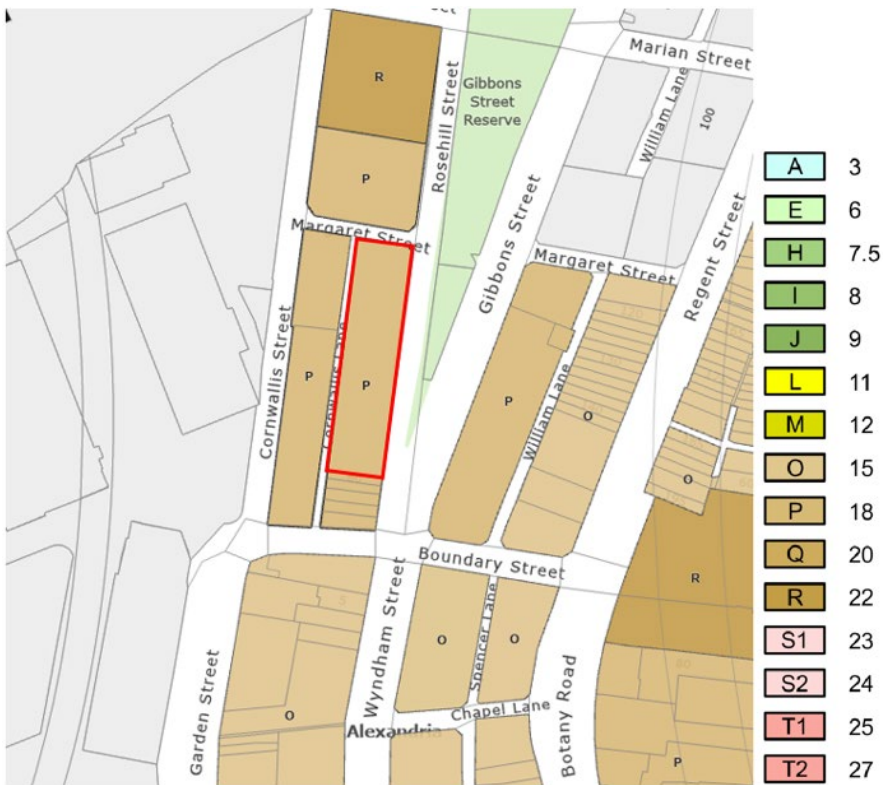


Figure 5. Building Height Map Sydney LEP 2012

2.3 Floor space ratio

The maximum mapped (base) FSR for the site is 2:1.

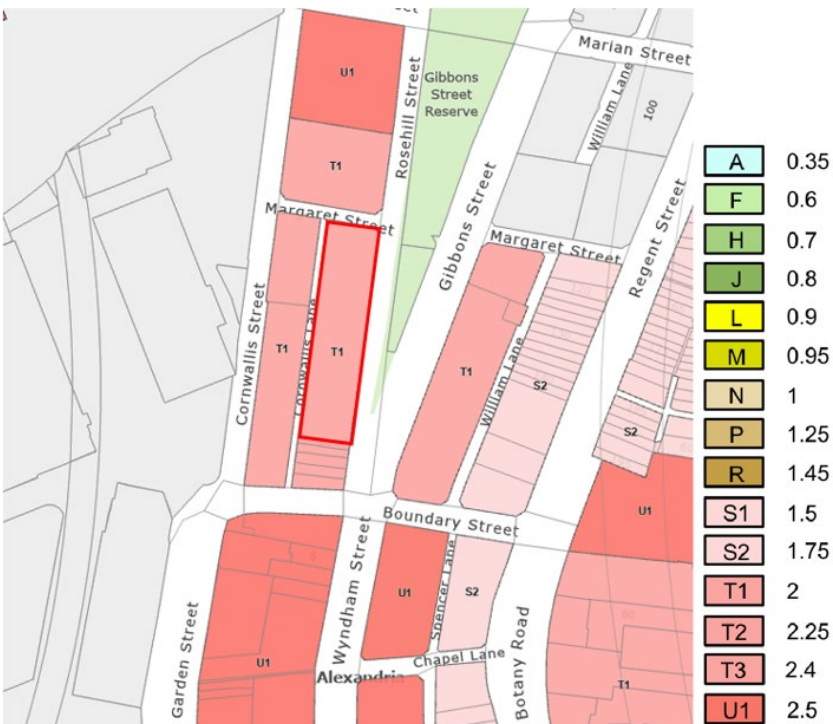


Figure 6. Floor Space Ratio Map Sydney LEP 2012

2.4 Heritage

The site is not identified as a heritage item and is not located in a heritage conservation area. The Redfern Estate Heritage Conservation Area (C56) is approximately 70 metres from the site to the east. The Eveleigh Railway Workshops State heritage listed items are to the west of the site.

An Aboriginal site (AHIMS ID 45-6-2597, referred to as the “Wynyard Street Midden”) is recorded in proximity to the broader precinct; however, multiple archaeological assessments prepared for the Botany Road Precinct Planning Proposal (AECOM 2020; Urbis 2020) indicate that the site card contains a naming error, and the reference to “Wynyard Street” is understood to be a mistaken reference to Wyndham Street. The assessments determine that the most likely location of the observation is the Gibbons Street Reserve. These assessments concluded that any shell material historically reported was probably contained within fill used to reinstate the reserve following major excavation works in the 1960s. No archaeological material was subsequently identified during site inspection.



Figure 7. Heritage Map Sydney LEP 2012

3. Objectives and intended outcomes

The objectives of this planning proposal are to amend the LEP and insert new site-specific provisions to increase the maximum height and allow for additional floor space to accommodate a new co-living housing development.

Specifically, the objectives and intended outcomes of the planning proposal are to:

- facilitate additional height and floor space in a well-located area to support a new co-living housing development
- accommodate students in an area with good access to public transport and universities
- facilitate a built form that responds sensitively to the surrounding development and minimises amenity impacts on adjoining properties and nearby open space, including the protection of solar access
- deliver high quality residential amenity and sustainability outcomes.

Draft site-specific amendments to the Sydney DCP 2012 accompanying this planning proposal provide detailed guidance for the future redevelopment of the site.

A planning agreement will be exhibited to secure monetary affordable housing contributions and land dedication for road widening of Margaret Street.

4. Explanation of provisions

4.1. Proposed amendments to Sydney LEP 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by:

- amending the height of building map from 18m to 20m;
 - inserting a new site-specific clause under Division 5 - Site specific provisions to provide a site-specific FSR bonus of 1.2:1 where the development is a co-living development used for student accommodation, enabling a total maximum FSR of 3.5:1 inclusive of the mapped FSR (2:1), the 10% bonus for co-living housing under Clause 68 of the Housing SEPP and site-specific bonus of 1.2:1; and
 - excluding the ability for the consent authority to grant additional height or floor space for design excellence under clause 6.21D(3), to ensure that no further uplift beyond the intended maximum 3.5:1 FSR and 20-metre building height can be granted through design excellence provisions.
-

4.2. Proposed amendments to Sydney DCP 2012

This planning proposal is supported by a draft amendment to the Sydney Development Control Plan 2012 (Sydney DCP). The draft DCP will be publicly exhibited with this planning proposal.

The proposed DCP amendments comprise two schedules:

a) Schedule 1 - Site-specific DCP provisions

These provisions will guide the future development of the site and ensure consistency with the objectives and intended outcomes of this planning proposal. The site-specific controls address matters including built form, height and massing, setbacks and environmental performance, to ensure a high-quality design outcome that responds appropriately to the surrounding context.

b) Schedule 2 - Amendments to upcoming DCP provisions for boarding houses and co-living housing to accommodate purpose-built student accommodation

In June 2025, Council approved amendments to the Sydney Development Control Plan 2012 which included controls for boarding houses and co-living housing such as minimum private room dimensions and bicycle parking rates. As student accommodation is captured in the definition of co-living housing under the Sydney Local Environmental Plan 2012, these controls also apply to student accommodation development once the Policy and Housekeeping Planning Proposal is finalised by the Department of Planning, Housing and Infrastructure. This is expected within the next couple of months.

This draft DCP proposes amendments to these upcoming provisions for boarding houses and co-living housing. The amendments respond to feedback from student accommodation providers and operational evidence showing that some existing co-living controls, including minimum private room widths and bicycle parking rates, do not reflect the specific characteristics of purpose-built student accommodation.

The amendments introduce new definitions to distinguish student rooms from other co-living rooms. They apply tailored design requirements that permit narrower room widths and fewer in-room facilities when supported by high-quality communal kitchens, study areas and social spaces. They also refine general private room amenity standards to enhance clarity and ensure controls operate as intended.

These changes provide a more proportionate and fit-for-purpose design guidance for student accommodation, while maintaining the Development Control Plan objectives to ensure good residential amenity and support sustainable transport outcomes.

5. Justification

This planning proposal amends the maximum height of building for the site and increases the floor space ratio for co-living housing development used as student accommodation. There is no change to the land use zoning.

This section provides justification for the planning proposal outlining strategic and site-specific merit, outcomes and process for implementation.

5.1. Landowner request

The proponent Kyanite Rosehill Landowner Pty Ltd, supported by Mecone, lodged a formal request to prepare a planning proposal for the site in December 2025.

The proposal is intended to deliver purpose-built student accommodation in accordance with the Housing SEPP. The development would include ground floor communal spaces facing Rosehill Street, communal rooftop open space and approximately 327 co-living units.

An indicative design of the proposed development for the site prepared by the proponent is at Figure 8.



Figure 8. Render of indicative design. Source: SJB Urban Design Report.

5.2. Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal has been prepared in response to a request from the landowner to amend the planning controls applying to the site. It is not the result of an endorsed Local Strategic Planning Statement, strategic study or Council-led planning review.

The landowner has undertaken a number of studies in support of the request. These studies demonstrate that the proposal is consistent with the strategic vision of delivering diverse housing in highly accessible locations and that the site is capable of accommodating increased density without unacceptable impacts on surrounding amenity.

The following supporting documents commissioned by the applicant to support their request are attached to this planning proposal:

- Attachment A1 – Planning Proposal Report - Mecone
- Attachment A2 – Survey Plan - Landair
- Attachment A3 – Urban Design Report - SJB
- Attachment A4 – Traffic Report – JMT Consulting
- Attachment A5 – Ecologically Sensitive Development Report – ADP Consulting
- Attachment A6 – Site Specific DCP - Mecone
- Attachment A7 – Proposed Maps - Mecone

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal seeks to amend the Sydney LEP 2012 for the subject site. The proposed envelope has been assessed to ensure any future built form is appropriate to its context and will not result in any unacceptable impacts on adjoining properties or the public domain.

As the proposed changes are greater than those acceptable through an application to vary development standards via clause 4.6 of the Sydney LEP 2012, the planning proposal approach is the most appropriate option.

5.3. Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities is the NSW Government's overarching strategic plan for growth and change in Sydney. The 20-year plan identifies key challenges facing Greater Sydney, in particular delivering new jobs and housing to support the projected population increase. This planning proposal gives effect to the plan as summarised below.

A Metropolis of Three Cities - Greater Sydney Region Plan

- *Objective 4: Infrastructure use is optimised* - The proposal makes efficient use of existing infrastructure by locating co-living accommodation for students close to public transport, education and health facilities, public open space and established service networks.
- *Objective 7 – Communities are healthy, resilient and socially connected* - The proposal supports healthy communities by encouraging walking and cycling, provides bicycle parking on site and does not include car parking.
- *Objective 11 – Housing is more diverse and affordable* – The proposal delivers co-living accommodation that provides flexible, shared housing options and increases housing diversity and choice in Redfern.
- *Objective 13 – Environmental heritage is identified, conserved and enhanced* – The proposal has been designed to be sensitive to the adjacent Redfern Estate Heritage Conservation Area. The site is not identified as a heritage item. Given the Eveleigh Railway Workshops State heritage items located to the west of the site, referral to Heritage NSW at Gateway is recommended.
- *Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute city* - The proposal provides new housing in a highly accessible location within walking distance of Redfern Station, Waterloo Metro, Sydney University and the Sydney central area.

- *Objective 31: Public open space is accessible, protected and enhanced* - The proposal will protect solar access to Daniel Dawson Reserve, as confirmed through detailed solar testing and application of a solar access plane.
- *Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change* – The proposals proximity to public transport, exclusion of car parking space and provision of bicycle parking will contribute to a reduction of carbon emissions. The 5-star Greenstar building rating will support a low-carbon, climate-adapted built environment.

Eastern City District Plan

This planning proposal is consistent with the following planning priorities of the District Plan.

- *Priority E1: Planning for a city supported by infrastructure* – The proposal supports a city supported by infrastructure by locating co-living within walking distance of major transport, education, and service hubs, optimising the use of existing infrastructure and public transport networks.
- *Priority E3: Providing services and social infrastructure to meet people's changing needs* – The proposal meets changing community needs by providing purpose-built co-living housing that supports access to education, offers flexible housing options and includes shared spaces for social connection and wellbeing.
- *Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport* – this planning proposal will contribute to increased housing supply and diversity in a well-serviced location through the provision of student accommodation with good access to education institutions and to public transport.
- *Priority E8: Growing and investing in health and education precincts and the Innovation Corridor* – The proposal supports the Innovation Corridor by providing co-living accommodation close to universities and research facilities.
- *Priority E19: Reducing carbon emissions and managing energy, water and waste efficiency* - The proposal reduces emissions through its accessible location, no on-site car parking, provision of bicycle parking and high-performance building outcomes.

Draft Sydney Plan

This planning proposal is consistent with the following priority responses of the draft plan:

- *Increase housing diversity and choice* – the proposal provides a co-living model that offers flexible, shared housing options.
- *Secure the supply of affordable housing* – the proponent has offered to enter into a VPA with the City for a monetary affordable housing contribution applicable to 17% of new residential floor space achieved through the proposal.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Yes. This planning proposal is consistent with relevant local strategies and plans as summarised below.

Sustainable Sydney 2030-2050

The planning proposal supports following Sustainable Sydney strategic directions:

- *Direction 5 - A city for walking, cycling and public transport* - The proposal is well located and walkable neighbourhood. It is also within 300-450m of Redfern station and Waterloo Metro station which will support the continued optimal use of existing and planned transport infrastructure.
- *Direction 6 - An equitable and inclusive city* - The proposal will support diversity in the housing market and support the growing need for this form of accommodation in the City.

- *Direction 10 Housing for all* – The proposal will support diverse housing options within the City. It delivers student accommodation close to universities, and through a planning agreement will make a financial contribution to the development of additional affordable housing off-site.

City Plan 2036: Local Strategic Planning Statement

This planning proposal gives effect to the following priorities of City Plan 2036:

Infrastructure

- *I1: Movement for walkable neighbourhoods and a connected city* - The proposal locates co-living housing close to existing and new public transport, local services, and education facilities, and prioritises pedestrian and cyclist access within and around the site. Private vehicle parking has not been provided on the site and bicycle parking has been provided to encourage residents to utilise public and active transport methods.
- *I2: Align development and growth with supporting infrastructure* - The proposal responds to growth in the student and young adult population by delivering housing in a well-served location.

Liveability

- *L3: New homes for a diverse community* – The proposal contributes to housing diversity by providing purpose-built student housing. Sustainability
- *S2: Creating better buildings and places to reduce emissions and water and use water efficiently* – The proposal reduces environmental impacts through measures to minimise energy, water use and waste.

Housing for All: City of Sydney local housing strategy

The City's local housing strategy establishes priorities, objectives and actions for future housing delivery to 2036 in line with the housing related priorities of the Eastern City District Plan. This planning proposal aligns with the following priorities of the strategy:

- *Priority H1 – Facilitating more homes in the right locations* – this planning proposal would deliver additional dwellings in a well-established area that is close to public transport, social infrastructure and public facilities.
- *Priority H3 – Increasing diversity and choice in housing* – this planning proposal would contribute to increased housing diversity and affordability with the provision of co-living housing with flexible options including shared living and student accommodation.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 2

Table 2: Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent
SEPP (Housing) 2021	Consistent. The proposed reference scheme has been designed to be compliant with Chapter 3, Part 3 of this SEPP which relates to Co-living development. The scheme incorporates the non-discretionary additional 10% floor space ratio permitted under Clause 68(2)(ii), which allows an extra 10% FSR where that additional

State Environmental Planning Policy	Comment
	floor space is used exclusively for co-living housing.
SEPP (Industry and Employment) 2021	Consistent
SEPP (Planning Systems) 2021	Consistent
SEPP (Precincts–Eastern Harbour City) 2021	Consistent
SEPP (Resilience and Hazards) 2021	Consistent. With reference to Chapter 4 Remediation of Land, no change in permissible land uses is facilitated by this planning proposal. Further investigation regarding potential contamination will be undertaken as part of any future development application process.
SEPP (Resources and Energy) 2021	Consistent
SEPP (Sustainable Buildings) 2022	Consistent. An Ecologically Sustainable Development report has been prepared in support of the PP and reference scheme and confirms that the proposal is capable to address the requirements of this SEPP as part of a future development application.
SEPP (Transport and Infrastructure) 2021	Consistent

The following SEPPs are not applicable to this planning proposal:

- SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This planning proposal is consistent with all applicable Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 3.

Table 3: Consistency with Ministerial Directions

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. This proposal supports the Region Plan, as discussed in detail under Question 3 (above).
1.3 Approval and Referral Requirements	Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
1.4 Site Specific Provisions	Consistent. The planning proposal does not restrict the permitted uses on the land. The

Ministerial Direction	Comment
	planning proposal provides additional FSR for co-living housing. This is consistent with strategic priorities established in the relevant regional and district plan and LSPS. Development that does not make use of the additional FSR provided by the planning proposal can continue to make use of the full range of uses permitted in the MU1 Zone.
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude a development standard from variation under clause 4.6
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. The planning proposal will not adversely impact the conservation of environmentally sensitive areas.
3.2 Heritage Conservation	Consistent. The planning proposal will not adversely impact the ongoing conservation of heritage items.
3.5 Recreation Vehicle Areas	Consistent. The site is not being developed for the purpose of a recreation vehicle area.
3.9 Sydney Harbour Foreshores and Waterways Area	This planning proposal is consistent. The site is not located within the Foreshores and Waterways Area.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. The site is not identified as flood prone land.
4.2 Coastal Management	Consistent. The site is not on land within the coastal zone.
4.4 Remediation of Contaminated Land	Consistent. No change in land use is facilitated by this planning proposal. Detailed contamination assessment of the site will be further undertaken at the development application stage in accordance with the City's contamination management policy.
4.5 Acid Sulfate Soils	Consistent. The site is mapped as Class 5 Acid Sulfate Soils in the City of Sydney sheet map, which means acid sulfate soils are not typically found. Detailed investigation and the need for an Acid Sulfate Soils Management Plan will be addressed through any future development application.

Ministerial Direction	Comment
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. The proposal will support access to housing, jobs, services by walking, cycling and public transport. Private vehicle parking has not been provided on the site and bicycle parking has been provided to encourage residents to utilise public and active transport methods.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable. The proposal is not near regulated airports and defence airfields.
Focus area 6: Housing	
6.1 Residential Zones	The proposal does not change the permissibility of residential development on the site or contain provisions that reduce the permissible residential density on the site. The provision of diverse housing through co-living housing, will be enabled by this planning proposal. Requirements for the land to be adequately serviced are included in the planning proposal.
6.2 Caravan Parks and Manufactured Home Estates	Consistent.
Focus area 7: Industry and Employment	
7.1 Employment Zones	Consistent. The planning proposal will retain the existing MU1 zoning.

The following Directions are not applicable to this planning proposal:

- Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place Strategy, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.6 Strategic Conservation Planning, 3.8 Willandra Lakes Region, 3.10 Water Catchment Protection, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.3 Development Near Regulated Airports and Defence Airfields, 5.4 Shooting Ranges, 5.5 High Pressure Dangerous Goods Pipelines,

7.2 Reduction in non-hosted short term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4. Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The planning proposal and the accompanying specialist technical studies do not identify any critical habitat or threatened species, populations or ecological communities, or their habitats on this site. As a result, it is highly unlikely that there would be any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

The site is largely free from vegetation. There is a singular Golden Robinia tree located on the site in the north-eastern corner. The indicative reference scheme proposes its removal. This will be subject to further detailed assessment at the development application stage.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The planning proposal has been informed by urban design analysis, overshadowing studies, and a detailed reference scheme, which together demonstrate that the proposed FSR and building height controls can deliver a well-resolved built form without causing unacceptable environmental impacts on adjoining properties, the public domain or surrounding heritage and open space. The reference scheme confirms that development under the proposed controls can comply with the Apartment Design Guide, including relevant flexibility provisions under the Housing SEPP.

Floor space ratio

The site is currently subject to a maximum FSR of 2:1 under the Sydney LEP 2012. The planning proposal seeks to introduce a site-specific clause allowing an FSR bonus of 1.2:1 where the development is a co-living development used for student accommodation, enabling a total maximum FSR of 3.5:1 inclusive of the mapped FSR (2:1), the 10% bonus for co-living housing under Clause 68 of the Housing SEPP and site-specific bonus of 1.2:1. An assessment of built form and context demonstrates that this additional density is appropriate and consistent with the emerging built form character of the surrounding precinct.

The site sits within a precinct undergoing transition from a medium-density to a higher-density, mixed-use neighbourhood supported by excellent access to public transport. Recent development includes residential buildings of up to 18 storeys along the northern edge of Gibbons Street, with further high-density development planned along Regent Street. Adjacent adaptive reuse projects – such as the large-scale commercial and retail uses at the South Eveleigh precinct and the Eveleigh Railway Workshops – further illustrate the ongoing trend toward intensification.

The development will provide a diverse housing type that responds to the needs of the growing student population. The site is accessible, located close to public transport services and major education institutions, making it suitable for increased residential density. The additional FSR will only be available where the development is for co-living housing used for student accommodation, as required by the proposed site-specific clause.

Maximum building height

Although the existing building on the site is only 2 storeys, the site is already subject to an 18-metre height control under the LEP. The proposal includes a modest increase to the maximum building height from 18-metres to 20-metres, to allow a consistent building form across the site.

The height increase provides flexibility for the building envelope to accommodate the slope of the site. As demonstrated in Figure 9, the envelope extends above the existing 18-metre controls only at the south-west corner of the site affected by a natural dip in the ground, which reaches approximately 1.5-metres at its deepest point. The remainder of the built form sits within the existing 18-metre height limit.

Elements that extend above the 18-metre height, aside from the south-west corner, relate to rooftop structures rather than habitable built form. These include plant rooms and lift overruns that support a green roof with communal open space. These rooftop elements may exceed the new 20-metre height in line with the City's forthcoming LEP provision for structures associated with green roofs. This provision aims to support green roofs where overshadowing and privacy impacts are minimal. It does not allow any gross floor area above the maximum height limit.

As shown in Figure 10, the site-specific DCP identifies the maximum height in storeys for the development, to ensure that future development on the site largely remains within the existing 18-metre limit. To the north, the site addresses Margaret Street and adjoins a five-storey residential flat building. To the east, the site adjoins Rosehill Street and is separated from the residential and commercial development along Gibbons Street and Regent Street by Gibbons Street Reserve. The Redfern Estate Heritage Conservation Area is located approximately 80 metres east of the site, and the proposed height does not result in adverse impacts on its setting or significance.

To the west, the site adjoins Cornwallis Lane and a three-storey residential flat building at 15–41 Cornwallis Street. The proposal includes a primary rear setback of 3 metres along Cornwallis Lane, which increases building separation and reduces amenity and privacy impacts to adjoining residential properties. Along the southern boundary, the site adjoins a row of two-storey brick terraces, which represent the most sensitive interface. These properties are also subject to an 18 m height control. The shift from 18 m to 20 m can be effectively managed through detailed design responses at the development application stage.

Overall, the proposed height is well-integrated with surrounding development, and consistent with the intended urban outcomes articulated in the site-specific DCP.

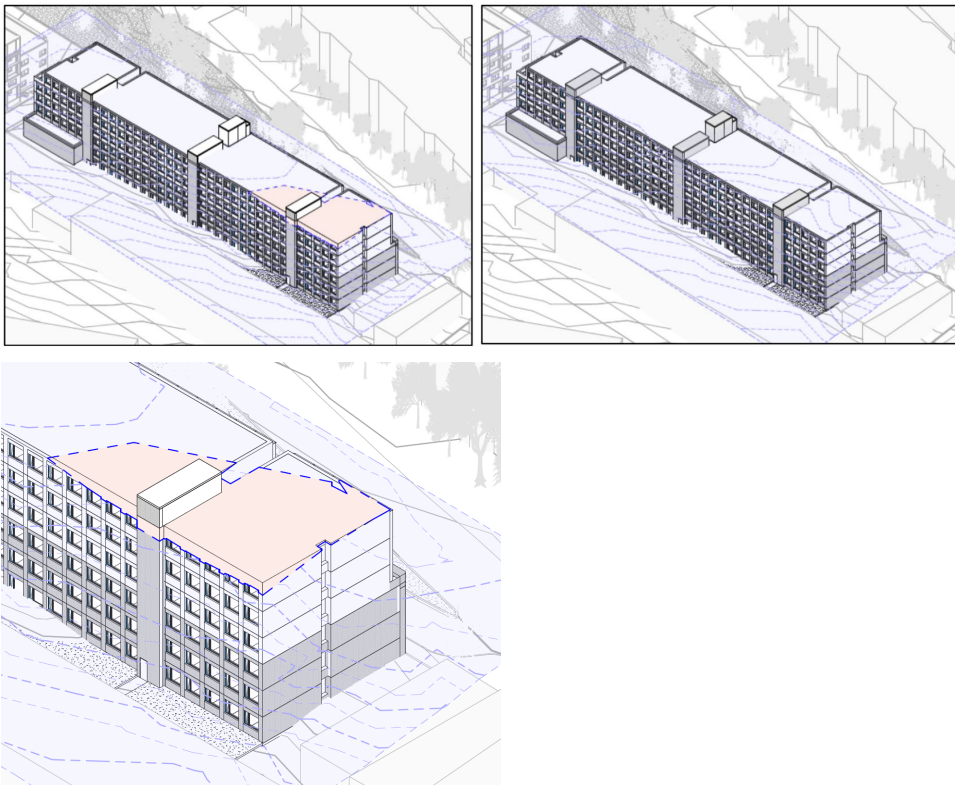


Figure 9. Building height - existing 18-metre height (left and extract lower left) and proposed 20-metre height plane (right)



Figure 10. Setbacks and height in storeys diagram from site-specific DCP.

Overshadowing

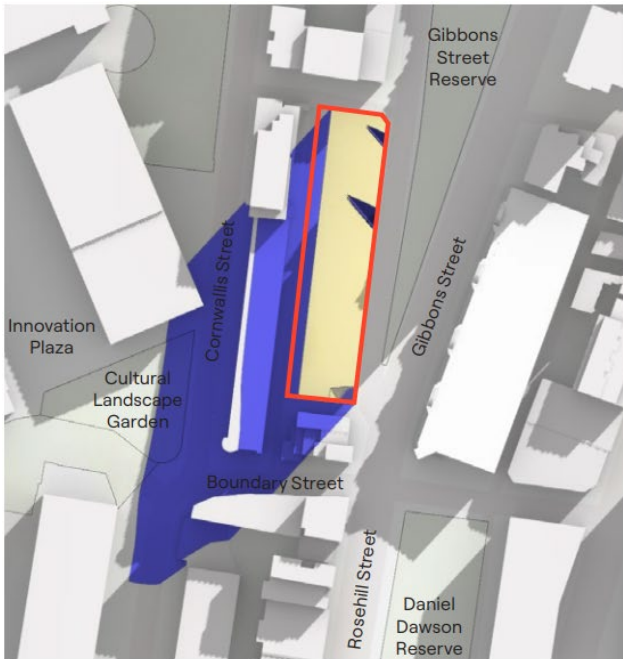
The proposed building envelope minimises overshadowing impacts to nearby public open space and surrounding residential development. The proposed envelope has been designed to comply with the solar access requirements of the Apartment Design Guide, the City's DCP and Clause 6.17 of the LEP with regard to protecting sun to Daniel Dawson Reserve.

Public open space

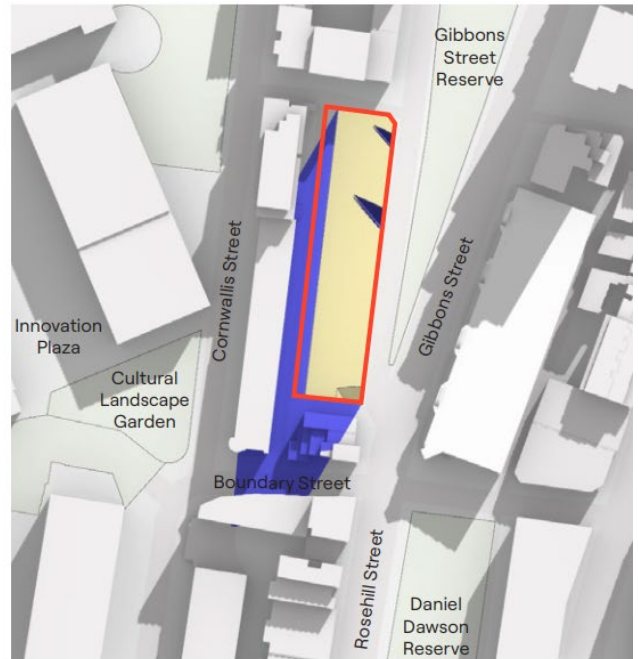
Figure 11 demonstrates that the proposal protects sun access to Daniel Dawson Reserve at any time of the year between 10am and 2pm, consistent with the sun access plane in the LEP. To achieve this outcome, a notch has been incorporated into the southern corner of the building envelope. This notch – shown as the solar plane in purpose on Figure 12 – reduces the building mass in that location to ensure sun access to the is maintained.

In relation to Gibbons Street Reserve, minor overshadowing is observed between 1pm and 2pm, limited to the narrowest and least functional portion of the space. The majority of the reserve receives more than 4 hours of direct sunlight and the overshadowing impacts are consistent with a building envelope under existing LEP controls.

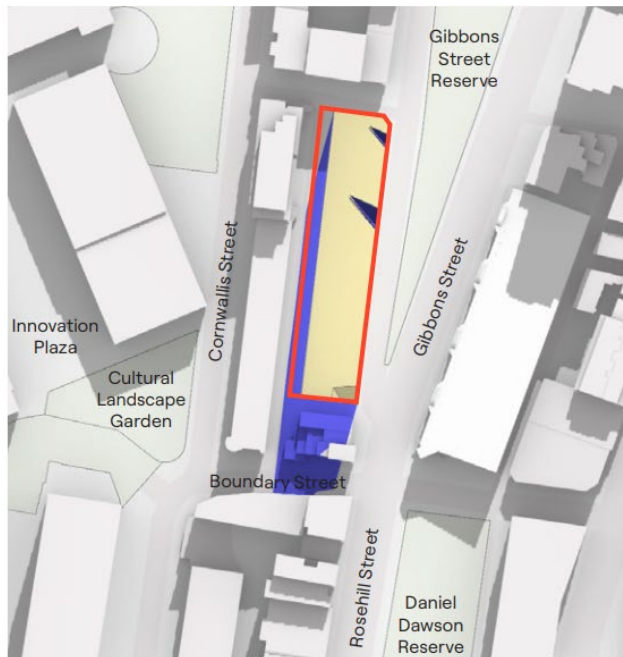
Planning Proposal – 44-78 Rosehill Street, Redfern



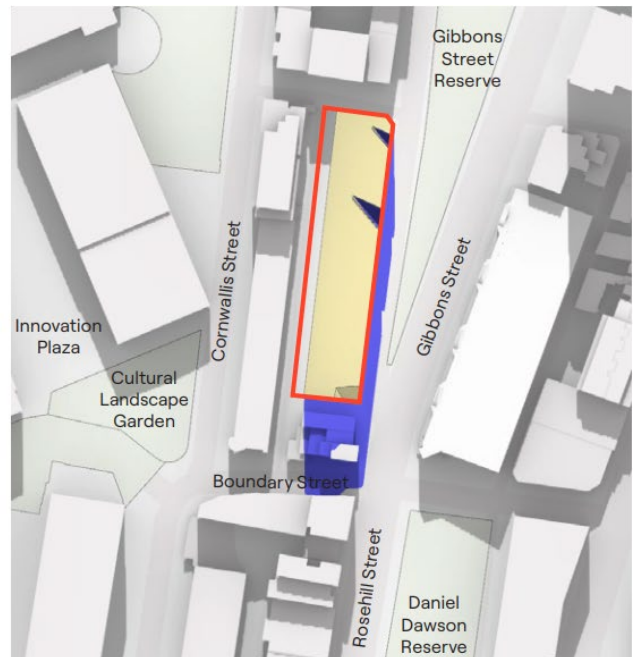
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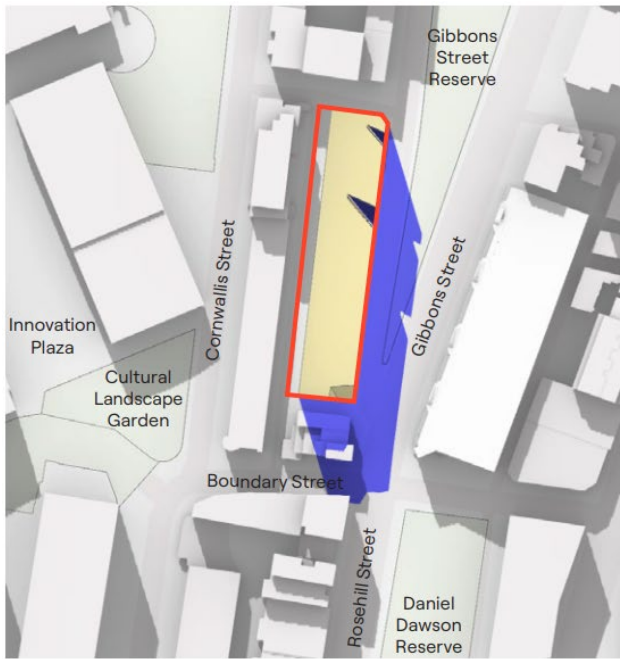
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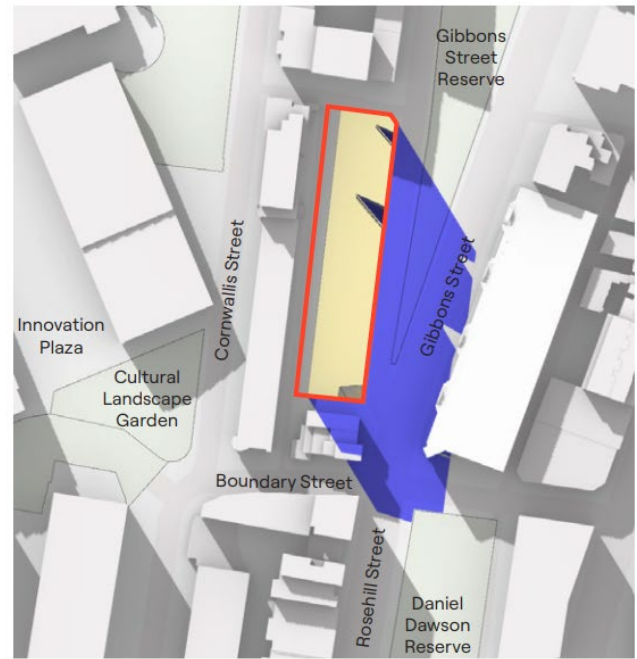
11:00 am



12:00 pm



1:00 pm



2:00 pm



3:00 pm

KEY

	Subject site
	Proposed envelope
	Existing shadows
	Proposed massing shadow

Figure 11. Shadow analysis to public open space for 21 June. Source: SJB Urban Design Report.

Neighbouring residential developments

For assessing impacts on neighbouring residential developments, the analysis was undertaken in accordance with the Apartment Design Guide (ADG) and the City's *Minimising overshadowing of neighbouring apartments* guidelines.

15-41 Cornwallis Street, Redfern – residential developments

All principal living rooms in 15-29 and 31-41 Cornwallis Street appear to face Cornwallis Street, with all rooms facing Cornwallis Lane identified as either bedroom or secondary living spaces. As the ADG requires solar access protection only for principal living rooms, the proposal complies.

Testing for 15–29 Cornwallis Street (under construction) is based on analysis of available floor plans and should be updated at DA stage in case the internal layouts change.

80-88 Rosehill Street, Redfern – terraces

The existing terraces at 80–88 Rosehill Street, Redfern are positioned to the south of the site. The shadow analysis in Figure 11 indicates that, even with the proposed building envelope, the terraces receive sunlight to their front façades between 9am and 11am, and then receive sunlight to their rear elevations between 12pm and 3pm.

39-61 Gibbons Street, Redfern – residential flat building

The solar analysis testing identifies potential overshadowing impacts to 39-61 Gibbons Street, Redfern. The analysis confirms that the number of apartments receiving 2 hours or more of solar access during the winter solstice remains unchanged from existing conditions, and that the proportion of apartments receiving less than 15 minutes of solar access does not exceed 15%, consistent with the ADG.

In the initial analysis, two notches were added to the building envelope to protect sunlight access to apartments at 39-61 Gibbons Street (indicated with red crosses on Figure 12). These notches were intended to reduce building mass in specific locations to allow the required level of sun access to reach the lower-level apartments. During the review of the solar modelling, a minor error was identified in the assumed floor levels of the ground-floor apartments, which resulted in these units being modelled as receiving more solar access than they do under existing conditions. When corrected, the analysis confirms that the ground-floor units do not currently achieve the ADG minimum two hours of solar access. Consequently, the notches shown in Figure 12 are not required to satisfy ADG solar protection requirements and do not form part of the proposed planning controls.

Overshadowing impacts will be subject to further analysis at the development application stage.

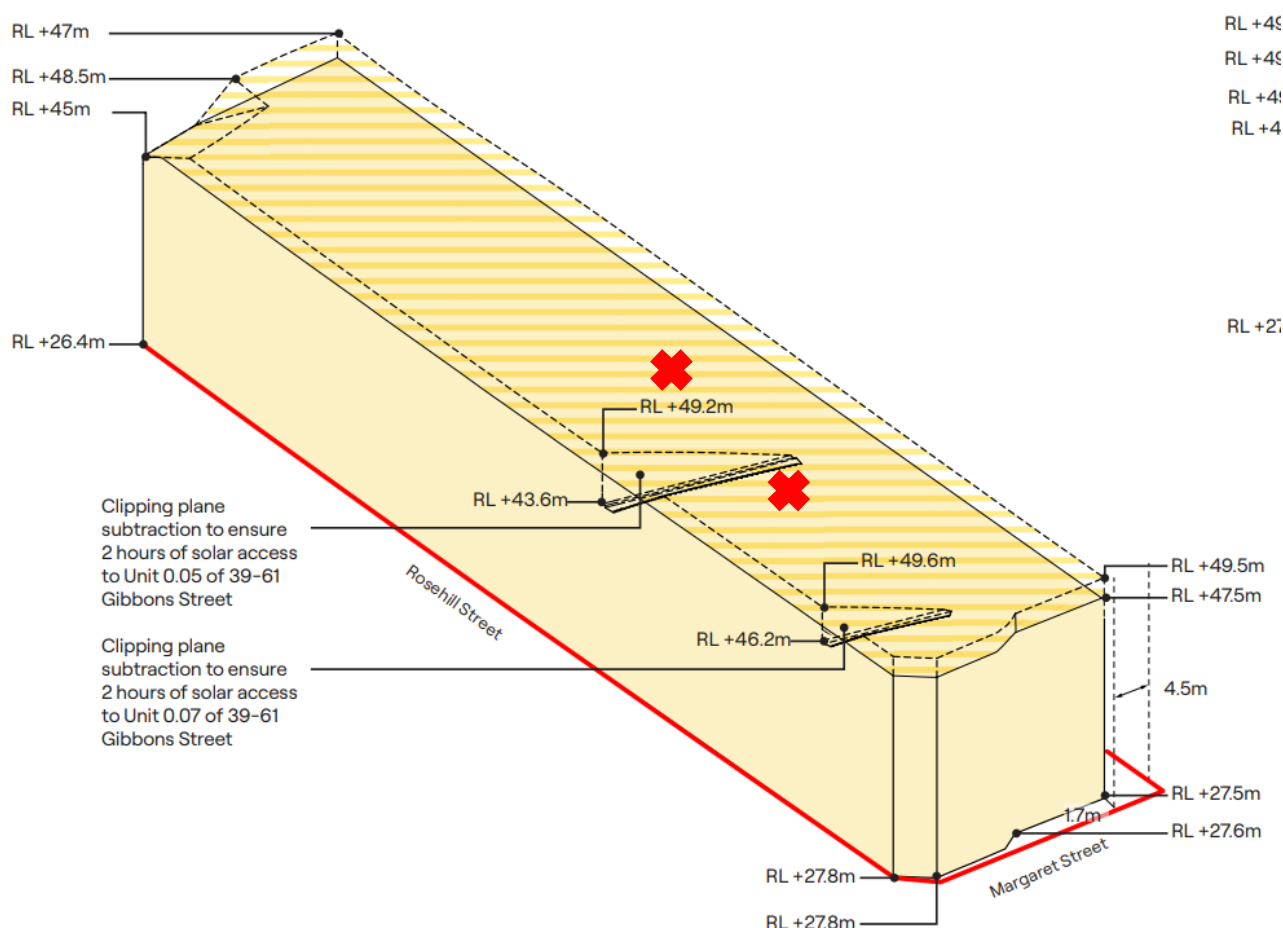


Figure 12. Proposed envelope with notches (not included in controls). Source: SJB Urban Design Report (red crosses added).

Sustainability

The sustainable design objectives for the proposed development are informed by an Ecologically Sustainable Development Opportunities Report by ADP Consulting. The proposed development has a commitment to achieve a 5-star Green Star Buildings rating. This is embedded in the draft site-specific DCP, which requires the development to achieve a minimum 5 Star Green Star rating.

Traffic and transport

A Traffic and Transport Report prepared by JMT Consulting, appended to this planning proposal, provides a traffic assessment of the proposed development and impacts to the adjacent roads. As the project does not provide for any on-site car parking, along with its excellent location with respect to nearby public transport, traffic impacts arising from the development are considered to be negligible.

The reference scheme includes the provision of bicycle parking at a rate of 1 space per 5 rooms, consistent with the proposed DCP rate for co-living used for student accommodation. In accordance with the DCP changes, the development will also need to provide short-stay visitor bicycle parking at a rate of 1 space per 50 rooms. The site is also within proximity to both pedestrian and cycling infrastructure promoting the use of active transport methods.

Has the planning proposal adequately addressed any social and economic effects?

The future development will have positive social and economic benefits by providing additional housing choice in a highly accessible inner-city location, supporting the growing student and young

adult population. The proposal will also contribute to local economic activity through increased residential population and improved utilisation of existing transport and services.

Heritage

No change is proposed to current heritage provisions in the Sydney LEP 2012. The site is not identified as a heritage item and is not located in a heritage conservation area. The Redfern Estate Heritage Conservation Area (C56) is approximately 70 metres from the site to the east. The Eveleigh Railway Workshops State heritage listed items are to the west of the site.

The review of the heritage items mentioned above confirms the proposed changes to the planning controls is not likely to impact these nearby heritage items.

An Aboriginal site (AHIMS ID 45-6-2597, referred to as the “Wynyard Street Midden”) is recorded in the wider area. Archaeological assessments prepared for the Botany Road Precinct Planning Proposal (AECOM 2020; Urbis 2020) indicate that the site card likely contains a naming error, and that “Wynyard Street” was intended to refer to Wyndham Street, with the probable location being within the Gibbons Street Reserve. These assessments concluded that any shell material previously reported was probably contained within fill used to reinstate the reserve following major excavation works in the 1960s. No archaeological material was subsequently identified during site inspection. Based on these findings, no further Aboriginal archaeological investigation is required for this planning proposal. It is recommended, however, that the planning proposal be referred to Heritage NSW at Gateway for advice on any potential implications for nearby State-listed heritage items and registered Aboriginal sites.

5.5. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The site is well serviced by existing public infrastructure, including public transport, roads and utilities. The planning proposal leverages established infrastructure capacity by locating development close to Redfern Station, Waterloo Metro, education institutions and local services, and does not require new State or Commonwealth infrastructure to support the proposed development.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

6. Mapping

Height of Building Map

This planning proposal is to amend Height of Buildings Map (Sheet 10) to 20m in the Sydney LEP 2012, as show below at Figure 12.



Figure 13. Proposed change to Height of Buildings Map

7. Community consultation

This planning proposal is to be exhibited in accordance with the Gateway Determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated the Gateway Determination will require public exhibition for a period of not less than 20 working days consistent with a 'Standard' planning proposal in *the Local Environmental Plan Making Guideline* dated August 2023.

The public consultation will be undertaken in accordance with the City's Community Participation Plan and the principles in the City's Community Engagement Strategy.

Notification of the public exhibition will be via the City of Sydney website. Exhibition material will be made available on the City of Sydney website.

Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the gateway determination.

8. Project timeline

The anticipated timeline for completion of this planning proposal as follows:

Stage	Timeframe
Commencement / gateway determination	April – July 2026
Government agency consultation	July – August 2026
Public exhibition	July – August 2026
Review of issues raised in submissions	September – October 2026
Post-exhibition reporting	October – November 2026
LEP drafting	December 2026
LEP made	December 2026 – January 2027
LEP notification	January 2027

Attachment A1

Proponent Planning Proposal Request - Report
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44 - 78 Rosehill Street, Redfern

Planning Proposal

November 2025



Mecone acknowledges the Traditional Custodians of the land on where this project is undertaken and across the Mecone offices that this report is prepared, paying respect to the Elders past and present. We recognise the ongoing connection of Aboriginal and Torres Strait Islander peoples to land, waters, and culture.

Project Director

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Director

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Revision	Revision date	Status	Authorised: Name & Signature	
1	12/11/2025	Draft	Jack Rixon	
2	14/11/2025	Final	Tom Cook	

* This document is for discussion purposes only unless signed and dated by the persons identified.

This document has been reviewed by the Project Director.

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Executive Summary

Introduction

This Planning Proposal (**PP**) has been prepared by Mecone Group Pty Ltd (**Mecone**) on behalf of Kyanite Rosehill Landowner Pty Ltd as trustee for the Kyanite Rosehill Landowning Trust (**Proponent**), in relation to 44-78 Rosehill Street, Redfern (**the site**). This PP seeks amendments to the *Sydney Local Environmental Plan 2012* (**SLEP 2012**). It satisfies the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and aligns with NSW Department of Planning Housing and Infrastructure (**DPHI**) *Local Environmental Plan Making Guideline* dated August 2023 (the **Guidelines**).

The Site

The site is located within the Sydney local government area (**LGA**) and is approximately 3 kilometres (**km**) south of Sydney's central business district (**CBD**). Redfern Station and Waterloo Metro station are located approximately 300m to the north, and 450m southeast of the site respectively.

The Australian Technology Park is located to the west of the site and the Waterloo Precinct, which comprises the proposed Sydney Metro Waterloo station and the Waterloo Estate, located 270m southeast of the site.

The site has an area of approximately 2,540m² and contains a two-storey commercial building including ground level car parking. It has frontages to Rosehill Street to the east, Margaret Street to the north and Cornwallis Lane to the west.

Planning Background

The site has been earmarked for rezoning and redevelopment for some time with a site-specific PP and Council-initiated PP (Botany Road Precinct PP) having both envisaged significant uplift for the site.

The site-specific PP (PP-2020-722), lodged in 2018, sought to enable redevelopment of the site with two residential towers of 30 and 18 storeys. The PP was refused by the City of Sydney Council (**Council**) and IPC following subsequent rezoning review with the IPC citing several concerns—principally relating to the proposal's lack of strategic justification and the site being pursued in isolation from the broader planning framework and vision for the Redfern and Waterloo area.

In 2020, a Council-initiated PP was proposed for the Botany Road Precinct which aimed to incentivise non-residential development, and non-residential development with affordable housing opportunity sites in the wider precinct area. The incentive heights and floor space ratio identified for the site were 70m and 6:1 – 7.75:1 respectively. Whilst strategic attributes had been acknowledged by Council, Council resolved to remove the incentive heights and FSR for the site following public exhibition noting public concerns regarding amenity impacts to neighbouring strata subdivided residential buildings which were unlikely to be redeveloped in the near future.

Analysis of the key considerations relevant to the site identified under these PP's has been taken into account for the proposed scheme which is addressed throughout this report.



The Proposal

The PP seeks to amend the SLEP 2012 to enable future redevelopment of the site for a co-living housing development. To facilitate this, the PP seeks the following amendments:

- Amend Floor Space Ratio (**FSR**) development standard from 2:1 to 3.5:1, and
- Amend Height of Buildings (**height**) development standard from 18m to 20m.

The proposal is also accompanied by an initial public benefit offer to enter into a Planning Agreement in the form of affordable housing contributions and land dedication for road widening of Margaret Street (refer **Appendix 4**).

The proposal also includes the preparation of a draft site-specific development control plan (**DCP**) which provides development and design controls to govern the future development of the site.

Rationale for the proposed changes to the planning controls

As acknowledged by Council in the Botany Road Precinct PP, the strategic attributes of the site are well established with the site situated within a highly accessible mixed-use precinct within 300m of Redfern station, and 450m from the Waterloo Metro station.

Since the preparation of the Botany Road Precinct PP, demand for commercial floor space has declined following the COVID-19 pandemic coupled with a major shift in workplace practices which are now more favourable to remote working arrangements.

Furthermore, Sydney's ongoing housing crisis has significantly increased the demand for housing supply which remains a key priority of the NSW Government.

Co-living housing supports the NSW Governments priority for well-located and diverse housing. Furthermore, this land use and proposed built form is compatible within its existing residential context and will not compromise the long-term viability of commercial development within the Botany Road Precinct. This is on the basis that co-living housing cannot be strata subdivided and when market cycles again see high demand for commercial uses in this area, potential reuse or conversion of these sites to other uses is not constrained by individual strata owners.

Key considerations identified from the Botany Road Precinct PP have guided the preparation of this PP with key moves including:

- A significant reduction in height and built form, consistent with existing built form context,
- Ensuring suitable solar access to public open spaces and neighbouring residential developments is achieved under existing circumstances,
- Achieving adequate building separation and privacy to neighbouring developments,
- No off-street parking proposed by the application, and
- Provision for deep soil and landscaping to the rear lane.

Overall, the proposal duly responds to matters raised in the previous PP's for the site and supports a land use and a built form that is compatible with the existing mixed-use locality and highly accessible location.



Strategic Merit

Eastern City District Plan

The site forms part of the Camperdown-Ultimo health and education precinct, which is part of the Innovation Corridor along the western and southern fringes of the Harbour CBD. The health and education precinct contributes to the *internationally competitive economic sectors and precincts; support changing technologies; grow knowledge-intensive jobs; and help create a 30-minute city.*

In facilitating the health and education precinct, the District Plan identifies the following actions:

- a) *create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts*
- b) *have high levels of accessibility*
- c) *attract associated businesses, industries and commercialisation of research*
- d) **facilitate housing opportunities for students and workers within 30 minutes of the precinct.**

(Emphasis added)

The proposal aligns with the identified actions for the Camperdown-Ultimo health and education precinct and contributes to the diversity of rental housing within the area.

Local Strategic Planning Statement (LSPS)

The LSPS recognises the importance of non-private dwellings, such as co-living, in providing additional diversity in the rental market and continue to meet an important need in the inner city and ease pressure in the wider market. The LSPS identifies a need for further investigation as to how these housing types can be improved and promoted.

The intended outcomes of the proposal aligns with the following planning priorities of the LSPS:

- **L1** – Creative and socially connected city
- **L2** – Creating Great Places
- **L3** – New homes for a diverse community

Sustainable Sydney 2030-2050

Sustainable Sydney 2030 is Council's Community Strategic Plan. It contains 10 strategic directions to guide the future of the city. The proposal will help deliver on the following directions:

- **Design Excellence and Sustainable Development** - The proposal is committed to achieving design excellence ensuring sustainable development outcomes which aligns with Council's ambitions.
- **A city for walking, cycling and public transport** - The proposal is well located and walkable neighbourhood. It is also within 300-450m of Redfern station and Waterloo Metro station which will support the continued optimal use of existing and planned transport infrastructure.
- **An Equitable and Inclusive City** - The proposal will support diversity in the housing market and support the growing need for this form of accommodation in the city.
- **A Transformed and innovative economy** - Co-living is considered by the City to be a compatible land use to help meet the post pandemic rental housing shortage while not



compromising the long-term viability of other forms of commercial development. When market cycles again see high demand for income-producing space, potential reuse or conversion of the site to other uses is not constrained by individual strata owners.

- **Housing for All** - The proposal will support diverse housing options within the city which will improve housing supply and affordability for renters.

City of Sydney Local Housing Strategy (LHS)

The LHS details how the City will meet the housing related priorities in the District Plan and establishes the City's priorities, objectives and actions for future housing delivery to 2036.

Non-private dwellings, such as co-living, are identified by the LHS as providing additional diversity in the rental market and in easing wider market pressure in inner city areas. It is estimated that over 10,000 students are living in co-living, such as co-living developments, which is a critical contribution to total housing stock in the city.

The LHS identifies the critical balance between the need for homes and the need for more jobs. Objectives and actions have been included in the LHS that prioritise land uses for jobs growth and protect land for jobs and urban services.

Change of Circumstances

The proposal also responds to a change in circumstances caused by the current housing crisis. In August 2023, the National Cabinet agreed to an ambitious new national target to build 1.2 million new well-located homes over five years, from 1 July 2024. The NSW share will be 377,000 (77,400 dwellings per year) over the next five years, twice as many as the state had previously forecasted to deliver under Greater Sydney Commission housing targets.

For the Sydney LGA, 18,900 new homes were identified to be completed between 2025-2029. The proposed co-living housing development will assist in the delivery of diverse housing options within a well-located area near Redfern Station and Waterloo Metro station.

Site Specific Merit

The proposed development is the outcome an iterative design testing process that has been underpinned by technical input from a supporting team of specialists. The planning proposal demonstrates site specific merit for the following reasons:

- **Land Use** – The proposed land use is compatible within its existing residential context and will not compromise the long-term viability of commercial development within the Botany Road Precinct.
- **Built Form** – The proposed building envelope and supporting reference scheme is compatible with the prevailing built form context with the Rosehill Street façade designed to maintain a consistent rhythm with adjacent developments along Rosehill Street.
- **Overshadowing** – Proposed building envelopes have been designed to ensure solar compliance of public open space and neighbouring buildings can be achieved.
- **Traffic** – The site is in a well-located area in close proximity to Redfern station and Waterloo Metro station. In line with Council's alternative transport initiatives, no car parking has been included for the proposal with vehicle loading areas provided off Margaret Street. The proposal is therefore not expected to give rise any discernible traffic impacts.



- **Waste and Loading** – The waste and loading area is suitably located on Margaret Street which functions primarily as a service lane. Road widening of Margaret Street is proposed by way of land dedication via a Planning Agreement which will ensure suitable swept paths for Council's waste vehicle as demonstrated in Appendix 3 – Traffic Report.

Conclusion

The proposal is consistent with the aims and objectives of the relevant strategic and statutory plans and policies, and has adequately responded to key matters raised in the Botany Road Precinct PP. It is therefore concluded that the proposal satisfies both the strategic and site-specific merit tests. We therefore request that Council forward this PP to DPHI for Gateway Determination.



Part A – Background

1 Introduction

This Planning Proposal (**PP**) has been prepared by Mecone Group Pty Ltd (**Mecone**) on behalf of Kyanite Rosehill Landowner Pty Ltd as trustee for the Kyanite Rosehill Landowning Trust (**Proponent**) in relation to 44-78 Rosehill Street, Redfern (**the site**).

The PP seeks to amend the *Sydney Local Environmental Plan 2012 (SLEP 2012)* to enable future redevelopment of the site for co-living use.

The PP has been prepared in accordance with Section 3.33 of the EP&A Act and The NSW Department of Planning, Housing and Infrastructure (**DPHI's**) *Local Environmental Plan Making Guideline* (August 2023). Specifically, the PP includes the following information:

- A description of the site in its local and regional context,
- Part 1 – A statement of the objectives of the proposed instrument,
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument,
- Part 3 – Justification of Strategic and site-specific merit– justification of strategic and potential site-specific merit, outcomes, and the process for implementation,
- Part 4 – Mapping - existing and proposed maps, where relevant, to identify the effect of the planning proposal and the area to which it applies,
- Part 5 – Community Consultation, and
- Part 6 – Project Timeline.

The Planning Proposal is accompanied by the following reports:

- Appendix 1 – Survey Plan
- Appendix 2 – Urban Design Report
- Appendix 3 – Traffic Report
- Appendix 4 – Ecologically Sensitive Development Report
- Appendix 5 – Initial Public benefit offer
- Appendix 6 – Site Specific DCP
- Appendix 7 – Proposed Maps



1.1 Project Background

1.1.1 Site History

Site Specific Planning Proposal - PP- 2020-772

In September 2018, Council refused a site-specific planning proposal for the site which sought to increase the maximum floor space ratio from 2:1 to 10.4:1 and to increase the maximum building height from 18m to 99.6m. The reference design submitted to accompany the Planning Proposal showed two residential towers on the site of 30 and 18 storeys respectively.

The Planning Proposal was not supported by Council who notified the Proponent that it would not support the proposed amendments to the SLEP 2012. A rezoning review request was subsequently submitted to the Department on 17 September 2018 before being referred to the Independent Planning Commission (IPC) on 14 December 2018.

Based on consideration of the material, the IPC found:

- *this 'site-specific' proposal for significantly increased housing lacks strategic merit because it does not adopt a 'place-based' approach to planning, and pre-empts the appropriate sequencing of development across the Redfern-Waterloo corridor,*
- *the proposed changes to planning controls, in isolation, do not reflect the broader strategic vision for the Redfern and Waterloo areas,*
- *the Planning Proposal is inconsistent with the Eastern City District Plan because it proposes large-scale residential development above some commercial floor space which may compromise future opportunities for new employment space,*
- *other local sites may be disadvantaged by a development of this scale receiving a greater share of future uplift than it might otherwise have received had it been considered in a broader strategic context,*
- *the planning proposal does not sufficiently demonstrate site-specific merit,*
- *the building design and envelope have not demonstrated that issues relating to privacy, solar access and wind can be adequately dealt with; and*
- *the Planning Proposal relies on existing open space which does not have the amenity to support the proposed significant increase in population, as set out in paragraph 76 the detailed nature of the indicative design of the built form may trigger the need for a competitive process, which is a requirement for developments over 25m.*

Botany Road Precinct Planning Proposal – PP-2021-5109

The review of the Botany Road corridor was originally initiated by DPHI as part of the Land Use and Infrastructure Implementation Plan and was later transferred to the Council, which continued the work with an amended scope. The review comprised various studies, including urban design, heritage, noise, air quality, and transport, which informed updates to the planning controls and supported employment growth targets for the Eastern City District.

The findings of the corridor review culminated in the Botany Road Precinct Planning Proposal, which was endorsed by the Central Sydney Planning Committee on 22 July 2021. The proposal sought to amend the planning controls under the SLEP 2012 and Sydney Development Control Plan (DCP) 2012 for the Botany Road Precinct, extending from Redfern Station in the north to McEvoy Street in the south, and included the subject site.



Under this proposal, the site had the development potential (through incentives for commercial and affordable housing) to reach a maximum **height of 70m** and **FSR of 7.75:1** (8.525:1 if the incentive under the design excellence provisions was fully realised).

Following public exhibition, a number of concerns were raised by the community for the proposed opportunity sites, including 44-78 Rosehill Street. Key concerns of relevance to the future uplift and redevelopment of the site included (but not limited):

- Overshadowing to existing open space and neighbouring residential developments,
- Visual privacy, building separation and solar access to existing residential developments,
- Wind Impacts,
- Compatibility of future development with existing character,
- Insufficient open space and infrastructure, and
- Traffic impacts on Rosehill Street and the surrounding area.

Following consideration of submissions, Council recommended that the proposed incentive heights and FSR be removed from all northern opportunity sites (inclusive of the site) for the following reasons:

- Substantial concerns from residents about displacement and desire for community to stay where they are.
- Suggestion that the existing strata residential buildings would likely not redevelop.
- Solar access non-compliance for 39-61 Gibbons Street with respect to design criteria of the Apartment Design Guidelines (**ADG**).
- Amenity impacts onto existing residential buildings which were unlikely to take up incentive provisions proposed.

With regard to the site, Council provided that “*the strategic attributes of the site are acknowledged, however there are other sites in the precinct which can contribute to Council’s objectives* (for business space and affordable housing in the Precinct)”¹.

The site had previously been identified and supported by Council for a higher density development, with potential for significant uplift through both the abovementioned planning proposals. However, the earlier proposals were not supported due to site-specific constraints identified through the assessment process noting many existing residential developments were not going to be redeveloped as originally envisaged.

The current PP builds upon the previous planning investigations and outcomes, presenting a design that responds to and addresses the identified constraints while maintaining alignment with the broader planning intent for the area. The proposed scheme results in a significantly smaller development than previous proposals intended, ultimately delivering an outcome that is appropriate in scale for the surrounding context and preserves the amenity of neighboring developments.

1.1.2 Scoping Meeting

Following a meeting held with Council on 6 August 2025 to discuss the proposal, written advice from Council pertaining to the current design approach was provided on 27 August 2025 which identified the following key items to be addressed and the Planning Proposal’s response to these items.



Table 1: Response to Council Advice – August 2025

Council Advice	Planning Proposal Response
Height and overshadowing <i>The City notes the proposal incorporates the Design Advisory Panel's setback recommendations however, the proposal has also been amended to increase the height above the 18-metre maximum building height control in the Sydney LEP.</i> <i>It is better to explore other ways to retain the floor space. A change to the current maximum building height control is unlikely to be supported. It is recommended the additional seventh floor (fronting Cornwallis Lane) be redistributed. For example, the floor space could be redistributed in the building envelope towards Rosehill Street by taking a detailed approach to the street setback.</i> <i>Maintaining existing solar access to the Gibbons Street apartments may require slightly lower building heights, but only at certain points along Rosehill Street. While the documentation submitted to date does not allow for a comprehensive assessment, managing this impact through localised articulation appears achievable. Regarding the additional height requested for roof top services and activities, the recently adopted green roof allowance does provide flexibility to exceed the height control where criteria in the provision is met.</i> <i>It is noted that the above recommendations may reduce the FSR proposed in the scoping statement, although it appears it would remain within the range proposed in the material provided to the City in October 2024.</i>	The proposal largely maintains a maximum building height of 18m with exception for a small portion at the southern extent of the site caused by topographical constraints and incomplete survey data due to the existing built-up environment. This minor exceedance is negligible in nature and would typically be resolved via a 4.6 variation request, however noting the proposal is subject to a PP, this is to be resolved via a minor increase to the maximum building height of 2m (20m total) which has previously been discussed with Council as being acceptable in this instance. Notwithstanding, the proposal is mostly consistent with the existing 18m building height. Please note that the communal rooftop and rooftop plant have been considered in accordance with Council's Housekeeping amendments and introduction of <i>structures associated with green roofs</i> clause which enables a building to exceed the height of building map if the consent authority is satisfied that the proposal provides access to a communal and green rooftop. At the time of writing, the housekeeping amendments were in the process of being finalised.
Room sizes <i>In relation to reducing the minimum room sizes in certain locations, any reduction to minimum room sizes set out in the State Environmental Planning Policy (Housing) 2021 (SEPP) cannot be supported through the planning proposal process and is unlikely to be supported via a Clause 4.6 variation request at the development application stage. Minimum room areas exclude bathrooms and kitchens and 600mm wide area in front of the kitchen.</i> <i>It is noted the reference scheme shows some "cluster rooms" that do not meet the minimum requirements of the SEPP. However, there may be some opportunity to expand the depth of the building into the setback to Rosehill Street to meet these requirements without impacting on yield.</i>	Room sizes have been designed to comply with the minimum floor area requirements under <i>State Environmental Planning Policy (Housing) 2021</i>.
Room dimensions <i>The Draft Sydney Development Control Plan 2012 – Policy and Housekeeping Amendments (draft DCP), soon to come into effect, establishes a 3.5-metre minimum room dimensions for co-living development.</i>	Internal dimensions achieve minimum 2.4m internal dimensions.



Noting the bespoke needs of students, the City is currently considering an amendment specific to purpose-built student housing to facilitate a minimum internal dimension of 2.4 metres, where consistency with performance objectives can be demonstrated. Ensure this minimum width.

Waste management

Preliminary assessment by the City's waste team confirms that on-site waste collection is required, with access for a 10.6m Council waste vehicle on-site. Kerbside collection is not supported due to the scale of the development and associated amenity impacts. As the development is classified as residential and may be subject to Council waste collection in the future, the design must accommodate a Council vehicle and demonstrate that on-site loading is achievable. This appears to be achievable.

The loading design must comply with the controls set out in Section 3.11.13 of the Sydney DCP, and two loading bays (one for a medium rigid vehicle and one for a van) are to be provided in accordance with the adopted DCP amendments. It is noted the surrounding streets are not busy and that a reversing manoeuvre may be supportable.

Waste storage areas must also comply with the City's updated waste generation rates of 60L per occupant for both general waste and recycling, as outlined in the City's updated Waste Management Guidelines.

Bicycle parking

The Sydney Development Control Plan 2012, at section 3.11.3 requires bike parking for residential development (including co-living) to be provided at a rate of 1 space per room. This is maintained in the draft DCP, soon to come into effect.

However, given the student user profile and the proximity of the site to the train station, the City will consider a reduced rate for bike parking of about 1 space per 5 bedrooms, with further reduction where a formal bike share scheme is proposed as part of the development.

The reference plan must clearly indicate the location and dimensions of bicycle parking in accordance with Australian Standards.

Reference scheme

The reference scheme provided with the scoping statement should be amended to show:

- *a revised maximum building height and any reallocation of floor space, consistent with the City's advice above*
- *rooms achieving the minimum room size*
- *waste storage rooms and on-site loading area*

The proposal is also accompanied by an initial public benefit offer to enter into a Planning Agreement with Council to enable the widening of Margaret Street by way of land dedication (refer to **Appendix 5**). This will ensure a suitable swept path can occur for Council's 10.6m waste vehicle via reversing manoeuvre.

The loading design has been design with consideration of Section 3.11.13 of the Sydney DCP with waste storage areas accommodating general waste and recycling waste generation rates of 60L per occupant.

Provision for bicycle parking within the reference scheme has been provided within lower ground area at a rate of 1 in 5.

Reference scheme has been amended to reflect these changes as discussed above.



- on-site bike parking.

Solar analysis

The solar access analysis submitted with the planning proposal will need to be updated to align with the City of Sydney's guidelines, specifically:

- *measurement frequency must align with the City's requirements, including the use of 15-minute intervals; and*
- *solar access must be measured to living room windows, not bedrooms, in accordance with the relevant definitions and assessment criteria.*

Solar access analysis has been prepared by SJB has been provided in **Appendix 2** in accordance with Council's draft guidelines including use of 15 min intervals and measurement to living room windows.

Bike parking

A utilisation survey of bike parking in existing co-living projects would be useful in supporting any proposed amendment to the current bike parking rates.

Noted. This will be explored as part of the future DA application.

2 Site Description

2.1 The Site

The site is located at 44-78 Rosehill Street, Redfern and is legally described as Lot 1 in DP 792628. It has a total site area of approximately 2,544m². The site is located within the Sydney local government area (**LGA**) and is approximately 3km south of Sydney's central business district (**CBD**). Redfern Station and Waterloo Metro station are approximately 300m and 450m north and northeast of the site respectively.

The site contains a two-storey concrete building with commercial tenancies and ground level car parking. It has frontages to Rosehill Street to the east, Margaret Street to the north and Cornwallis Lane to the west and abuts two storey brick terraces along the southern boundary.

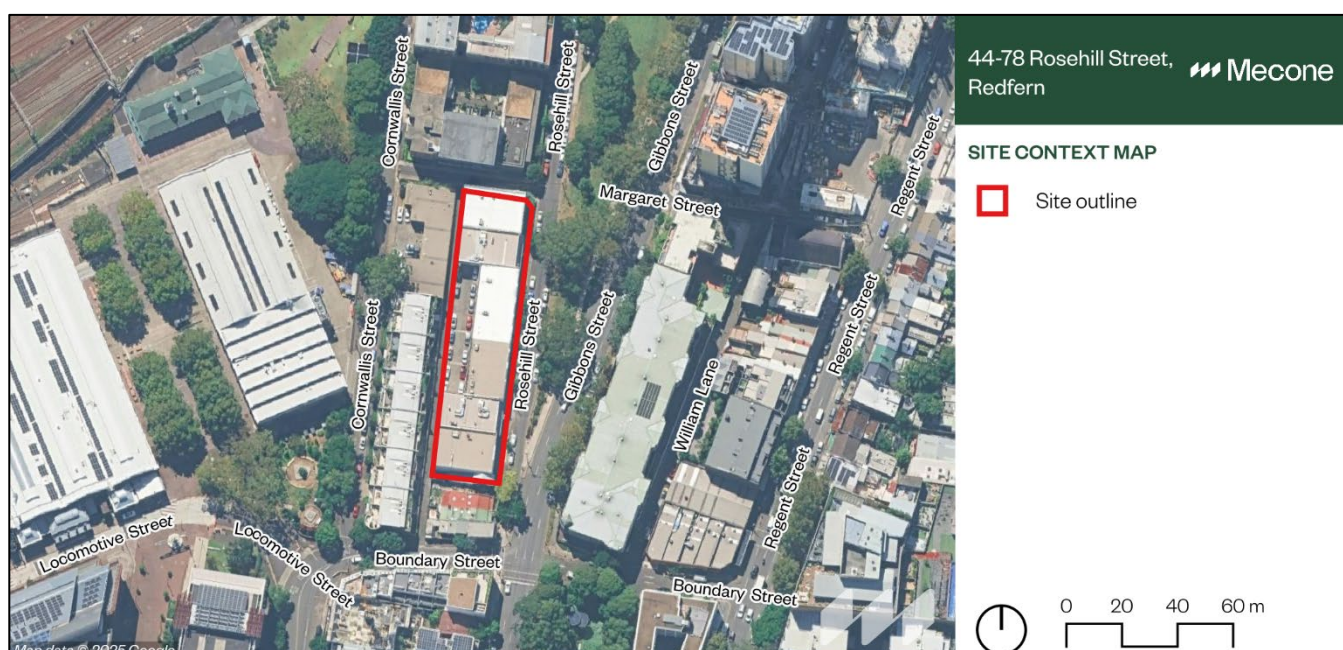


Figure 1: Site Location

Source: Mecone (October 2025)

Table 2: Summary of Key Features

Item	Description
Address	44-78 Rosehill Street, Redfern
Legal Description	Lot 1 in DP 792628
Total Site Area	2,544m ²
Description of the site	The site contains a two-storey concrete building with commercial tenancies and ground level car parking. There is a singular tree located on the site in the north-eastern corner. Otherwise, the site is largely free from vegetation in its existing state, noting there are existing council-owned street trees along the boundary to Rosehill Street.
Topography	The site comprises a rectangular shape with surface levels across the site falling away towards south and west of the site.



Local Context	The surrounding area includes a mix of commercial, food and beverage and residential development, as well as the Redfern Train Station approximately 200m to the north of the site.
Surrounding uses and development	• North: The site immediately adjoins Margaret Street to and a 5-storey residential flat building to the north. Further north of this, is the train line and Redfern Train Station. • East: The site immediately adjoins Rosehill Street and Rosehill Street Park to the east. Further east of this is Gibbons and Regent Streets, which contain a mix of residential and commercial uses. The Redfern Estate HCA is located approximately 80m east of the site. • West: The site immediately adjoins Cornwallis Lane and a three-storey residential flat building to the west. Further west of this is South Eveleigh and the train line. • South: The site immediately adjoins a series of two storey brick terraces along the southern boundary. Further residential development is located to the south of the site.
Transport and access	The site is in close proximity to major local and arterial roads, such as Botany Road and Redfern Street, which connect the site to the Sydney CBD, Sydney Airport and Eastern Suburbs. The site is well serviced by public transport, with Redfern Train Station located approximately 210m north of the site. The Waterloo Metro Station is also within an 450m walking distance of the site to the south. There are also a series of bus routes which run within proximity to the site along Wyndham and Regent Streets.

2.2 Site Context

The surrounding area comprises a mix of residential, light industrial, and commercial uses, with pockets of retail and food and beverage establishments along Redfern Street and nearby Regent Street. Directly to the east, several low- to mid-rise residential buildings provide a transition to the predominantly residential precinct of Redfern.

The site sits at the interface between the more traditional residential grid of Redfern's streets to the east and the irregular lot patterns and industrial remnants associated with former tram sheds and warehouses to the west and south-west of the site.

Contextually, the site is in a highly pedestrian-oriented locale, being within close proximity to both Redfern Train Station and the Waterloo Metro Station, as well as several smaller green spaces and the key mixed-use corridor that defines the character along Regent and Redfern Streets.

South Eveleigh, located to the south-west of the site, further enhances local amenity by providing a range of amenities including grocery shopping, co-working spaces, and a variety of food and beverage premises.



Figure 2: Local Context

Source: Mecone



Figure 3: View from Gibbons Street and Boundary Street towards site

Source: SJB



Figure 4: View from Rosehill Street looking southwest towards site

Source: SJB



Figure 5: View from Gibbons Street looking West towards the site

Source: SJB



Figure 6: View from Cornwallis Lane looking north with site located on right of lane

Source: SJB



Figure 7: View from Margaret Street looking East with site on right to Street
Source: Google Streetview



3 Planning Context

3.1 State Planning Policies

3.1.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

A Metropolis of Three Cities sets a 40-year vision (**Region Plan**) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Region Plan is underpinned by a suite of five District Plans, which drill down into more specific detail at a district level and act as a bridge between regional and local planning.

The vision for Greater Sydney is underpinned by the aspiration for most residents to live within 30 minutes by public transport of their jobs, education and health facilities, services and great places. The 30-minute city aspiration will guide future land use decision-making and brings new thinking to land use and transport patterns to boost liveability, productivity, and sustainability benefits.

The Region Plan identifies that opportunities for urban renewal need to be considered by location and capacity of existing and proposed infrastructure. Optimising development near existing and future mass transit nodes improves access to jobs, housing, schools and services and maximises utilisation of this infrastructure.

The Region Plan has a focus on encouraging diverse housing types in inner-city areas, like Redfern, particularly through redevelopment of underutilised sites. It is noted in the Region Plan that a well-connected city is key, which reinforces the role of the Redfern Train Station interchange as a major public transport node connecting residents in Redfern to jobs and education, indicative of the benefit to having co-living in a walkable distance to key transport modes.

The Region Plan also supports broader strategic directions for the creation of walkable, mixed-use neighbourhoods that contribute to local character and deliver high-quality public domain outcomes within the Eastern Harbour City.

3.1.2 Eastern District Plan

The Eastern City District Plan (**District Plan**) was released by the then Greater Sydney Commission in 2018. The District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The planning priorities within the District Plan are focused on achieving a liveable, productive and sustainable future for the District. Relevant objectives, strategies and actions from *A Metropolis of Three Cities* are embedded in each of the planning priorities, including the underpinning vision of a 30-minute city.

The objectives of the District Plan identify Redfern as part of the Harbour CBD and Innovation Corridor, which is a key focus area for renewal, housing diversity, and knowledge-based employment. The Plan encourages higher-density, transit-oriented development in locations well-served by public transport, such as the site's proximity to Redfern Station and the Waterloo Metro.

Additionally, the site forms part of the Camperdown-Ultimo health and education precinct, which is part of the Innovation Corridor along the western and southern fringes of the Harbour CBD. The health and education precinct contributes to the *internationally competitive economic sectors and precincts; support changing technologies; grow knowledge-intensive jobs; and help create a 30-minute city.*



In facilitating health and education precincts, the District Plan identifies the following actions:

- a) *create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts*
- b) *have high levels of accessibility*
- c) *attract associated businesses, industries and commercialisation of research*
- d) ***facilitate housing opportunities for students and workers within 30 minutes of the precinct.***

(Emphasis added)

The proposal aligns with the identified actions for the Innovation Corridor and Camperdown-Ultimo health and education precinct and contributes to the diversity of rental housing within the area.

3.2 Local Planning Policies

3.2.1 City Plan 2036: Local Strategic Planning Statement

The City of Sydney's City Plan 2036: Local Strategic Planning Statement (**LSPS**) sets out a 20-year land use vision that aims to balance the need for housing and economic activities while protecting and enhancing local character, heritage, public places and spaces.

With projected increases in the student population identified in the LSPS, there is an intention to continue to respond to student growth by providing co-living options, within the radius to key universities, education hubs and transport nodes, such as Redfern.

Urban Design and Placemaking

The LSPS seeks to ensure that new residential development contributes positively to the City's urban character and liveability. Developments are expected to respect local heritage and built form character, while achieving design excellence and environmental sustainability.

New housing should promote high amenity living environments, with access to sunlight, ventilation, and green space. The LSPS also places importance on retaining diversity in the housing stock, discouraging the replacement of smaller, more affordable dwellings with fewer, larger apartments.

Infrastructure

A central priority of the LSPS is to align residential growth with infrastructure provision. New housing must be supported by sufficient amenity including transport, open space, and community facilities. The LSPS emphasises a coordinated approach between local and state agencies to ensure that population growth does not outpace the delivery of supporting infrastructure.

New developments are expected to contribute to this objective by improving pedestrian and cycling connections, enhancing access to public transport, and delivering high-quality public domain outcomes.

Location of Growth

The LSPS highlights Redfern as an area experiencing ongoing change, where historic residential neighbourhoods are intersected by new higher-density housing and mixed-use development. Community consultation undertaken for the LSPS found that residents particularly value the area's heritage, built form and accessibility, underscoring the importance of managing growth in a way that preserves local identity.



As such, future residential development in Redfern is expected to balance renewal opportunities with the conservation of its established urban fabric and the enhancement of its public domain.

Environment and Sustainability

The protection and enhancement of the natural environment for a resilient city is a key priority of the LSPS. The LSPS acknowledges there are opportunities to implement canopy cover through the implementation of street trees and potentially through avenues such as site-specific planning proposals. It notes that planning proposals provide an opportunity to strategically reconfigure spaces to achieve both development and landscaping and canopy cover in deep soil areas.

The LSPS articulates that canopy cover and landscaping can also be realised through planting vegetation in the public realm. The City has a focus on working with other stakeholders to reprioritise space for pedestrians and to that effect, the LSPS notes that the City will identify opportunities to increase landscaping and canopy along streets, particularly on key pedestrian and cycling routes that require high amenity.

The LSPS notes that given space is limited, additional vegetation can be provided on the roofs and walls of buildings. It states that green roofs and walls can improve air quality, support biodiversity, better insulate buildings, reduce the heat island effect and improve stormwater management. They also create additional recreation space for people, beautify the city and promote physical and mental wellbeing.

3.2.2 Sustainable Sydney 2030 – 2050: Continuing the Vision

The Sustainable Sydney 2030-2050 (**SS**) establishes the broad Sydney 2030 vision of a green, global, connected city. It is a blueprint for a city that is environmentally, economically, socially and culturally sustainable and establishes 10 ambitious targets for sustainability.

Of relevance to this planning proposal, the SS identifies:

- An ambitious strategy to achieve **net zero emissions by 2035**.
- A **minimum overall green cover, including 27% tree canopy cover** by 2050 including the use of innovation and design to create more planting opportunities.
- By 2036, there will be at least **17,500 non-private dwellings**, including co-living
- By 2030 every resident will be around a **10-minute walk to what they need for daily life**.
- By 2050, 9/10 people working in the city centre and 2/3 people working in the rest of the local area will **use public transport, walk or cycle when travelling to and from work**.

The SS identifies the opportunities for developments to contribute towards the City's net zero energy targets and ensuring the city grows sustainably and with good design.

The site is well located within a 400m radius of both Redfern station and Waterloo Metro station which will support the continued optimal use of existing and planned transport infrastructure. The proposal will support diversity in the housing market and support the growing need for this form of accommodation in the city. Compatible land use to help meet the post pandemic rental housing shortage while not compromising the long-term viability of other forms of commercial development. When market cycles again see high demand for income-producing space, potential reuse or conversion of the site to other uses is not constrained by individual strata owners.



3.2.3 Housing for All: City of Sydney Local Housing Strategy

The Housing for All: City of Sydney Local Housing Strategy (**LHS**) has been developed as a response to the Region and District Plans, detailing how the City will meet the housing related priorities of these plans.

Local housing targets have historically focused on private dwellings, with non-private dwellings, such as co-living, traditionally not be counted in housing stock. Co-living has grown rapidly, with over 2,800 additional rooms between 2016 and 2019, and is projected to increase to around 13% of total housing by 2029 under favourable planning conditions. Boarding houses, which also house students and other low-income residents, are expected to grow as well.

Recognising non-private dwellings is essential to accurately plan for housing, infrastructure, and services. Accordingly, they have been incorporated into the City's housing targets to reflect the full diversity of the population.

The proposal responds to a change of circumstances caused by the current housing crisis. Non-private dwellings, such as co-living, are identified in the LHS as providing additional diversity in the rental market which continue to meet an important need in the inner city and wider rental market.

3.2.4 City of Sydney PP-2024-497

PP-2024-497 introduces new planning controls in the Central Sydney area to incentivise co-living housing and build-to-rent housing. For co-living housing, the changes include a temporary floor space bonus (an accommodation floor space incentive) for co-living in a specific area (Haymarket / Area 4).

While just outside of Haymarket locality, the proposal supports the objectives of PP-2024-497 in delivering co-living housing within a highly accessible area and in close to established universities.

4 Statutory Planning Framework

4.1 Sydney Local Environmental Plan 2012

The SLEP 2012 is the principal environmental planning instrument that applies to the site. The key applicable development standards are outlined below.

4.1.1 Land Use Zone

The site is zoned MU1 Mixed Use Zone.

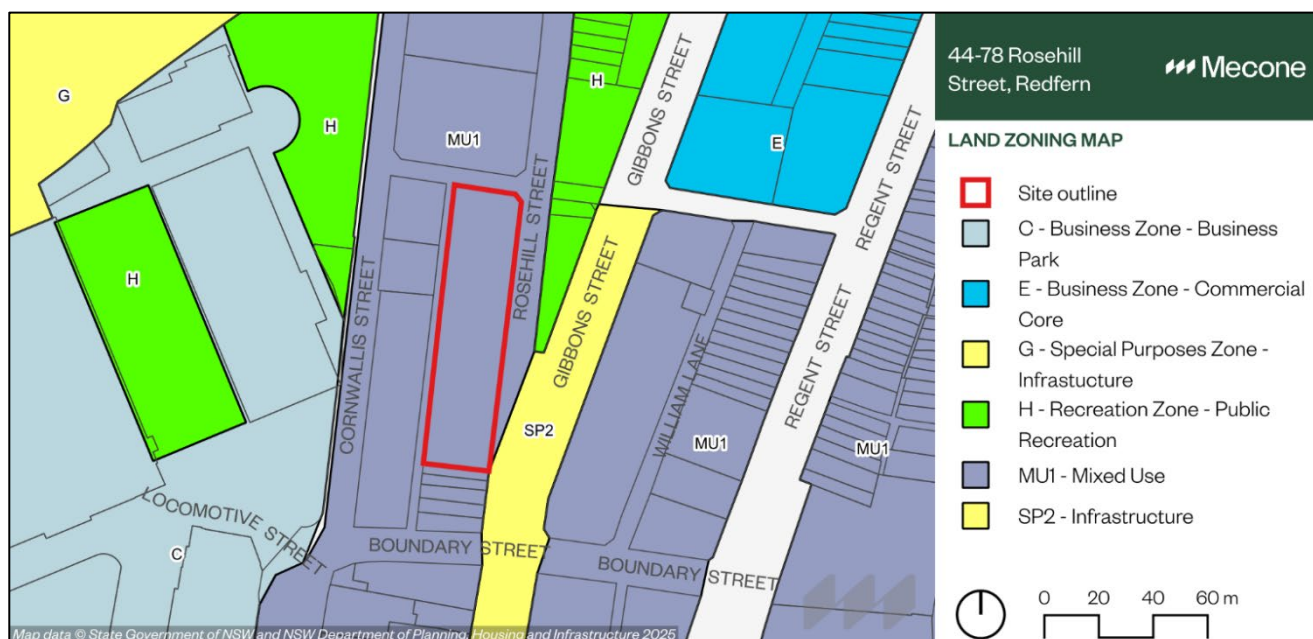


Figure 8: Existing Land Use Zones

Source: Mecone

4.1.2 Building Height

The site is currently subject to a maximum height of building control of 18m.

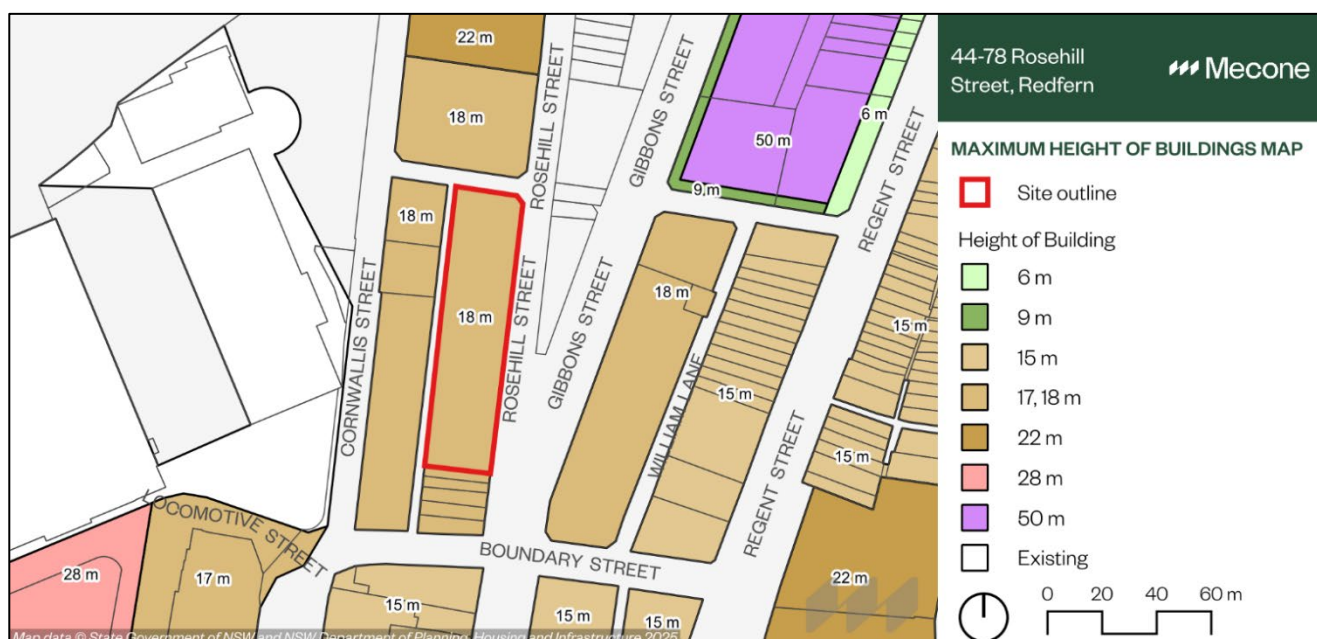


Figure 9: Maximum Height of Buildings Control

Source: Mecone

The site is also affected by Clause 6.17 – Sun Access Planes and Clause 7.16 – Airspace Operations of the SLEP 2012. As demonstrated in the Urban Design Report prepared by SJB at **Appendix 2**, testing confirmed that no additional overshadowing would occur from the proposed envelope, achieved via the projection of a solar access plane to Daniel Dawson Reserve, in alignment with Clause 6.17.

4.1.3 Floor Space Ratio

The site is currently subject to a maximum FSR control of 2:1.

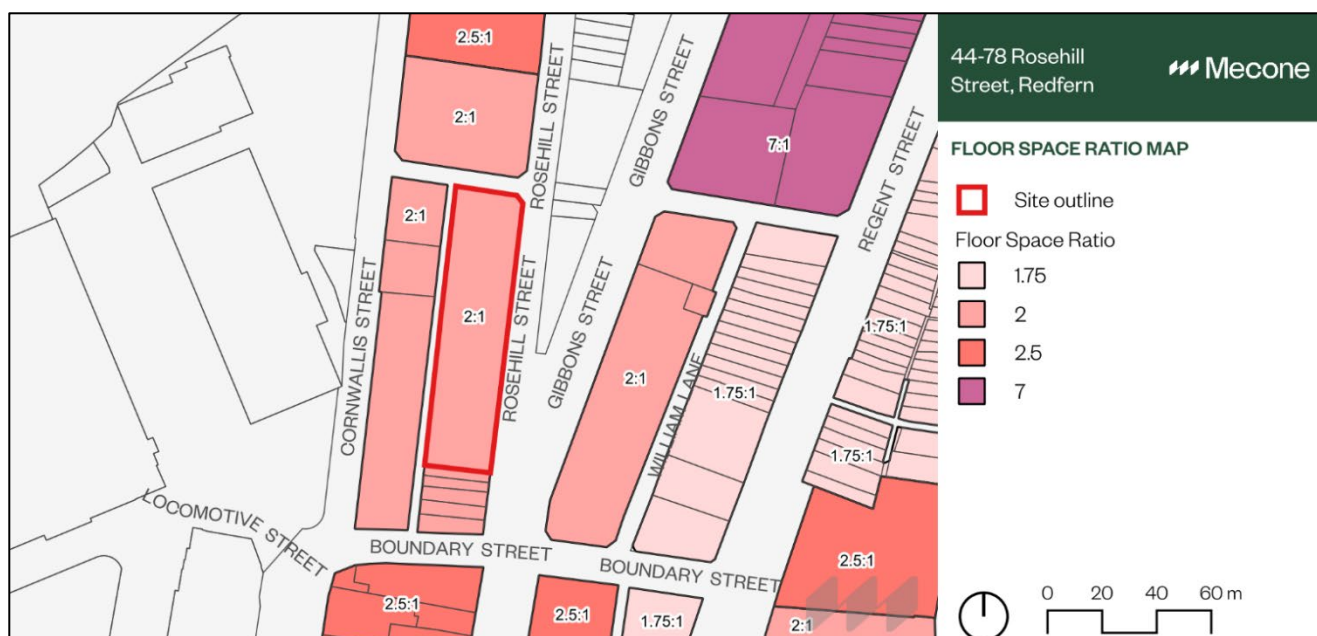


Figure 10: Existing FSR controls

Source: Mecone



4.1.4 Heritage

The site is not encumbered by any heritage item or heritage conservation area. However, several heritage items are in the surrounding area, including the State heritage listed New Locomotive Workshop to the south-west, and the Redfern Estate Heritage Conservation Area approximately 70 metres from the site to the east.

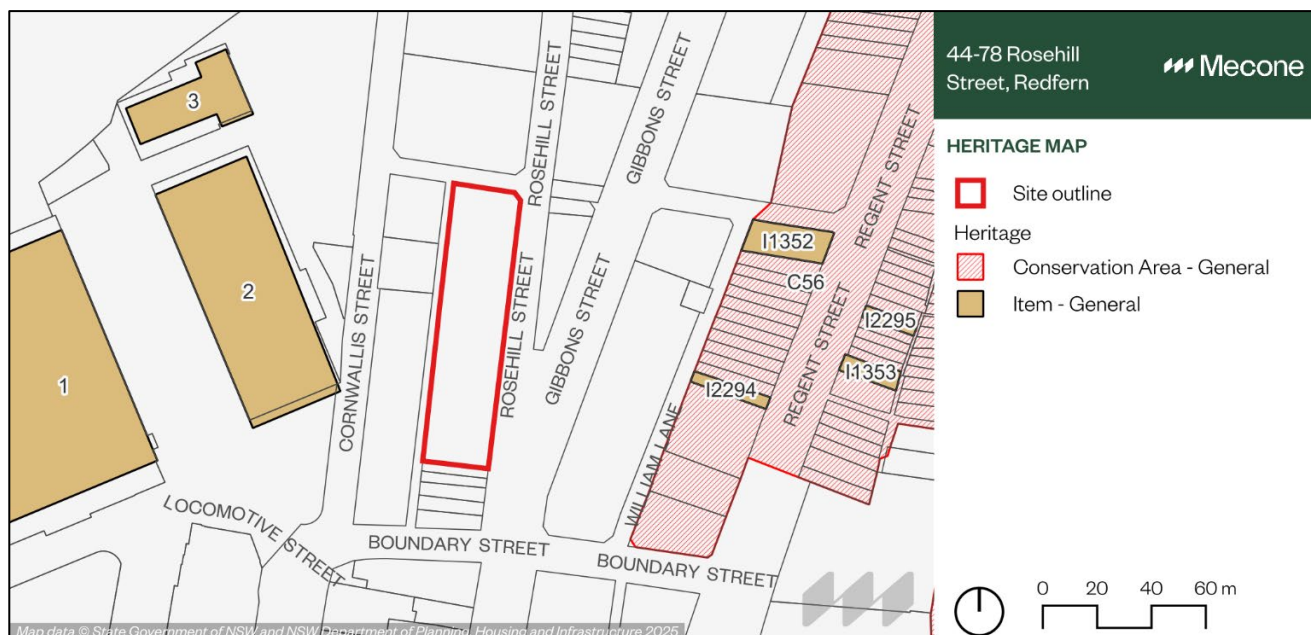


Figure 11: Existing Heritage Items

Source: Mecone

5 Project Vison

Journal intends to deliver a 327-bed student accommodation development at the site, creating a vibrant and high-quality co-living environment that supports students' academic and social experience in one of Sydney's most connected and rapidly evolving urban precincts.

This next-generation co-living offering will provide:

- A 5-Star Green Star-rated building, demonstrating leading sustainability credentials,
- An exceptional high-quality product, with strong emphasis on design, wellbeing and community,
- A future-focused approach to student living, tailored to the lifestyle of a modern student cohort, diversity of spaces, common facilities and services.

Journal is a vertically integrated developer and manager of high-quality purpose built student accommodation (PBSA) assets. Journal, and the PBSA assets it delivers and manages, are owned by leading global asset manager Brookfield and a long-standing private business. Journal is currently delivering a new portfolio of more than 2,500 beds across Melbourne and Brisbane, comprising one completed asset and two under construction. Previously, Journal delivered and operated over 1,400 beds in Melbourne, which have since been divested. In all, Journal has secured development approval for approximately 4,000 PBSA beds, underpinned by a track record of quality, community impact, and operational excellence.



Figure 12: Reference Design – 3D Perspective

Source: SJB

6 Proposal Description and Reference Scheme

A building envelope and reference scheme has been prepared within the Urban Design Report prepared by SJB to illustrate the co-living development which is intended to be facilitated by the PP controls. A copy of the building envelope and reference scheme is provided in **Appendix 2** and Figure 13 to below.

Key elements of the proposed reference scheme include:

- Demolition of existing buildings and structures.
- Construction of part 5 and part 6 storey co-living development including:
 - Ground floor communal spaces facing Rosehill Street,
 - Communal rooftop open space and landscaping,
 - Approximately 327 co-living units from Lower Ground floor to Level 04.
- Loading/Waste dock situated on Margaret Street, designed to accommodate a medium rigid vehicle and van.
- Landscape setbacks to Cornwallis Lane with 390m² of deep soil (15.4% of site area).

The above-mentioned elements are subject to a future DA however are used to inform the proposed amendments to the SLEP 2012 as well as the associated planning and environmental impact assessment required for the PP. The building envelope is proposed to be incorporated into the site-specific DCP to set the building parameters for the site.

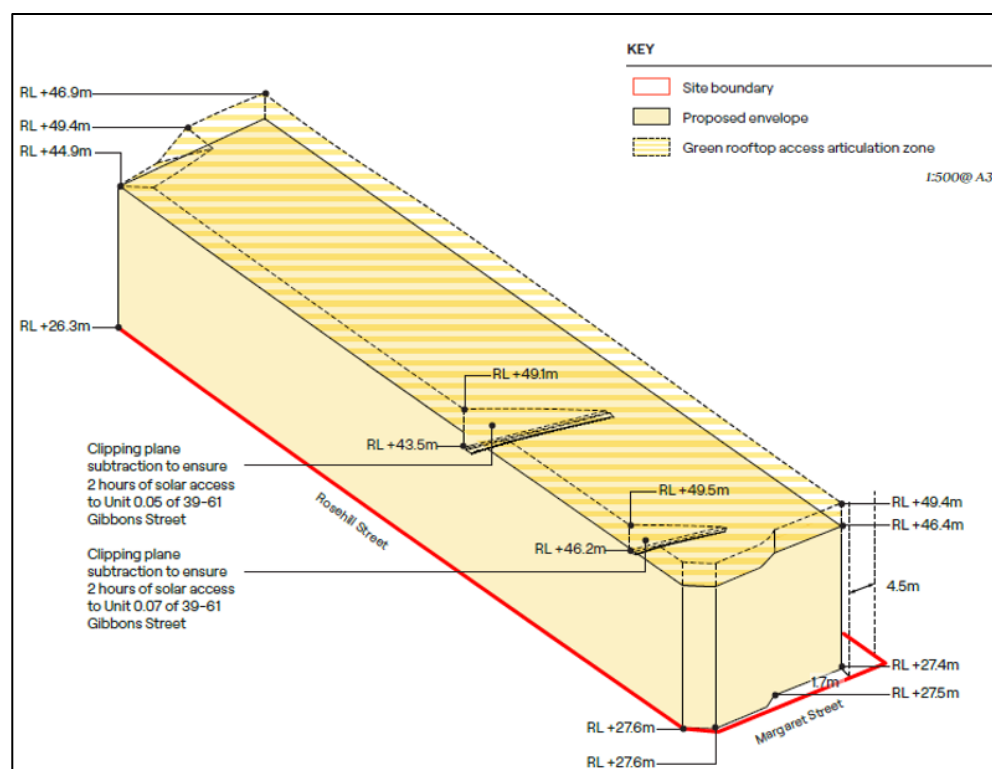


Figure 13: Proposed Building Envelope – Northeast isometric view

Source: SJB

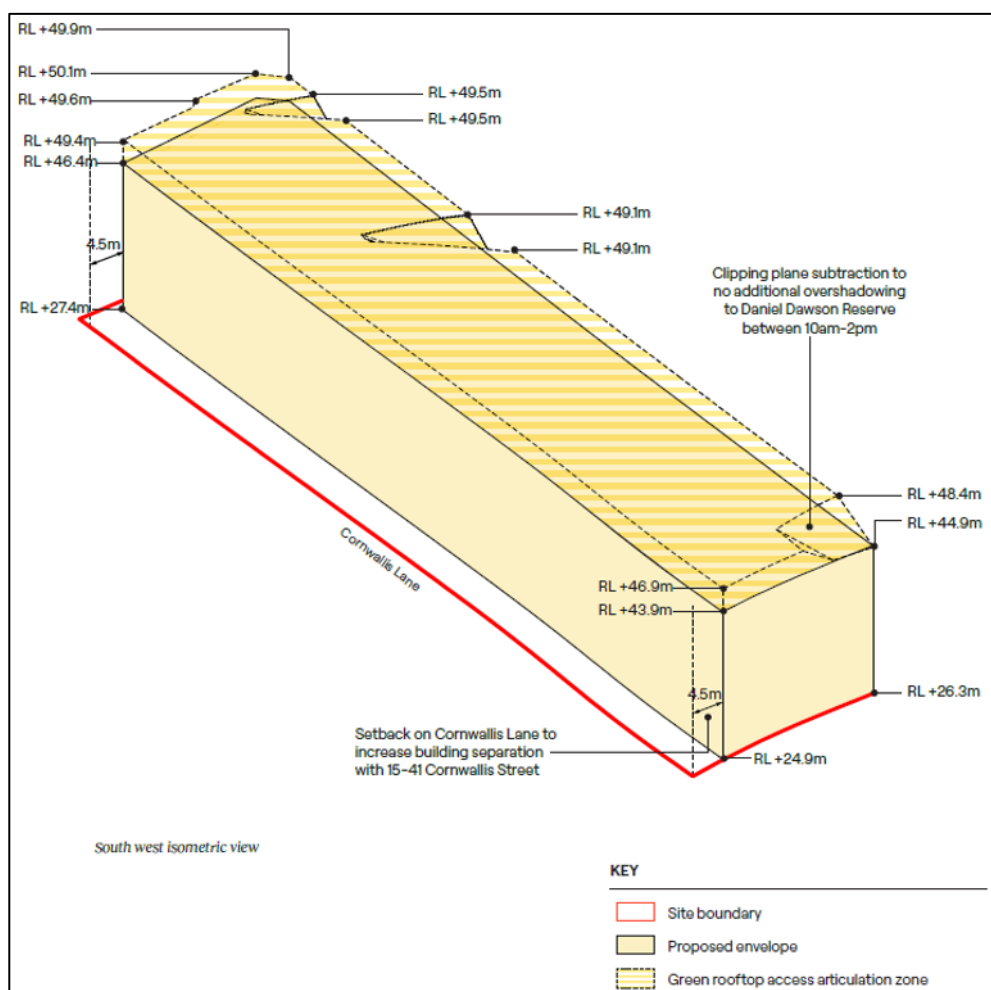


Figure 14: Proposed Building Envelope

Source: SJB

6.1 Built form

The proposed built form and massing have been designed with consideration of the sites context and prevailing character, with a building height generally consistent with existing LEP building envelope and neighbouring developments. Setbacks in accordance with the ADG have also been accommodated within the design in accordance with 3F-1 of the ADG.

Additionally, the building envelope has been designed to manage solar impacts to public open spaces and neighbouring residential development to ensure suitable solar access is maintained (refer to Section 8.2.1 for further discussion).

6.2 Height

The PP predominately seeks an increase in FSR to support a co-living development as evidenced in the reference scheme. However, a minor increase in the building height from 18m to 20m is also sought to accommodate a minor exceedance from the existing LEP height control. The additional height increase is only relevant to a portion of the site within the southern extent of the building envelope resulting from a sloping topography from Rosehill Street to Cornwallis Lane and Margaret Street towards 80 Rosehill Street, as well as incomplete survey data owing to the existing built-up environment.

Overall, the proposed building height results in a negligible increase from existing height controls and remains commensurate with adjoining land uses and built form controls which currently apply to the site.

The communal rooftop and rooftop plant sits above the proposed building envelope and incorporates communal open space, landscaping and plant. The design of this rooftop space has been considered in accordance with Council's policy and housekeeping amendments which includes the introduction of the *structures associated with green roofs* clause (amendment 2) which enables a building to exceed the height of building map if the consent authority is satisfied that the proposal provides access to a communal and green rooftop.

At the time of writing, the housekeeping amendments were in the process of being finalised. The area identified for the green roof zone has been clearly differentiated in the proposed building envelope shown in **Appendix 2**.

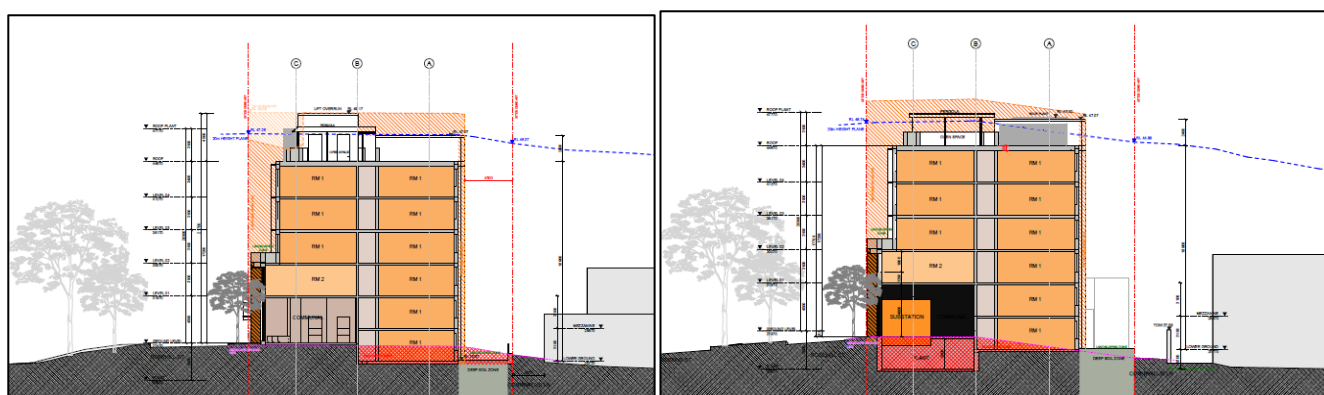


Figure 15: Reference Design – Northern Section (Left), Southern Section (Right)

Source: SJB

6.3 Co-living housing

The co-living housing in the reference scheme has been designed in accordance with the *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* and the Sydney DCP.

Each room includes double bed, kitchenette, ensuite bathroom, study area and storage facilities with room sizes varying from 17.2m² to 24m², and minimum width of 2.4m.

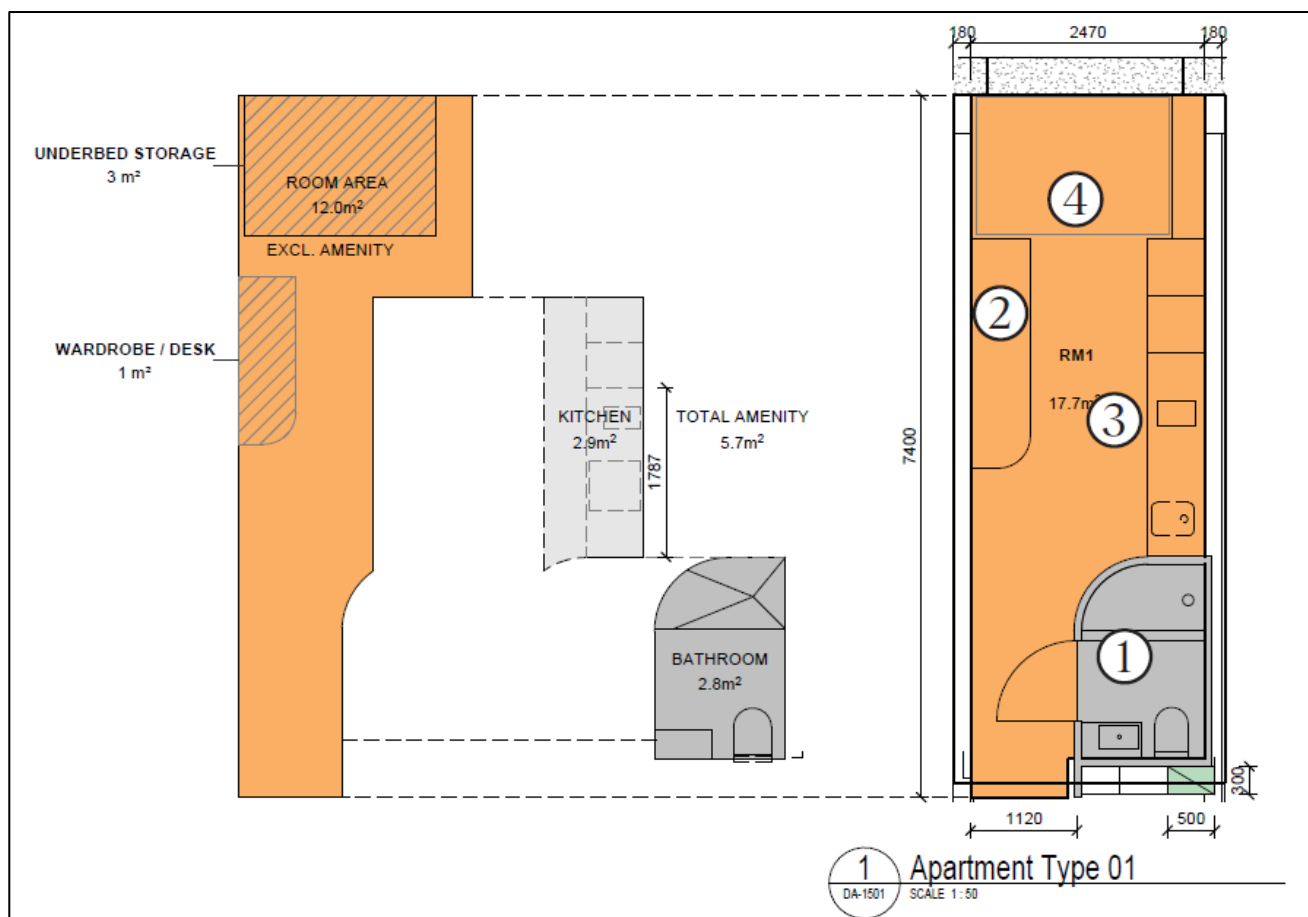


Figure 16: Typical Co-living unit

Source: SJB

6.4 Communal Spaces

Ground floor and Lower Ground floor levels include a mix of communal spaces including gym, lounge, study rooms, library, kitchens, games and TV entertainment rooms, laundry facilities and bike parking facilities.

Communal open space is also provided on the rooftop level with a total area of ~500m² (20% of total site area). This area will be accessible from each vertical circulation core (stairs and lifts).

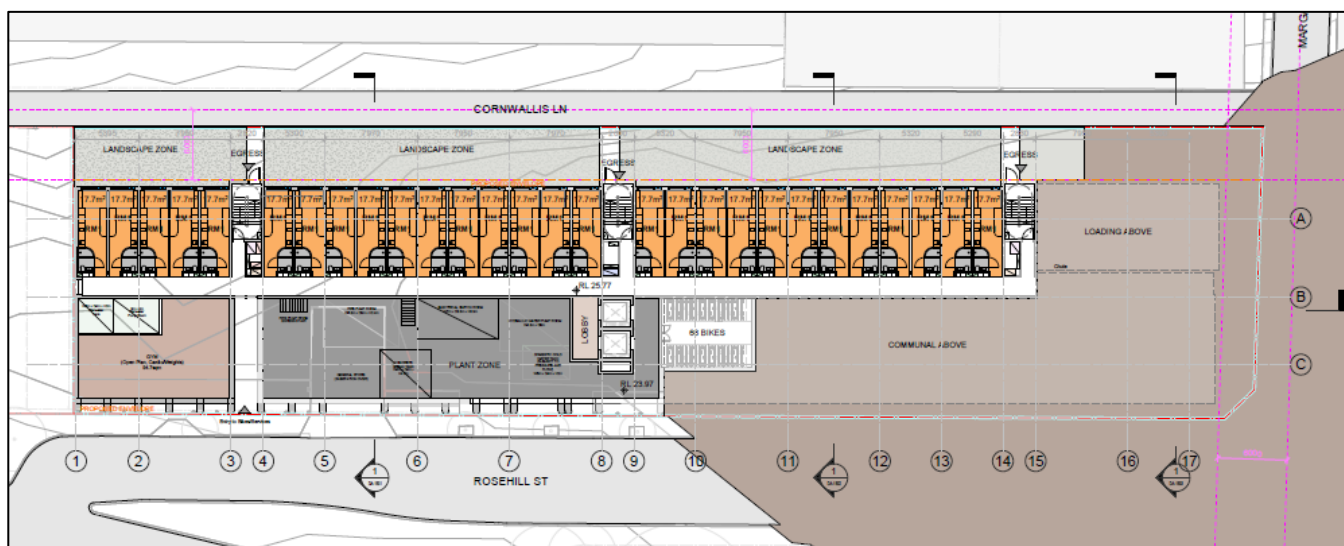


Figure 17: Lower Ground Level

Source: SJB



Figure 18: Ground Floor Level

Source: SJB

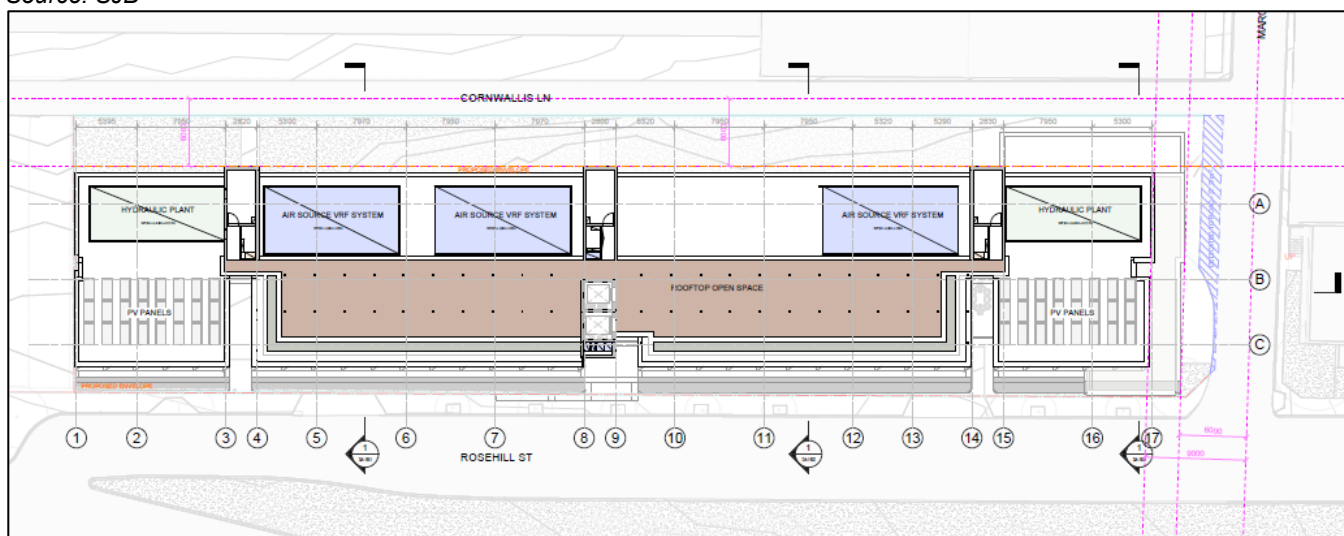


Figure 19: Rooftop Level

Source: SJB



6.5 Waste and Loading

The proposed waste loading dock location within the reference scheme is identified on Margaret Street which functions primarily as a service lane to adjacent development.

Road widening of Margaret Street is proposed by way of land dedication via a Planning Agreement which will ensure suitable swept paths for a Council waste vehicle (10.6m in length) can be accommodated (Refer to Traffic Report in **Appendix 3**).

Two loading bays (one for a medium rigid vehicle and one for a van) are identified within the loading bay in accordance with the adopted DCP amendments.

Waste storage has also been designed to accommodate waste generation rates of 60L per occupant for both general waste and recycling in accordance with Council's updated Waste Management Guidelines.

6.6 Initial Public Benefit Offer

The PP is supported by an initial public benefit offer (**Appendix 5**) which explains the proponents intent to enter into a Planning Agreement as part of the future redevelopment of the site to:

- Provide a monetary contribution equivalent to 17% affordable housing contribution levy (Clause 7.13 SLEP), applicable to new residential floor space above existing FSR, and
- Land dedication to support the road widening of Margaret Street.

It is noted that all existing poles or lighting infrastructure impacted by the proposed road widening will be removed or relocated as required by public authorities, including any associated costs.

6.7 Site Specific DCP

The PP is supported by proposed site specific development controls which aim to support the redevelopment of the site as identified in the proposed reference scheme and to give effect to proposed LEP amendments.

The proposed draft Site Specific DCP amendment is provided at **Appendix 6** which aim to address the following items:

- **Building Envelope** – to ensure consistency in the building typology with respect to existing solar analysis already completed.
- **Waste/Loading** – to reflect the proposed waste/loading design and required land dedication as discussed above.
- **Private Open Space** – Provision for private open space is not required subject to the provision of 20% or more of site area as communal open space.
- **Bike Parking** – to be provided at a rate of 1 space per 5 beds unless otherwise justified by traffic report that a lower parking rate is suitable for the site, supported by survey data of other comparable developments.



Part B – Planning Proposal

7 The Proposal

7.1 Part 1 – Objectives and Intended Outcomes

7.1.1 Objective

To amend the SLEP 2012 to enable redevelopment of the site.

7.1.2 Intended Outcomes

- Facilitate the delivery of diverse and inclusive housing types in inner-city areas like Redfern, including co-living models, to meet a range of diverse housing needs.
- Optimise development near public transport to improve access to jobs, education, services, and housing while maximising existing transport and social infrastructure use.
- Ensure future development achieves and maintains a high level of environmental and residential amenity.

7.2 Part 2 – Explanation of the provisions

7.2.1 Amendments to the Sydney Local Environmental Plan 2012

The Planning Proposal involves the following amendments to the SLEP 2012:

- Amend the Height of Building Map (LEP digital map) for 44-78 Rosehill Street, Redfern, from 18m to 20m.
- Amend the Floor Space Ratio Map (LEP digital map) for 44-78 Rosehill Street, Redfern, from 2:1 to 3.5:1.



8 Part 3 - Justification of strategic and site – specific merit

This section of the report provides a detailed assessment of the proposal's strategic and site-specific merit. It also considers the interaction between these findings and demonstrates that the proposal will align with the strategic planning framework and context and have any environmental, social, or economic impacts.

8.1 Strategic merit

8.1.1 Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The site is not the result of an endorsed LSPS, strategic study or report, but rather a response to a change in circumstances brought about by the current housing crisis, a key Government priority of the NSW Government.

The site is identified in the LSPS as being within the Botany Road Corridor, which is recognised as an opportunity area for expanding the Eveleigh node of the Camperdown–Ultimo Health and Education Precinct and strengthening connections to the future Waterloo Metro Station.

Whilst not reflected in the LSPS, an action within the Eastern District Plan identifies that in facilitating the health and education precinct should also facilitate “*housing opportunities for students and workers within 30 minutes of the precinct*”¹. The proposal aligns with this action by contributing to the diversity of rental housing within the area.

As identified in Section 1.1.1 of this PP, the findings of the corridor review culminated in the preparation of the Botany Road Precinct PP which sought to amend the planning controls to incentivise commercial and affordable housing within the corridor.

Following public exhibition of the PP and review of public submissions, Council resolved for the proposed incentive heights and FSR to be removed from all northern opportunity sites (inclusive of the site) with Council stating that “*the strategic attributes of the site are acknowledged, however there are other sites in the precinct which can contribute to Council's objectives*”². Accordingly, the site is no longer required to deliver additional commercial floor space noting the potential amenity impacts to neighbouring strata subdivided residential buildings which were unlikely to be redeveloped in the near future.

¹ Eastern District Plan, NSW Government, Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor (pg 67)

² Post Exhibition - Planning Proposal – Botany Road Precinct – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment (Item 193)



Since the preparation of the Botany Road Precinct PP, demand for commercial floor space has declined following the COVID-19 pandemic coupled with a major shift in workplace practices which are now more favourable to remote working arrangements.

Furthermore, Sydney's ongoing housing crisis has significantly increased the demand for housing supply which remains a key priority of the NSW Government. In August 2023, the National Cabinet agreed to an ambitious new national target to build 1.2 million new well-located homes over five years, from 1 July 2024. The NSW share will be 377,000 (77,400 dwellings per year) over the next five years, twice as many as the state had previously forecasted to deliver under Greater Sydney Commission housing targets.

Accordingly, the proposal responds to a change in circumstances caused by the current housing crisis and supports the NSW Governments priority for well-located and diverse housing. Analysis of the key matters identified under the Botany Road Precinct PP have been considered and adequately addressed by this PP.

Furthermore, this co-living development is compatible within its existing residential context and will not compromise the long-term viability of commercial development within the Botany Road Precinct.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the PP represents the best means of achieving the objectives and outcomes for the site and realising additional height and floor space. The intended outcomes of the proposal cannot be delivered under the current planning framework and therefore, a PP is required.

8.1.2 Section B – Relationship to the strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plan or strategies)?

The PP will give effect to the objectives and outcomes of the applicable regional/district plans or strategies, as outlined in **Table 3**, **Table 4** and **Table 5**.

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Regional Plan 2056 was published in March 2018 and sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. The Plan outlines 10 overarching directions supported by 40 objectives which aim to provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents. The Planning Proposal's consistency with the key relevant objectives is discussed in the following table:

Table 3: Consistency with the Greater Sydney Region Plan

Objective	Topic / Theme	Consistency with Objective
Objective 1 – Infrastructure supports the three cities.	Infrastructure and collaboration	The proposal is located within proximity to public transport services, Sydney CBD (which includes employment, health and education, retail and other services) and open space. The proposal seeks to utilise new transport infrastructure in the Sydney Metro City accessible via Waterloo Station. The site will also utilise the existing heavy rail accessible from Redfern Train Station



Objective	Topic / Theme	Consistency with Objective
Objective 2 – Infrastructure aligns with forecast growth – growth infrastructure compact.	Infrastructure and collaboration	The proposal aligns with the identified need for purpose-built co-living in proximity to universities and key employment hubs. The site's proximity to major tertiary institutions - including the University of Sydney, UTS, and TAFE NSW Ultimo makes it ideally suited for co-living. Increasing the FSR will allow for an efficient, viable development that delivers a meaningful supply of dwellings while maintaining strong design and amenity outcomes.
Objective 3 – Infrastructure adapts to meet future needs.	Infrastructure and collaboration	The proposal does not include provision of infrastructure, but the proposal will leverage its location within proximity to transport and social infrastructure.
Objective 4 – Infrastructure use is optimised.	Infrastructure and collaboration	The proposal will locate co-living within proximity to transport infrastructure, key education and health hubs, open space, social and road infrastructure.
Objective 6 - Services and infrastructure meet communities' changing needs.	Liveability	The proposal is within a highly accessible location which will assist in optimising the delivery and use social infrastructure. The proposal has been subject to discussion and collaboration with Council in relation to realising the vision for the site and providing an outcome that is consistent with the directions of strategic planning.
Objective 7 - Communities are healthy, resilient and socially connected.	Liveability	The proposal will encourage pedestrian and cyclist movement to and around the site, supported by surrounding transport infrastructure. Bicycle parking will be provided on the lower ground floor, and no on-site car parking spaces are proposed to discourage private vehicle use and reduce traffic congestion.
Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods.	Liveability	The proposal aims to enhance the richness of Redfern's existing heritage and cultural diversity. Co-living inherently encourages a social and community-based approach to living, with residents from diverse backgrounds able to gather and socialise in the proposed communal spaces.
Objective 9 - Greater Sydney celebrates the arts and supports creative industries and innovation.	Liveability	The proposal is committed to achieving design excellence and will investigate opportunities for creative and artistic expression as part of the future development application.
Objective 10 – Greater housing supply	Liveability	The proposal delivers a substantial number of co-living units on an underutilised site, increasing housing diversity and capacity in Redfern. Located near Redfern Station and Waterloo Metro, the development supports infill growth that maximises existing transport and social infrastructure, aligns with inner-city urban renewal priorities, and helps meet the Region Plan's targets for additional housing supply in well-connected, high-demand areas.



Objective	Topic / Theme	Consistency with Objective
Objective 11 – Housing is more diverse and affordable	Liveability	As noted above, the proposal provides co-living accommodation that offers flexible, shared housing options. This adds diversity to the housing mix in Redfern, increases the supply of more affordable rental options in the inner city, and aligns with strategic objectives to broaden housing choice while responding to current demand pressures.
Objective 12 - Great places that bring people together	Liveability	As noted above, co-living inherently encourages a social and community-based approach to living, with residents from diverse backgrounds able to gather and socialise in the proposed communal spaces.
Objective 13 - Environmental heritage is identified, conserved and enhanced.	Liveability	The proposal has been designed so that it is respectful to and will not adversely impact the Redfern Estate Heritage Conservation Area adjacent to the site.
Objective 14 - A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	Productivity	The proposal provides housing near public transport services. The site is within a walkable distance to Redfern Station and Waterloo Metro, as well as Sydney University and the Sydney CBD.
Objective 15 - The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	Productivity	The proposal contributes to better connecting and enhancing the competitiveness of the Eastern, GPOP, and Western Economic Corridors by delivering purpose-built co-living near major education and employment hubs. By housing students and young professionals, the development supports workforce development, facilitates access to education and research opportunities, and promotes economic growth within these key corridors.
Objective 17 - Regional connectivity is enhanced	Productivity	The proposal will support increased connectivity of people across Greater Sydney by situating renewal within walking distance of major transport infrastructure.
Objective 18 - Harbour CBD is stronger and more competitive	Productivity	Not applicable.
Objective 22 - Investment and business activity in centres	Productivity	The proposal seeks to optimise its location within close proximity to the CBD, noting it is well serviced by public transport and co-located with major trip generating activities (such as retail, hospitality, offices, health and education, community and administrative services).
Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Sustainability	The proposal seeks to enhance urban bushland and protect the urban biodiversity through the integration of deep soil landscaping, planting native vegetation and introducing a green roof.
Objective 28 - Scenic and cultural landscapes are protected.	Sustainability	The proposal supports a considerate built form which protects the cultural heritage significance of the surrounding area.
Objective 30 - Urban tree canopy cover is increased	Sustainability	The proposal includes tree canopy improvements to the streetscape and greening of the laneway to the rear.



Objective	Topic / Theme	Consistency with Objective
Objective 31 - Public open space is accessible, protected and enhanced.	Sustainability	Careful consideration and considerable solar testing have been given to the proposal's impact on the nearby public open spaces. Testing confirmed that no additional overshadowing would occur from the proposed envelope, achieved via the projection of a solar access plane to Daniel Dawson Reserve. Through contributions the proposal will contribute to improve the amenity, safety and accessibility of surrounding public spaces which will greatly enhance these spaces.
Objective 32 - The Green Grid links parks, open spaces, bushland and walking and cycling paths	Sustainability	The proposal will encourage and support links to surrounding open spaces and walking and cycling paths.
Objective 33 - A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.	Sustainability	The proposal is located directly southeast of Redfern Station and north of the new Waterloo Metro Station. The sites proximity to the public transport will promote the use of public transport, ultimately contributing to a total reduction to carbon emission contributions The exclusion of car parking spaces from the proposal will encourage residents to utilise active modes of transport or the aforementioned public transport lines. Additionally, the proposal is pursuing a 5-star Greenstar building rating which supports a low-carbon, climate-adapted built environment.
Objective 34 - Energy and water flows are captured, used and re-used.	Sustainability	The proposal will be seeking to address the relevant sustainability measures as outlined in the Ecologically Sustainable Development Report (Appendix 4). These sustainability targets will be developed further as part of the detailed design development of the proposal as part of a future Development Application.
Objective 35 - More waste is re-used and recycled to support the development of a circular economy	Sustainability	The proposal will ensure appropriate waste and recycling streams are established to support a circular economy. This detail will be provided as part of a detailed Development Application at a later stage.
Objective 36 - People and places adapt to climate change and future shocks and stresses.	Sustainability	As noted above, the proposal is targeting a 5-star Green star building rating which aims to reduce greenhouse gas emissions, increase resilience to climate impacts, and support long-term environmental sustainability. These sustainability targets will also be developed as part of the detailed design development of the proposal as part of a future Development Application.

The Region Plan is supported by a suite of five District Plans, including the Eastern City District Plan. A summary of the planning proposal's consistency with the Eastern City District Plan priorities is provided in **Table 4**.

Table 4: Consistency with the Eastern City District Plan



Objective number / ref	Topic / Theme	PP Consistency with the objective
Planning Priority E1 Planning for a city supported by infrastructure	Infrastructure and collaboration	The proposal supports a city supported by infrastructure by locating co-living within walking distance of major transport, education, and service hubs, optimising the use of existing infrastructure and public transport networks.
Planning Priority E3 Providing services and social infrastructure to meet people's changing needs	Liveability	The proposal will contribute to meeting the changing needs of the community by providing purpose-built co-living that supports access to education, offers affordable and flexible housing options, and includes communal facilities that foster social connection and wellbeing amongst residents.
Planning Priority E4 Fostering healthy, creative, culturally rich and socially connected communities	Liveability	The proposal supports the objective of fostering healthy, creative, culturally rich and socially connected communities by delivering co-living that brings together residents from diverse backgrounds in a setting designed to encourage interaction between residents. The inclusion of communal spaces and shared amenities promotes social connection, wellbeing, and a vibrant student community that contributes to the cultural richness of Redfern.
Planning Priority E6 Creating and renewing great places and local centres, and respecting the district's heritage	Liveability	The proposal supports the objective of creating and renewing great places and local centres while respecting the district's heritage by revitalising an underutilised site in Redfern with a well-designed co-living development. The design responds to the existing character and heritage context through appropriate scale, articulation, and materials, while enhancing the public domain by addressing the prevailing pattern of the streetscape.
Planning Priority E7 Growing a stronger and more competitive Harbour CBD	Productivity	The proposal delivers co-living in proximity to major universities and employment hubs (such as the Sydney CBD). By supporting access to education and providing housing for students, the development reinforces the Harbour CBD's role as a centre for innovation and economic activity.
Planning Priority E8 Growing and investing in health and education precincts and the Innovation Corridor	Productivity	The proposal supports the growth of health and education precincts and the Innovation Corridor by providing co-living close to universities and research facilities, helping to strengthen the area's contribution to the innovation corridor.
Planning Priority E13 Supporting growth of targeted industry sectors	Productivity	The proposal supports the growth of targeted industry sectors by providing co-living that enables access to universities and employment hubs, helping to sustain a skilled future workforce.
Planning Priority E15 Protecting and enhancing bushland and biodiversity	Sustainability	The proposal supports the protection and enhancement of bushland and biodiversity through the incorporation of landscaped areas and native planting that improves the existing habitat and promotes biodiversity in and around the site.
Planning Priority E16 Protecting and enhancing	Sustainability	The proposal contributes to protecting and enhancing scenic and cultural landscapes through sensitive design



scenic and cultural landscapes

that responds to heritage values, preserves visual amenity, and incorporates landscaping that reinforces the area's cultural identity and public realm.

Planning Priority E17
Increasing urban tree canopy cover and delivering Green Grid connections

Sustainability

The proposal contributes to increasing urban tree canopy cover and delivering Green Grid connections by incorporating deep soil landscaping and canopy that biodiversity and urban amenity.

Planning Priority E18
Delivering high quality open space

Sustainability

The proposal delivers high-quality open space by providing communal areas, including a rooftop communal space, that enhance amenity, encourage social interaction, and contribute to the quality of the public realm.

Planning Priority E19
Reducing carbon emissions and managing energy, water and waste efficiently

Sustainability

The proposal is located directly southeast of Redfern Station and north of the new Waterloo Metro Station. The sites proximity to the public transport will promote the use of public transport, ultimately contributing to a total reduction to carbon emission contributions

The exclusion of car parking spaces from the proposal will encourage residents to utilise active modes of transport or the aforementioned public transport lines.

Additionally, the proposal is targeting a 5-star Green star building rating which aims to reduce greenhouse gas emissions, increase resilience to climate impacts, and support long-term environmental sustainability.

These sustainability targets will also be developed as part of the detailed design development of the proposal as part of a future Development Application.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

Council's Local Strategic Planning Statement (**LSPS**) sets out a 20-year land use vision that aims to balance the need for housing and economic activities while protecting and enhancing local character, heritage, public places and spaces. This is further discussed in **Section 3.2.1** of this report.

Table 5 provides an overview of the LSPS planning priorities and the PP's consistency with each priority.

Table 5: Consistency with the City Plan 2036: Local Strategic Planning Statement

Objective / Priority number / ref	Topic / Theme	PP Consistency with the priority / objective
I1 – Movement for walkable neighbourhoods and a connected city	Infrastructure	The proposal supports movement for walkable neighbourhoods and a connected city by locating co-living close to existing and new public transport, local services, and education facilities, and by prioritising pedestrian and cyclist access within and around the site. Private vehicle parking has not been provided on the site to encourage residents to utilise public and active transport methods.



I2 – Align development and growth with supporting infrastructure	Infrastructure	The proposal aligns development and growth with supporting infrastructure by providing co-living close to existing public transport, education facilities, and local services, leveraging the use of current infrastructure within proximity to the site without requiring significant additional investment.
I3 – Supporting community wellbeing with social infrastructure	Infrastructure	The proposal supports community wellbeing by providing communal spaces, shared facilities, and access to numerous local services, fostering social interaction and a sense of community for residents.
L1 – A creative and socially connected city	Liveability	The proposal contributes to a creative and socially connected city by providing communal spaces that encourage interaction, collaboration, and cultural exchange among residents from diverse backgrounds.
L2 – Creating great places	Liveability	The proposal contributes to creating great places by providing a landscaped communal rooftop area and enhances the public realm interface, through the design of the built form and integration of landscaping, ultimately improving amenity and the quality of the neighbourhood.
P2 – Developing innovative and diverse business clusters in City Fringe	Productivity	The proposal supports innovative and diverse business clusters in the City Fringe by accommodating students and key workers close to education and education hubs, fostering a skilled talent pool that can contribute to nearby businesses and innovation hubs.
S1 Protecting and enhancing the natural environment for a resilient city	Sustainability	The proposal protects and enhances the natural environment by incorporating green, landscaping, and native plantings that improve biodiversity, support ecological resilience, and contribute to environmental sustainability.
S2 Creating better buildings and places to reduce emissions and waste and use water efficiently	Sustainability	The proposal has been designed to reduce its impacts on the environment, with a goal to minimise waste and water usage. This will be explored in further detail as part of the detailed DA for a future development on the site.
S3 – Increasing resilience of people and infrastructure against natural and urban hazards	Sustainability	The proposal supports resilience by incorporating robust building design and infrastructure that ensures safety, durability, and long-term functionality for residents.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Housing for All: City of Sydney Local Housing Strategy

The Housing Strategy has been developed as a response to the Region and District Plans, detailing how the City will meet the housing related priorities of these plans.

Recognising non-private dwellings is essential to accurately plan for housing, infrastructure, and services. Accordingly, they have been incorporated into the City's housing targets to reflect the full diversity of the population.



Table 6 provides an overview of the seven targets aimed to measure progress within the Housing Strategy.

Table 6: Consistency with Sustainable Sydney 2030-2050

Target	Response
Priority H1 Facilitating more homes in the right locations	The proposal facilitates additional housing in an inner-city location close to public transport, education facilities, and services, optimising accessibility and supporting sustainable urban growth.
Priority H2 Coordinating housing growth with the delivery of infrastructure	The proposal aligns growth with existing infrastructure by providing co-living in an area well-served by public transport, utilities, and community facilities, minimising the need for additional infrastructure investment.
Priority H3 Increasing diversity and choice in housing	The proposal increases housing diversity by providing co-living, offering an alternative and tailored model to traditional, residential apartments, and accommodating residents with varied cultural and educational backgrounds.
Priority H4 Increasing the diversity and number of homes available for lower-income households	By delivering co-living, the proposal contributes to housing options for students who typically have lower income while studying concurrently, helping broaden housing accessibility in Redfern and in proximity to tertiary institutions.
Priority H5 Increasing the amount of social and supported housing	While primarily co-living, the proposal provides shared living environments that include communal spaces and professionally managed facilities, contributing to supportive housing outcomes.
Priority H6 Improving NSW Government controlled site outcomes	The proposal demonstrates best-practice residential outcomes by integrating high-quality design, sustainable infrastructure, and amenity-rich communal areas, supporting efficient use of land and high-quality housing delivery. Refer to Urban Design package at Appendix 2 for further detail on this.
Priority H7 Increasing liveability, sustainability and accessibility through high-quality residential design	The proposal enhances liveability through well-designed communal and landscaped spaces, sustainability through the green roof, and landscaping, and accessibility by prioritising pedestrian and cycling connections and proximity to transport and services.

Sustainable Sydney 2030 – 2050 Continuing the Vision

The SS establishes the broad Sydney 2030 vision of a green, global, connected city. It is a blueprint for a city that is environmentally, economically, socially and culturally sustainable and establishes 10 ambitious targets for sustainability.

Table 7 provides an overview of some of the 10 targets aimed to measure progress within the SS.



Table 7: Consistency with Sustainable Sydney 2030-2050

Target	Response
1. By 2035 we will achieve net zero emissions in the City of Sydney local area.	The proposal will be seeking to address the relevant sustainability measures. These sustainability targets will also be developed as part of the detailed design development of the proposal as part of a future Development Application.
2. By 2050 there will be a minimum overall green cover of 40%, including 27% tree canopy cover.	The proposal will be seeking to employ a series of measures to encourage the greening of the site and enhancement of canopy cover. This is addressed through the inclusion of a green roof and deep soil landscaping along the interface with the laneway. This will be addressed in detail as part of a future detailed Development Application.
3. By 2030 residential potable water use will be reduced to 170 litres a person a day in the City of Sydney local area. Non-residential potable water use will be reduced by 10% (measured per square metre) from 2018/19 levels.	The proposal will seek to provide efficiencies in the use of water. The efficient use of water will also be developed as part of the detailed design development of the proposal as part of a future Development Application.
4. By 2030 there will be a 15% reduction in waste generated by each person based on 2015 levels. And by 2030 there will be 90% recycling and recovery of residential waste, commercial and industrial waste, and construction and demolition waste, which will be maintained at that level to 2050.	The proposal will seek to reduce the waste generated on the site and enhance the recycling and recovery of residential waste. These waste measures will also be developed as part of the detailed design development of the proposal as part of a future Development Application.
5. By 2036 there will be approximately 700,000 jobs in the City of Sydney local area including 200,000 new jobs compared to 2017. An increased proportion of all jobs will be secure jobs.	The key objective of the proposal is to provide a diverse housing option of students and/or young professionals within close proximity to education and employment hubs. This will support the creation and retention of key workers in the City of Sydney LGA.
8. By 2050 people will use public transport, walk or cycle to travel to and from work. This includes 9 out of 10 people working in the city centre and 2 out of 3 people working in the rest of the local area.	The proposal is located directly southeast of Redfern Station and north of the new Waterloo Metro Station. The sites proximity to the public transport will promote the use of public transport, ultimately contributing to a total reduction to carbon emission contributions The site is also within proximity to both pedestrian and cycling infrastructure promoting the use of active transport methods. The exclusion of car parking on site also aligns with this target as it will also encourage the use of public transport by residents.



Q6. Is the planning proposal consistent with applicable SEPPs?

The proposal is consistent with all relevant Environmental Planning Policies (**SEPPs**). The following outlines the intent of the relevant SEPPs and consistency of the Planning Proposal.

Table 8: Consistency with State Environmental Planning Policies

SEPP	Consistent?	Assessment
SEPP (Biodiversity and Conservation) 2021	Yes	The proposal does not contradict or hinder the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	N/A	The proposal does not contradict or hinder the application of the SEPP.
SEPP (Housing) 2021	Yes	The proposed reference scheme has been designed to be generally compliant with Chapter 3, Part 3 of this SEPP which relates to Co-living development.
SEPP (Industry and Employment) 2021	Yes	The proposal does not contradict or hinder the application of the SEPP.
SEPP (Planning Systems) 2021	Yes	The proposal does not contradict or hinder the application of the SEPP.
SEPP (Precincts – Eastern Harbour City) 2021	N/A	Site located outside of Bays West Precinct and Darling Harbour area identified in the SEPP.
SEPP (Resilience and Hazards) 2021	Yes	The site is not located in a coastal environment area or a coastal use area. With reference to Chapter 4 Remediation of Land, no change in land use is facilitated by this planning proposal. Further investigation regarding potential contamination will be undertaken as part of any future development application process.
SEPP (Sustainable Buildings) 2022	Yes	An Ecologically Sustainable Development report has been prepared in support of the PP and reference scheme and confirms that the proposal is capable to address the requirements of this SEPP as part of a future development application.
SEPP (Transport and Infrastructure) 2021	Yes	As the site is located on a road that connects to a classified road, the proposal is considered to be traffic-generating development under 1.22 of the SEPP. Notwithstanding, no on-street parking is identified for the site, traffic impacts are considered to be negligible. This will be addressed as part of any future development application.



Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The planning proposal is consistent with the applicable Section 9.1 Ministerial Directions as detailed in **Table 9**.

Table 9: Consistency with Ministerial Directions

Ministerial Direction	Consistent?	Comments
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the Region Plan and Eastern District Plan as evidenced in Section 7.1.2.
1.2 Development of Aboriginal Land Council land	N/A	
1.3 Approval and Referral Requirements	Yes	No new concurrence provisions are required.
1.4 Site Specific Provisions	Yes	The planning proposal will not result in any unnecessarily restrictive site-specific planning controls The proposal is also accompanied by a site-specific development control plan to guide future development on the site. Further detail is provided at Appendix 6 .
1.4A Exclusion of Development Standards from Variation	N/A	
Focus area 1: Planning Systems – Place-based		
	N/A	No place-based strategies are applicable to the site. The site forms part of wider planning strategies for the whole area more broadly.
Focus area 2: Design and Place		
	N/A	[This Focus Area was blank when the Directions were made]
Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	N/A	The site is not within a conservation zone.
3.2 Heritage Conservation	Yes	The proposal appropriately considers heritage conservation and is consistent with this Ministerial Direction



3.3 Sydney Drinking Water Catchments	N/A	The site is not located within the Sydney Drinking Water Catchment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Site is not located in Far North Coast or zoned C2 or C3.
3.5 Recreation Vehicle Areas	N/A	The site is not sensitive land or land with significant conservation values that is intended to be used by recreational vehicles
3.6 Strategic Conservation Planning	N/A	The site is not identified as a conservation zone.
3.7 Public Bushland	Yes	The proposal is consistent with the objectives of this direction and seeks to enhance the biodiversity environment within the public domain and on the proposed development.
3.8 Willandra Lakes Region	N/A	The site is not located in the Willandra Lakes Region
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	The proposal is located outside of the Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
3.10 Water Catchment Protection	Yes	The proposal is consistent with the objectives of the direction and is not likely to have an adverse impact on natural waterbody, or terrestrial, aquatic or migratory animals or vegetation.

Focus area 4: Resilience and Hazards

4.1 Flooding	Yes	The site is not identified as flood prone land.
4.2 Coastal Management	N/A	Site is not located within a coastal zone.
4.3 Planning for Bushfire Protection	N/A	The site is not identified as Bushfire Prone Land.
4.4 Remediation of Contaminated Land	Yes	No change in land use is facilitated by this planning proposal. Further investigation regarding potential contamination will be undertaken as part of any future development application process.
4.5 Acid Sulfate Soils	Yes	The site is identified as Class 5 Acid Sulfate Soils. It is anticipated any relevant technical studies can be provided at the DA stage
4.6 Mine Subsidence and Unstable Land	N/A	The site is not within a declared mine subsidence district.

Focus area 5: Transport and Infrastructure



5.1 Integrating Land Use and Transport	Yes	The proposal will support access to housing, jobs, services by walking, cycling and public transport in proximity to the Sydney CBD. It provides limited opportunities for on-site parking and therefore will foster the use of public transport and reduce the reliance on private vehicles.
5.2 Reserving Land for Public Purposes	Yes	The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	N/A	The proposal is not near regulated airports and defence airfields.
5.4 Shooting Ranges	N/A	The proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
Focus area 6: Housing		
6.1 Residential zones	Yes	The proposal does not change the permissibility of residential development on the site or contain provisions that reduce the permissible residential density on the site.
6.2 Caravan Parks and Manufactured Home Estates	N/A	The proposal does not alter provisions that permit development for the purposes of a caravan park.
Focus area 7: Industry and Employment		
7.1 Employment Zones	Yes	The proposal will retain the MU1 zoning which is designed to allow employment uses to coexist with residential and other compatible uses
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	The site is not within the Byron Shire Council local government area.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	The site is not within the relevant council areas between Port Stephens Shire Council and Tweed Shire Council.
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	N/A	The proposal will not prohibit or permit mining, petroleum production and extractive activities.
Focus area 9: Primary Production		
9.1 Rural Zones	N/A	The site is not located within a rural zone.
9.2 Rural Lands	N/A	The site is not located within rural lands.



9.3 Oyster Aquaculture	N/A	The proposal does not relate to oyster aquaculture.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	The site is not located on the NSW Far North Coast.

8.2 Site-specific merit

8.2.1 Section C – Environmental, Social and Economic Impact

8.2.1.1 Environmental Effects

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by this Planning Proposal.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Built Form and Massing

The proposed built form and massing has been designed in response to the prevailing context to be of compatible bulk and scale with neighbouring and surrounding developments.

The height of the proposed building remains largely consistent with the existing 18m building height, with exception for a small portion at the southern extent of the site due to topographical constraints and assumed survey information owing to the existing built-up environment (refer to Figure 21 below).

This encroachment is minimal and confined to the southern portion of the site affected by a natural dip in the ground, which reaches approximately 1.5 metres at its deepest point.

The minor exceedance is to be addressed by a modest 2m height variation to the existing maximum height of building control under the SLEP. Notwithstanding the minor height variation, the overall building envelope achieves a suitable height that is commensurate with adjoining development and the envisaged development outcomes of current LEP controls.

The scale and massing of the proposed building envelope is consistent with the existing building typology along Rosehill Street which are defined by a low-medium scale developments with a continuous built form.

Articulation of the Rosehill Street frontage maintains a consistent rhythm with adjacent buildings with three clear breaks east-west, which also assists in bringing natural light and air into the central corridor spines (refer to Figure 20 below).

Overall, the proposed built form and massing is appropriate within the existing context.

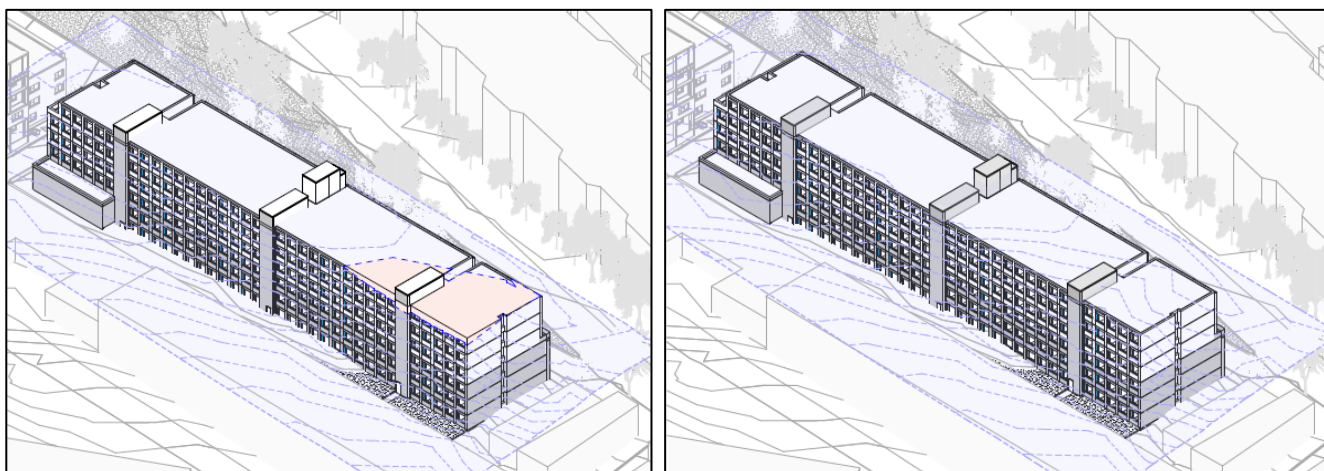


Figure 20: Height of Building Analysis – Existing 18m height plane (left), Proposed 20m height plane (right)
Source: SJB

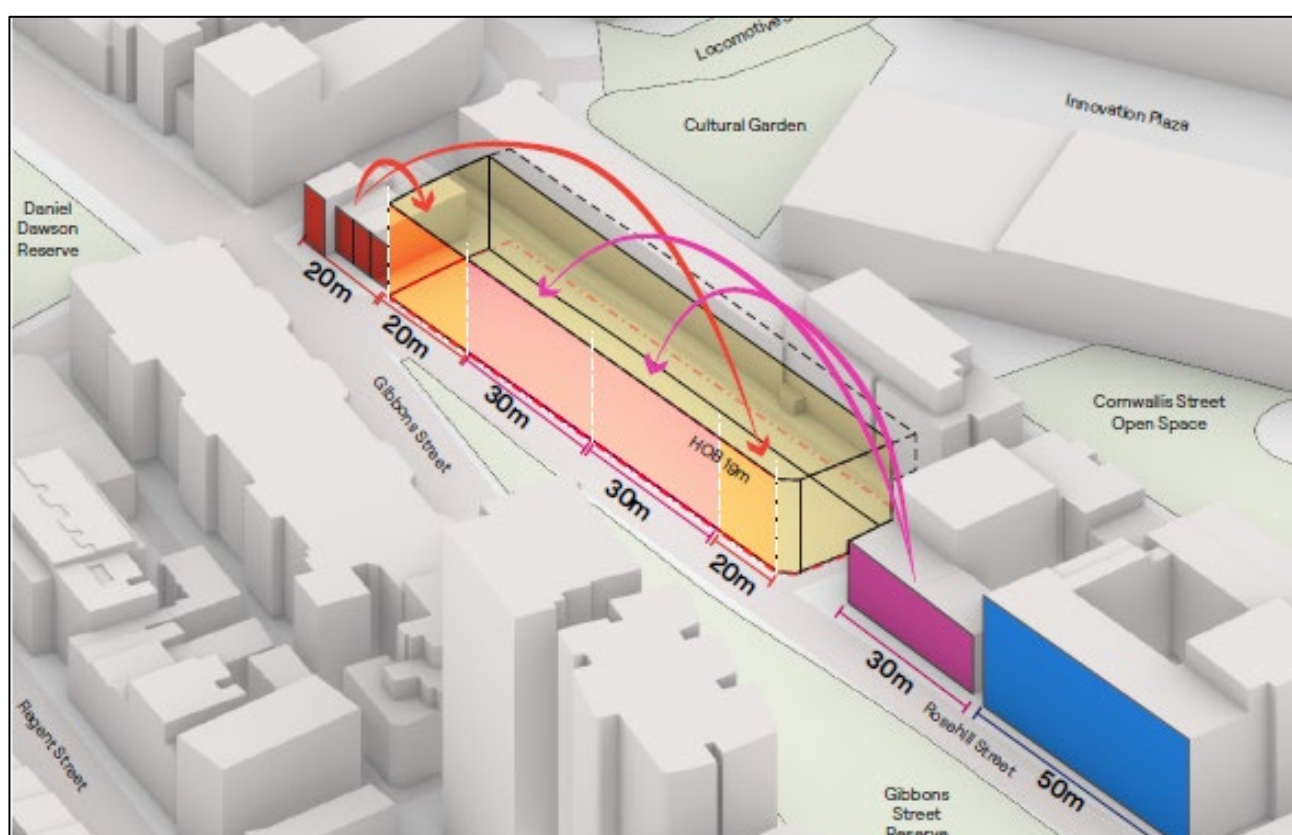


Figure 21: Rosehill Façade Articulation
Source: SJB

Overshadowing of Public Open Space

Clause 6.17 of the SLEP requires solar access to be maintained to Daniel Dawson Reserve between 10am-2pm. Additionally, 5.10.4 of the Sydney DCP requires *development is to minimise overshadowing to parks and other identified open space in Figure 5.253 Botany Road Precinct Urban Strategy between 10 am and 2pm at the winter solstice.*

Overshadowing impacts to public open spaces has been undertaken by SJB in **Appendix 2**. Based on SJBs analysis, no solar impacts to Daniel Dawson Reserve and Cultural Landscape Garden are identified between 10am and 2pm.



Minor overshadowing to Gibson Street Reserve is identified by the proposal. Notwithstanding, this minor overshadowing is considered to be acceptable in this instance noting:

- The majority of the Gibson Street Reserve receives more than 4 hours of direct sunlight during mid-winter.
- Impacts are limited to the southern point of the Gibson Street Reserve.
- Overshadowing impacts are consistent with a building envelope under existing LEP controls.

As such, the proposed building envelope is considered to have acceptable overshadowing impacts to nearby public open space areas.

Overshadowing of Neighbouring Residential Developments

A solar analysis has been undertaken within the Urban Design Report prepared by SJB (**Appendix 2**) in accordance with the Apartment Design Guidelines and Council's *Draft Minimising overshadowing of neighbouring apartments*.

Based on SJB's solar analysis, the proposal has potential to overshadow the following neighbouring residential developments:

- 31-41 Cornwallis Street, Redfern – Residential Flat Building
- 80-88 Rosehill Street, Redfern – Attached Dwellings (Terraces)
- 39-61 Gibbons Street, Redfern – Residential Flat Building

Solar Analysis Criteria and Assessment

The ADG provides useful consideration of overshadowing impacts to neighbouring residential flat buildings and has been analysed as part of the Hassell's solar analysis for neighbouring residential buildings (**Appendix 2**).

Objective 3B-2 of the ADG, provides the following design guidance in relation to overshadowing impacts to neighbouring residential properties:

Living areas, private open space and communal spaces should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access

Solar access to living rooms, balconies and private open spaces of neighbours should be considered,

Where an adjoining property does not currently receive the required hours of solar access, the proposed development ensures solar access to neighbouring properties is not reduced by more than 20%.

For the purposes of satisfying the design criteria above, *4A Solar and daylight access* provides the following relevant design criteria:

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter (Sydney Metropolitan Area), and

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter



A review of the proposed envelopes impacts to neighbouring residential developments in accordance with above criteria is provided below.

1. 31-41 Cornwallis Street, Redfern – Residential Flat Building

Each apartment at 31-41 Cornwallis Street, Redfern have dual outlooks to Cornwallis Street and Cornwallis Lane. All principal living rooms and balconies face Cornwallis Street with all rooms, balconies and courtyards facing Cornwallis Lane identified as either bedroom or secondary living/private open spaces. As such, solar compliance for apartments at 31-41 Cornwallis Street in accordance with the ADG are unaffected by the proposal which is situated directly east of 31-41 Cornwallis Street.

2. 80-88 Rosehill Street, Redfern

The existing terraces at 80–88 Rosehill Street, Redfern are positioned to the south of the site. These terraces have been built predominantly to the street line with 0m side setbacks.

Solar access to the terraces remains relatively unchanged from existing conditions noting the existing setback conditions to the primary frontage of the building.

Moreover, the proposed 4.5m setbacks to the rear of the proposed building envelope will improve solar access to the rear of these terraces.

3. 39-61 Gibbons Street, Redfern

SJB's solar analysis testing identifies potential overshadowing impacts to 39-61 Gibbons Street, Redfern between 1:30pm – 3pm. An assessment of the potential overshadowing impacts of the proposed envelope in accordance with the ADG are provided in **Table 10** below.

Table 10 – ADG solar compliance

	Existing	Proposed	Change
Apartments receiving 2 hrs or more solar access	40/67 (59.7%)	40/67 (59.7%)	No change
Apartments receiving 15 mins to <2hours	21/67 (31.3%)	20/67 (29.89%)	Five apartments experience a reduction in solar access. Four of these apartments maintain 15mins or more of solar access, whilst 1 apartment would receive less than 15mins.
Apartments receiving less than 15mins	6/67 (9%)	7/67 (10.4%)	Total number of apartments receiving less than 15mins is less than 15%, consistent with ADG.

As identified in the above assessment, the number of apartments receiving 2 hours or more solar access does not change from existing conditions, and the number of apartments receiving less than 15 mins does not exceed 15%. Accordingly, potential solar impacts to 39-61 Gibbons Street is compliant with the ADG.

Solar Conclusion

As demonstrated in the above assessment and SJB's solar analysis (**Appendix 2**), the proposed building envelope will not have adverse solar effects on neighbouring residential development and is therefore acceptable.



Traffic and Parking

A Traffic Report (**Appendix 3**) has been prepared by JMT in support of the PP.

The site is identified as being within a highly accessible area in close proximity to Redfern station and Waterloo Metro station.

In accordance with Council's alternative transport initiatives, no car parking has been proposed for the PP noting the sites highly accessible location. It is noted that numerous car share spaces, operated via different service providers, in close proximity of the site which could be utilised by residents of the site should they need to drive somewhere – negating the need for on-site car parking. Special privileges are also provided by certain car share

The reference scheme prepared for the Planning Proposal includes provision for on-site loading and waste collection, with access via Margaret Street. This includes access for a City of Sydney Council waste collection vehicle and a small delivery van. Provision for road widening along Margaret Street on the northern frontage of the site to accommodate the swept path manoeuvre of Council's waste truck from Rosehill Street.

Waste vehicles would drive up Margaret Street and reverse back into a future site loading dock. Vehicles exiting the loading dock would do so in a forwards manner and then drive out back onto Rosehill Street. Swept paths of this movement of waste collection vehicles are presented in **Appendix 3**. A reversing manoeuvre into the site loading dock via Margaret Street is considered acceptable given:

- Waste collection takes place relatively infrequently and typically in the early mornings prior to peak traffic and pedestrian periods; and
- Margaret Street is a very quiet laneway that does not carry high levels of pedestrian or vehicular traffic. It does not form a critical part of the surrounding road or footpath network and therefore any impacts of reversing vehicles into the loading dock would have very minor impacts.

Bicycle parking has been identified in the reference scheme at a rate of 1 space per 5 rooms. The final quantum of bicycle parking, based on the final building design and expected user demands, will be confirmed at the time of the detailed development application for the site.

As the project does not provide for any on-site car parking, along with it's excellent location with respect to nearby public transport, traffic impacts arising from the development are considered to be negligible. Additional vehicles may comprise of rideshare or taxis however these will typically be out of commuter peak hours.

Ecologically Sustainable Development

An Ecologically Sustainable Development Report (**Appendix 4**) has been prepared by ADP consulting in support of this PP.

This report details potential initiatives across key sustainability categories, outlining ways the project can support compliance, innovation, and resilience within the built environment, with guidance from the following:

- Sustainable Buildings State Environmental Planning Policy (SEPP) 2022 - NSW Department of Planning
- Section J provisions of the NCC 2022 Building (BCA) Code of Australia
- City of Sydney Development Control Plan (DCP) 2012
- City of Sydney Local Environmental Plan (LEP) 2012
- Greenstar Buildings Guidelines



Although any specific proposed pathway may change throughout the design process, the proposal is committed to achieving a 5-star Green Star Buildings rating. Additionally, it is intended for the future redevelopment of the site to:

- Divert 90% of construction and demolition waste away from landfill,
- Source responsible materials with recognised product certification schemes (EPD's etc),
- Maximise internal planting,
- Support Urban Heat Island reduction through building and landscape design.
- Maximise deep soil planting,
- Maximise on-site generation (Solar PV)
- Implement sustainable transportation initiatives (Bike Share programs)
- Maximise occupant comfort through lighting and acoustic strategies

All these being in alignment with the Greenstar Buildings framework.

ADP also propose the following key opportunities to be explored during the design, construction, and operation of the proposed development to be:

- Façade design for thermal performance and occupant comfort
- Design for climate resilience and biodiversity
- Design for circular economy and modularity
- Designing for sustainable transport

These opportunities are discussed in further detail in **Appendix 4**.

Overall, future redevelopment of the site is able to meet and exceed the Ecologically Sustainable Development requirements for the proposed co-living land use.

Q10. Has the planning proposal adequately addressed any social and economic effects?

8.2.1.2 Social Effects

The site is well-serviced by a range of local social and community infrastructure within an 800 m walking distance and a wider 2 km catchment. Nearby facilities include childcare centres, primary and secondary schools, a library, community centres, medical services, parks and open spaces, sports fields, places of worship, and local shops.

The site is also within proximity to major transport connections, including Redfern Station and Waterloo Metro, providing residents with convenient access to broader regional amenities, education, and recreational opportunities, supporting a well-connected and liveable urban neighbourhood.

Co-living inherently encourages a social and community-based approach to living, with residents from diverse backgrounds able to gather and socialise in the proposed communal spaces, including the green communal space on the roof and communal amenity areas.

8.2.1.3 Economic Effects

The proposed development will provide positive economic effects by creating jobs during construction, supporting local businesses through increased demand, and attracting a skilled and diverse workforce, who are desire living within proximity to education and employment hubs. Redevelopment of the underutilised site encourages investment and urban renewal, while its proximity to transport and services optimises infrastructure use. Additionally, flexible co-living housing enhances long-term



economic resilience by maintaining a consistent rental supply and contributing to the broader local economy.

The proposal is also accompanied by an initial public benefit offer to enter into a Voluntary Planning Agreement in the form of affordable housing contributions and land dedication for road widening of Margaret Street (refer **Appendix 4**). This will support the development of affordable housing elsewhere in the LGA, supporting the delivery of affordable and diverse housing types, in addition to the proposal itself.

This planning proposal provides an opportunity for the redevelopment of the site for co-living accommodation which will allow for positive social and economic effects including increasing of diverse housing typologies in the LGA.

8.2.2 Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the Planning Proposal?

The existing brownfield site is very well serviced by public transport, including buses, trains and the metro service.

A substation is proposed within the building envelope on the ground floor to Rosehill Street. This substation is proposed to meet the electricity demand of the increased housing to be provided on the site, supporting the future growth of the site.

All utility services including electricity, telecommunications, water, sewer and stormwater are currently available for the site. If required as part of a future detailed development application, the developer will upgrade these services to support the proposed development.

8.2.3 Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation with State and Commonwealth agencies will be undertaken once the Gateway Determination has been issued, which is likely to include, but not limited to:

- Transport for NSW
- Sydney Trains
- Sydney Water
- Ausgrid

9 Part 4 – Maps

The table below outlines the proposed amendments to the SLEP 2012 maps. Refer to **Appendix 7** for the draft amended maps.

Table 11: Schedule of Amended Maps

Map	Current Control	Proposed Control
Floor Space Ratio Map FSR_010	2:1	3.5:1
Height of Buildings Map HOB_010	18m	20m

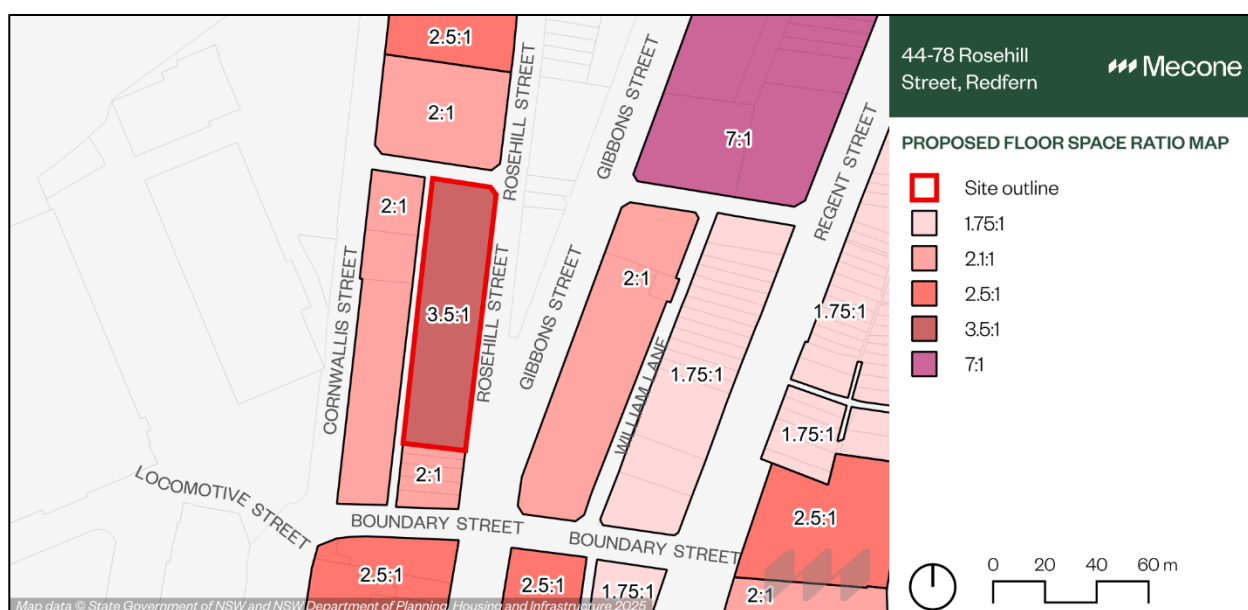


Figure 22: Proposed FSR

Source: Mecone

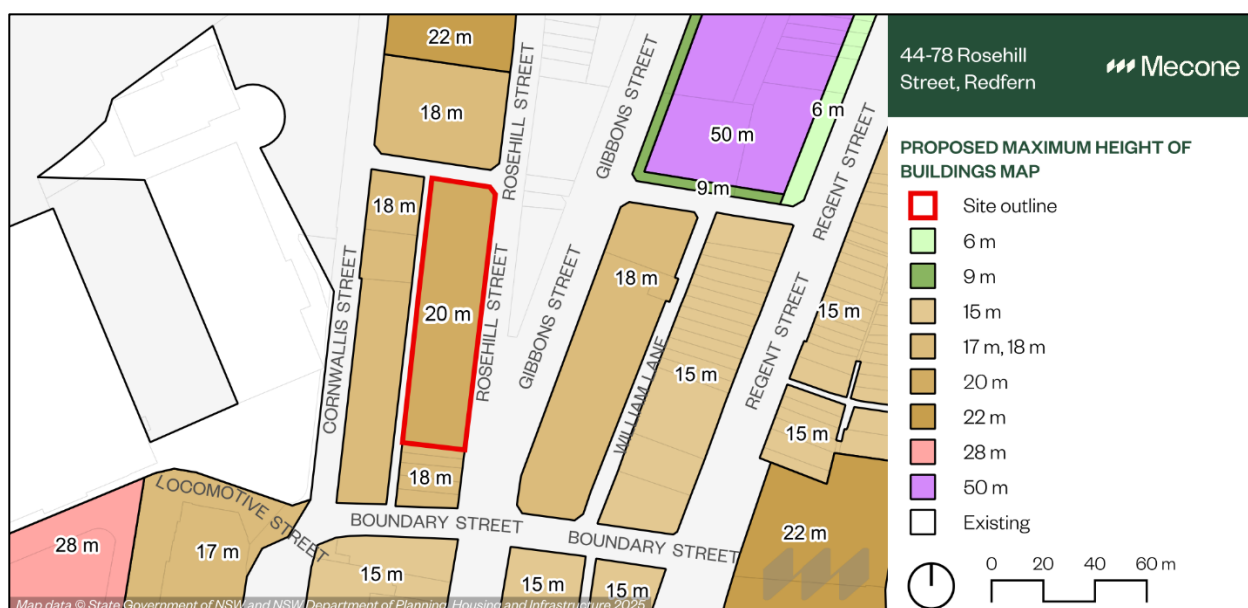


Figure 23: Proposed Height of Building

Source: Mecone



10 Part 5 – Community consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community.

Subject to the provision of a Gateway Determination from DPHI, the planning proposal will be placed on public exhibition. Confirmation of the public exhibition period and requirements for consultation will be detailed as part of the Gateway Determination.

The planning proposal will be publicly exhibited for at least 28 days in accordance with DPHI's Local Plan Making Guidelines. Consideration will also be given to the City of Sydney's Community Participation Plan.

At a minimum, the notification of the public exhibition of the planning proposal is expected to involve:

- Written correspondence to owners and occupiers of adjoining and nearby properties.
- Public notice on Council's website and a local newspaper.

11 Part 6 – Project timeline

An indicative project timeline is set out in the following table.

Table 12: Indicative Project Timeline

Stage	Timeframe and/or date
Lodgement of the Planning Proposal	November 2025
Consideration by Council	November 2025 – January 2026
Council and Central Sydney Planning Committee decision	February 2026
Issue to DPHI for Gateway Determination	March 2026
Gateway determination	April 2026
Pre-exhibition	May 2026
Commencement and completion of public exhibition period	June - July 2026
Consideration of submissions	July – August 2026
Post exhibition review and additional studies	August - September 2026
Council and Central Sydney Planning Committee decision	October – November 2026
Submission to the Department for finalisation	December 2026
Gazettal of LEP amendment	January 2027



12 Conclusion

This PP has been prepared to support future redevelopment of the site for co-living purposes. Amendments to the LEP requested under this PP relate to an increase in FSR from 2:1 to 3.5:1 and a nominal increase in building height from 18m to 20m to address topographical constraints and existing built-up environment.

The strategic attributes of the site are well established. Situated within the Camperdown-Ultimo health and education precinct within the Eastern District Plan, the proposal facilitates housing opportunities for students and workers within the precinct. The site is also within a highly accessible mixed-use precinct within 300m of Redfern station, and 450m from the Waterloo Metro station and will support the continued optimal use of existing and planned transport infrastructure and Greater Sydney's vision for a 30-minute City.

The proposal also aligns with the NSW Government's priorities by increasing the supply of well-located housing. The LHS asserts that developments, such as co-living, provide additional diversity in the rental market which continue to meet an important need in the inner city and wider rental market.

To ensure the proposed PP adequately addresses site specific merit considerations, analysis of the key matters identified within previous PPs relevant to the site have been taken into account for the proposed scheme. These key considerations include:

- A significant reduction in height and built form, consistent with existing built form context,
- Ensuring suitable solar access to public open spaces and neighbouring residential developments is achieved under existing circumstances,
- Achieving adequate building separation and privacy to neighbouring developments,
- No off-street parking proposed by the application, and
- Provision for deep soil and landscaping to the rear lane.

Additionally, the proposal:

- Supports a land use that is compatible with the existing residential context and will not compromise the long-term viability of commercial development within the Botany Road Precinct (noting co-living cannot be subdivided).
- Proposes bike storage facilities with no car parking recognising the sites highly accessible location.
- Ensures solar compliance of public open space and neighbouring buildings can be achieved.
- Maximises Rosehill frontage with communal uses with waste and loading suitably located on Margaret Street made possible by way of land dedication.
- Contributes to affordable housing through the delivery of diverse a diverse housing typology and proposed monetary contribution via a voluntary planning agreement.

The proposal is consistent with the aims and objectives of the relevant strategic and statutory plans and policies. It is therefore considered that the proposal satisfies both the strategic and site-specific merit tests. It is therefore requested that Council forward this planning proposal to DPHI for Gateway Determination.

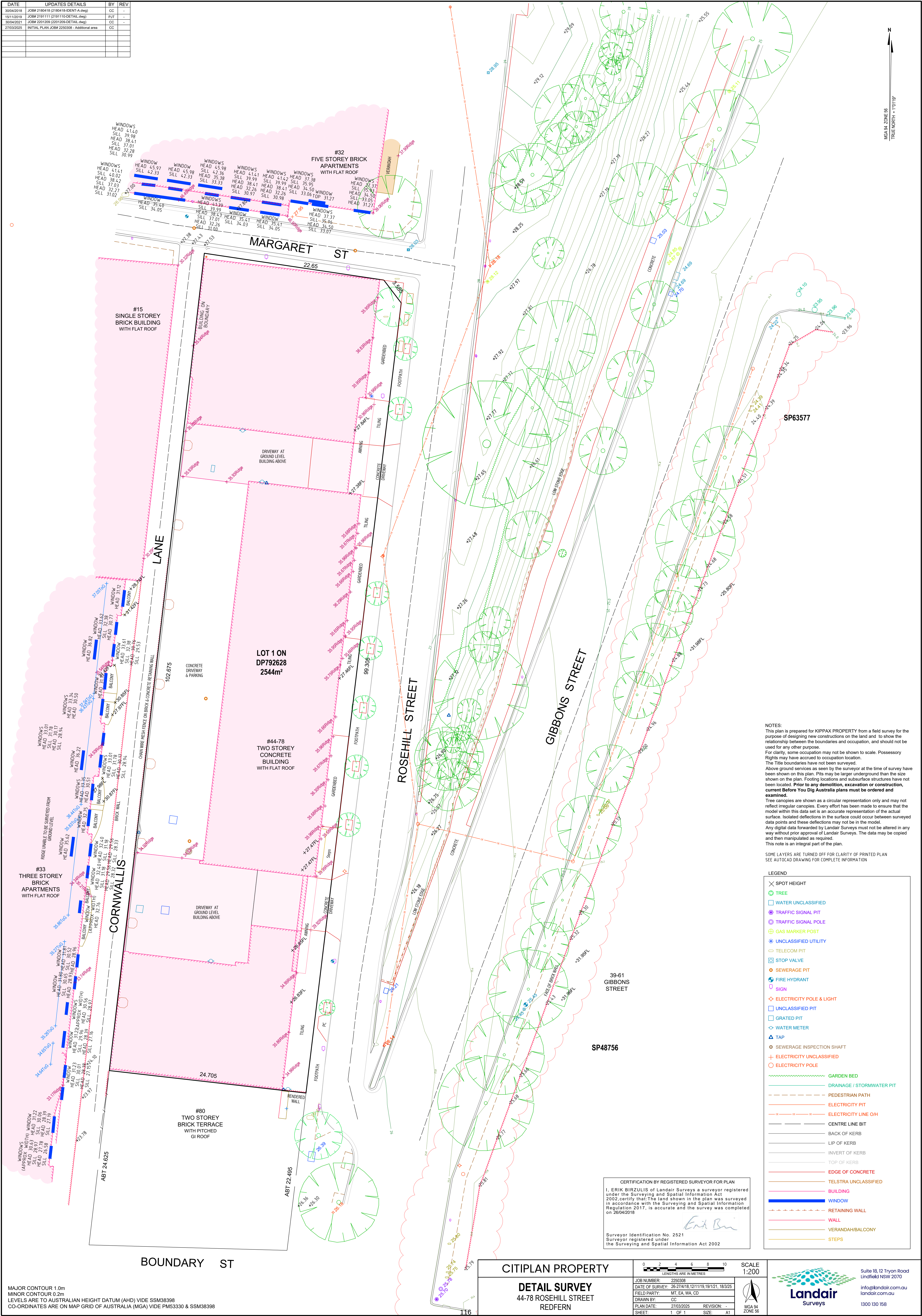


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Attachment A2

Proponent Planning Proposal Request – Survey Plan

DATE	UPDATES DETAILS	BY	REV
30/04/2018	JOB# 2180418 (2180418-IDENT-A.dwg)	CC	-
15/11/2019	JOB# 2191111 (2191110-DETAIL.dwg)	PJT	-
30/04/2021	JOB# 2201209 (2201209-DETAIL.dwg)	CC	-
27/03/2025	INITIAL PLAN JOB# 2250308 - Additional area	CC	



Attachment A3

Proponent Planning Proposal Request – Part A – Urban Design Study

44-78 Rosehill Street, Redfern



Urban Design Report V2



Prepared for
Journal Student Living Pty Ltd

Brookfield Pty Ltd

Issued
November 2025

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SJB acknowledges the Traditional Custodians of the lands, waters, and skies, and their perpetual care and connection to Country where we live and work. We support the Uluru Statement from the Heart and accept its invitation to walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people towards a better future.

We believe that inequity enshrined in our society continues to significantly disadvantage our First Nations colleagues, friends, and community. Following the referendum, we are personally and professionally recommitting our support of Aboriginal and Torres Strait Islander people. We will continue to strive for (re)conciliation by acting with integrity and passion, in an effort to address this imbalance in our country and create lasting generational change.

Issued	
v01	14.11.2023
v02	18.11.2023

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Executive summary

This urban design report has been prepared by SJB on behalf of Journal Student Living Pty Ltd in support of the Planning Proposal for 44-78 Rosehill Street, Redfern, which seeks amendments to the current Sydney Local Environmental Plan (LEP) 2012 controls. The report provides the design rationale underpinning the proposed built form, including changes to Floor Space Ratio (FSR), Height of Buildings (HOB) and associated urban design outcomes.

The purpose of this report is to demonstrate that the proposed amendments are well-considered, contextually responsive, and consistent with the strategic vision for the area. It sets out how the proposal contributes to the evolution of the Innovation Corridor as a vibrant, well-connected mixed-use precinct, aligning with both state and local strategic planning objectives.

The report provides all relevant information required to support the Planning Proposal, including:

- An introduction to the site, its context and the strategic drivers in the local area
- A detailed understanding of the local context and analysis of the design implications, summarised in an opportunities and constraints diagram.
- 121 Key design principles that respond to the existing street character and inform the future character, quality of the proposed development and underpin the building design
- A reference scheme that illustrates how a building could be realised under the proposed planning controls, demonstrating the feasibility and design integrity of the proposed amendments.

Together, these components establish a clear urban design framework that ensures the proposed changes deliver a high-quality built form outcome, enhance the public domain, and contribute positively to the character and functionality of the surrounding precinct.



Artist's impression of the proposal. View from Rosehill Street looking north

Introduction

The study area

The subject site is located at 44-78 Rosehill Street, Redfern, within the City of Sydney Local Government Area (LGA). It is situated within a transitioning urban context, between the large-scale commercial and dining precinct of South Eveleigh and the fine-grain residential area of Redfern. The immediate surrounds comprise a diverse mix of building typologies and land uses, reflecting the area’s evolving character within the broader Innovation Corridor.

The site is currently occupied by light industrial and commercial uses operating within several two-storey, large-scale buildings. It is located amongst a variety of terraces and low-rise residential apartments along Cornwallis Street and Margaret Street, contributing to a fine-grain streetscape.

To the east, Gibbons Street defines a more urban edge, characterised by mid-rise residential apartment buildings along the south and recent high-rise mixed-use developments.

This mix of built forms signifies the areas potential to accommodate redevelopment, spurred on by the area’s strategic growth and proximity to key transport nodes.

The site benefits from excellent connectivity, with multiple public transport options within walking distance, including Redfern Station (300 metres north) providing direct rail access to the Sydney CBD and surrounding suburbs, and Waterloo Metro Station (600 metres south) enhancing access to the broader metropolitan network.

Pedestrian and cycling links along Gibbons and Cornwallis Streets further strengthen local accessibility and integration with nearby open spaces, including Gibbons Street Reserve and Daniel Dawson Reserve.

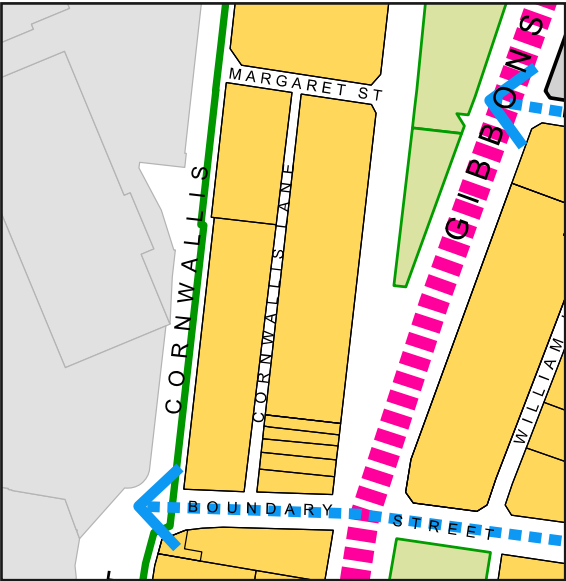
Overall, the site’s location positions it as a critical interface within a significant urban renewal area, offering an opportunity to reinforce the corridor’s role as a vibrant, well-connected, and mixed-use precinct within the inner south of Sydney.



Location plan

Structure of this report

This Planning Proposal seeks to amend the existing planning controls applying to 44-78 Rosehill Street, Redfern, with the aim of unlocking the site’s development potential in a way that is contextually responsive and strategically aligned with the broader vision for the precinct.



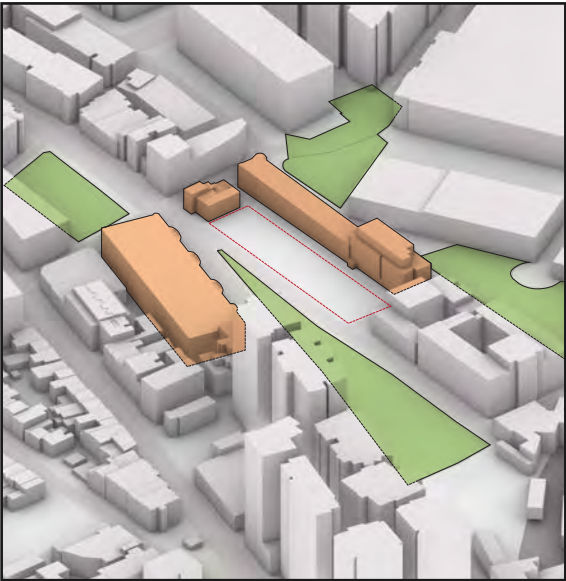
123 Strategic context and site analysis

The site’s position within the Redfern Innovation Corridor and proximity to transport, education, and employment hubs informed a design that leverages these connections. The analysis identified opportunities for increased density, activation, and improved connectivity, guiding a contextually responsive built form aligned with the Botany Road Precinct Urban Strategy.



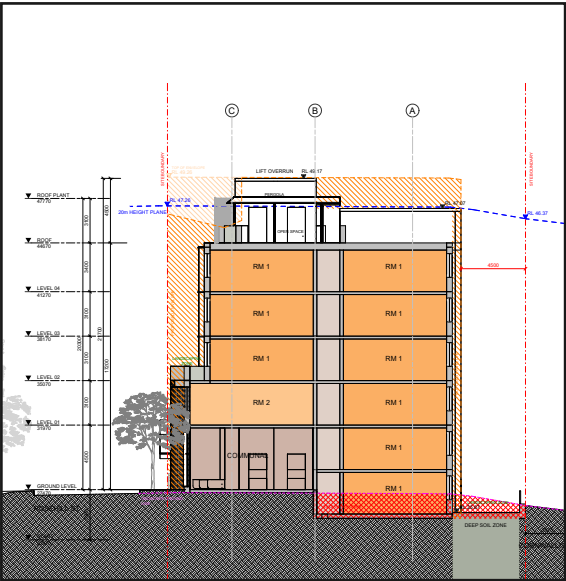
Design response

The proposed framework responds to the site’s context, opportunities, and constraints through active frontages, green rooftops and appropriate setbacks, achieving a balanced, place-based outcome that enhances the public domain.



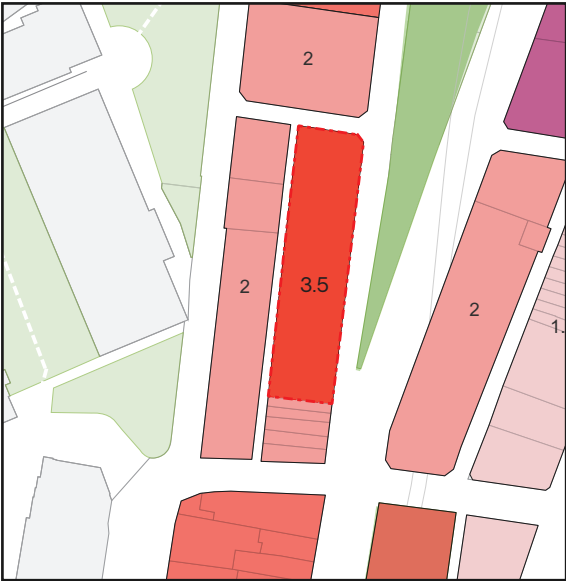
Solar testing

Comprehensive solar testing, including Eye-of-Sun analysis, confirms the proposal minimises overshadowing to surrounding properties and open spaces while optimising solar access and amenity within the site.



Proposed scheme

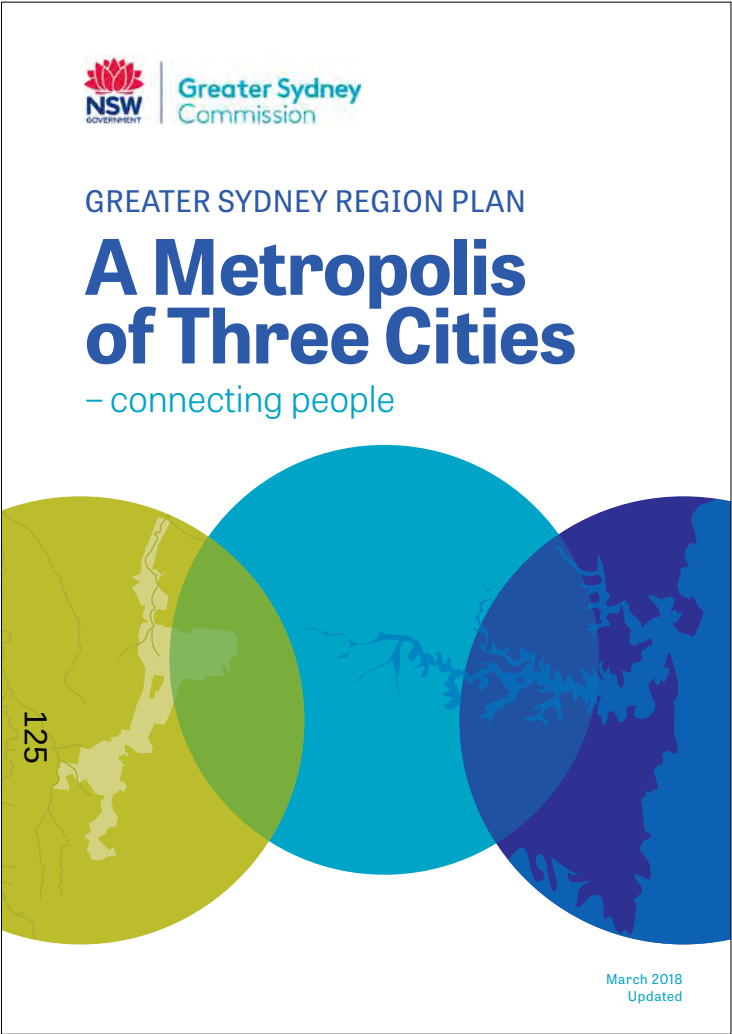
A reference scheme demonstrates the feasibility and design quality of the proposed controls, illustrating how the revised envelope delivers a high-quality, contextually appropriate development aligned with the precinct’s strategic vision.



Recommendations

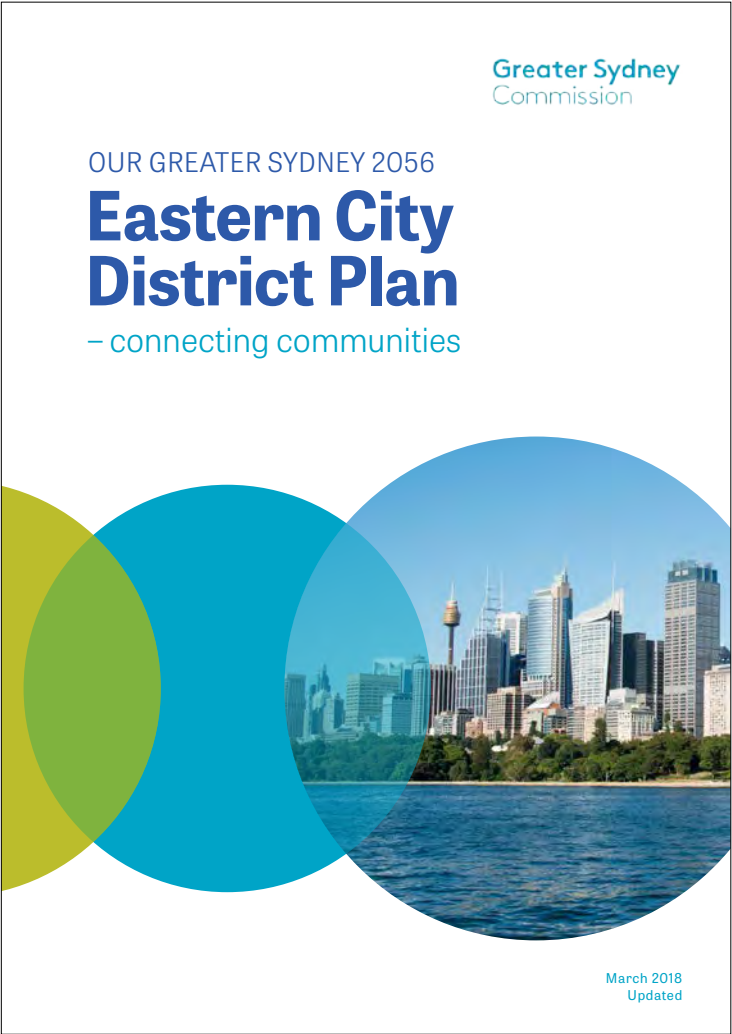
Ultimately, this Planning Proposal is seeking an amendment of existing planning controls. The recommended changes to the controls are as follows:

- An increase in FSR from 2:1 to 3.5:1 across the gross site area.
- An increase in maximum building height from 18 metres to 20 metres.



Greater Sydney Region Plan

- The plan envisages Greater Sydney is built on a vision for three integrated and connected Cities where most residents live within 30 minutes of jobs, education and health facilities, services and great places.
- One of the three cities, ‘the Eastern Harbour City’, aims to build on its recognised economic strength and address liveability and sustainability.
- Redfern is located within the ‘Innovation Corridor’ which supports the growth of tertiary education and research sectors.
- Objective 11, ‘Housing is more diverse and affordable’ advocates for purpose-built accommodation close to jobs, education and services, specifically for students.
- Objective 18, ‘Harbour CBD is stronger and more competitive’ includes the surrounds of the Sydney CBD as a hub for tertiary education and innovation, reinforcing demand for nearby student housing.



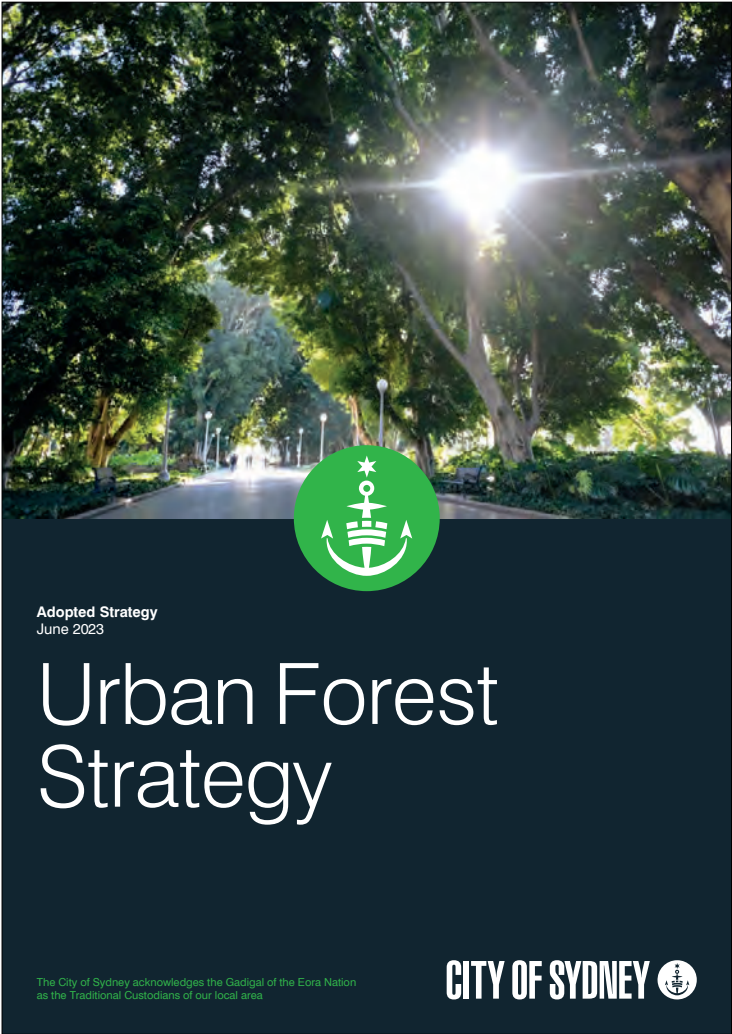
Eastern City District Plan

- The City Plan expands on the Region Plan with Planning priority E5: ‘Providing housing supply, choice and affordability, with access to jobs, services and public transport’. The Plan promotes higher density housing near transport hubs, such as Redfern Station, to reduce travel times and support sustainable transport.
- Planning priority E7: ‘Growing a stronger and more competitive Harbour CBD’ considers the Camperdown-Ultimo health and education precinct and focusses on supporting its growth.



City of Sydney Local Strategic Planning Statement

- The LSPS sets out the 20 year vision for land use planning in the city and the planning priorities and actions needed to achieve the vision.
- The site is located in the ‘City Fringe’ and south of Central Sydney. It is within the Redfern Street village which features a range of historic residential areas and new high-density residential developments.
- Significant capacity for development has been identified for the Redfern Street village, which can be supported by the existing infrastructure in the area, such as Redfern and Waterloo Stations.



City of Sydney Urban Forest Strategy

- The City of Sydney Urban Forest Strategy outlines the city’s approach to enhancing its urban forest through increased tree canopy cover, enhanced tree diversity, equitable distribution and sustainable management.
- Locating deep soil planting zones within private sites can accommodate large canopy trees and contribute to achieving citywide canopy targets of 23% by 2030.
- Explore opportunities for rooftop greening to supplement canopy in high density areas.

Case for change

This proposal seeks an increase to the FSR and Height of Buildings controls to enable the delivery of purpose-built student accommodation (PBSA) in a highly accessible and strategically significant location.

Need for Purpose-Built Student Housing

Sydney faces a well-documented shortage of affordable, high-quality student housing. The site's proximity to major tertiary institutions - including the University of Sydney, UTS, and TAFE NSW Ultimo — makes it ideally suited for PBSA. Increasing the FSR will allow for an efficient, viable development that delivers a meaningful supply of student dwellings while maintaining strong design and amenity outcomes.

Strategic Location and Connectivity

The site benefits from exceptional public transport access, located 300m from Redfern Station and 600m from the future Waterloo Metro Station. This connectivity supports sustainable, car-free living and aligns with State and Local objectives for higher-density development around key transport nodes.

Access to Amenity and Open Space

The site is well-served by nearby shopping, dining, and community facilities along Regent and Redfern Streets, and is within walking distance of Gibbons Street Reserve, Daniel Dawson Reserve, and Prince Alfred Park. These amenities create a liveable environment well-suited to student needs.

Alignment with Strategic Vision

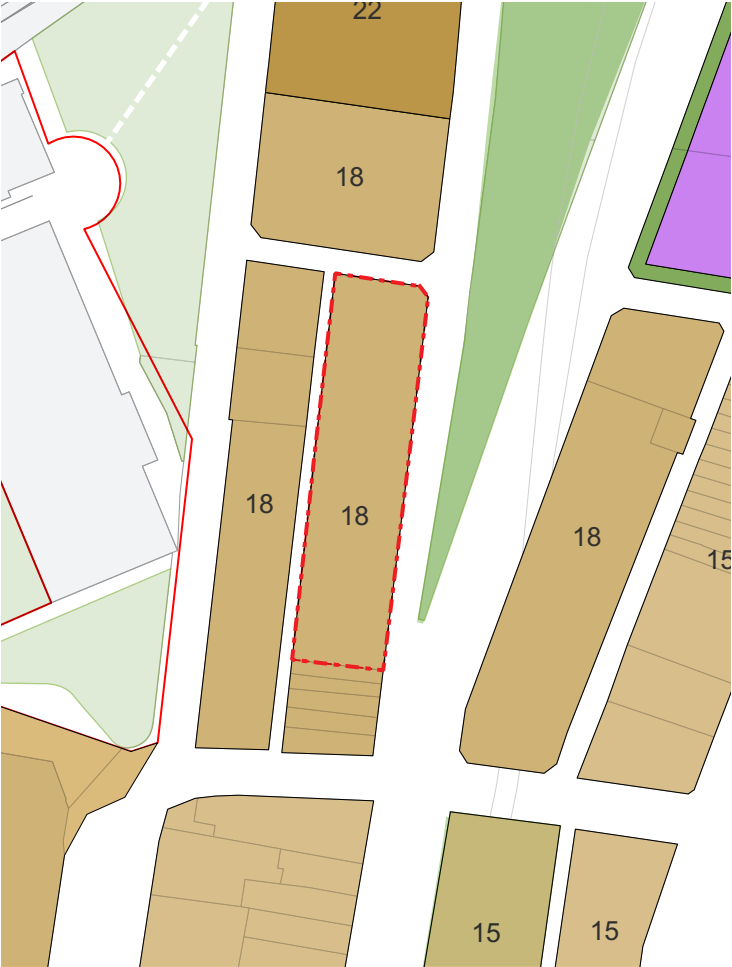
Located within the Innovation Corridor, the site supports the City of Sydney's vision for a diverse, mixed-use precinct that fosters education, innovation, and creative industries. The proposed increase in FSR optimises land use in a growth area, contributing to housing diversity, urban vitality, and the evolution of Redfern as a well-connected, inclusive precinct.





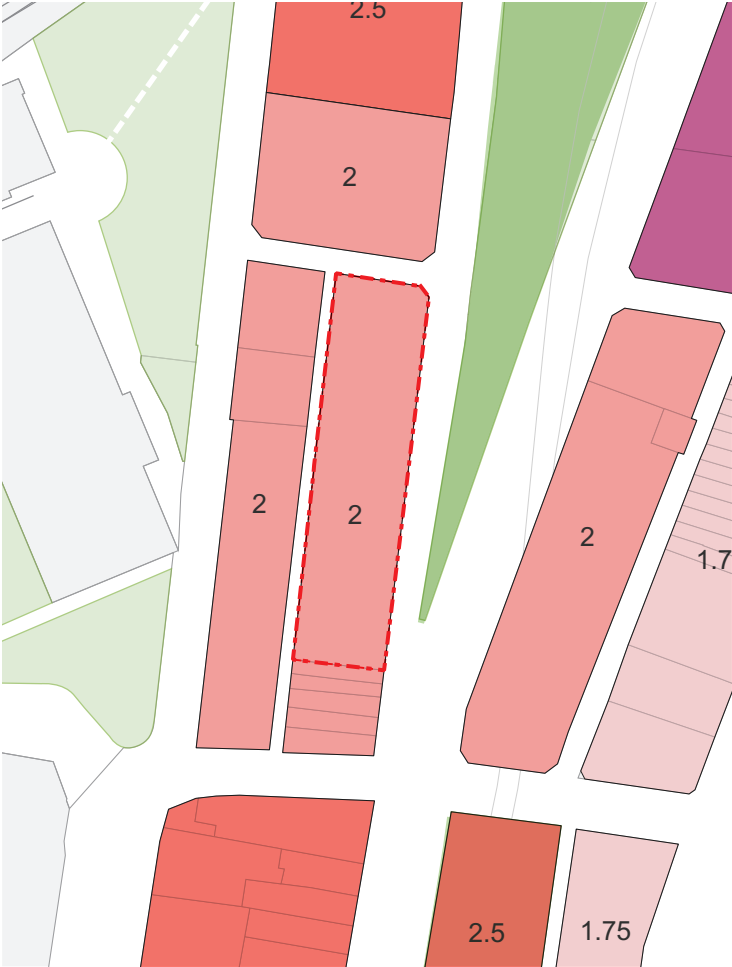
KEY

- MU1 - Mixed use
- H - Recreation
- SP2 - Infrastructure
- E - Business Zone/Park
- C Business Zone Commercial Core



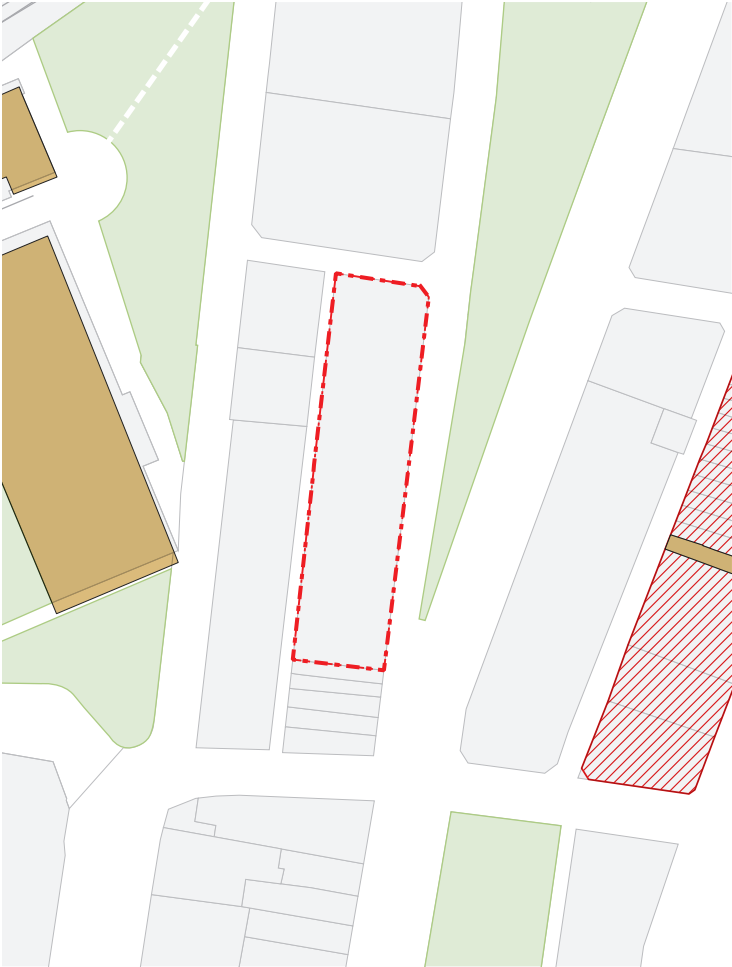
KEY

- O - 15m
- P - 18m
- R - 22m
- Y - 50m



KEY

- 1.75:1
- 2:1
- 2.5:1
- 7:1



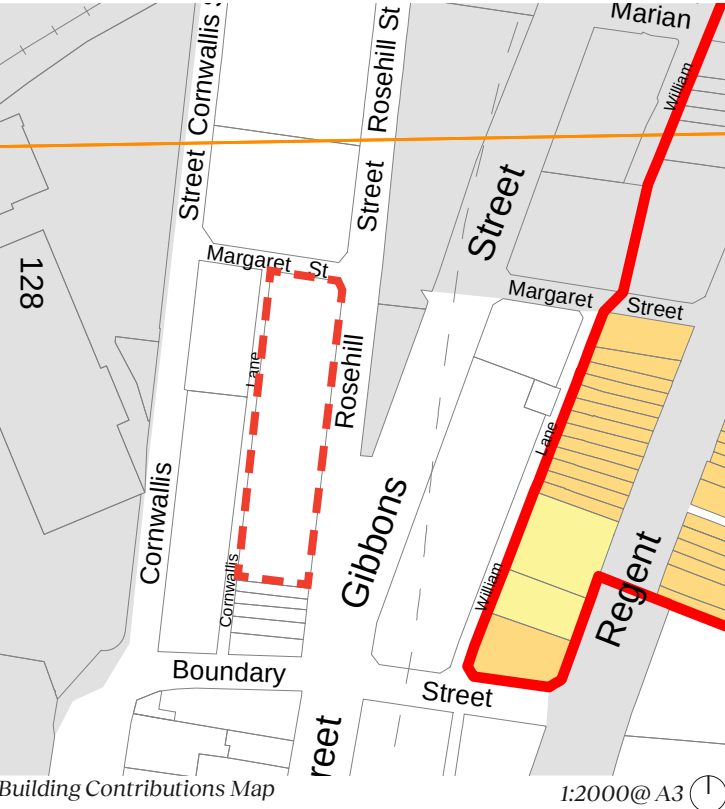
KEY

- Heritage item
- Conservation area

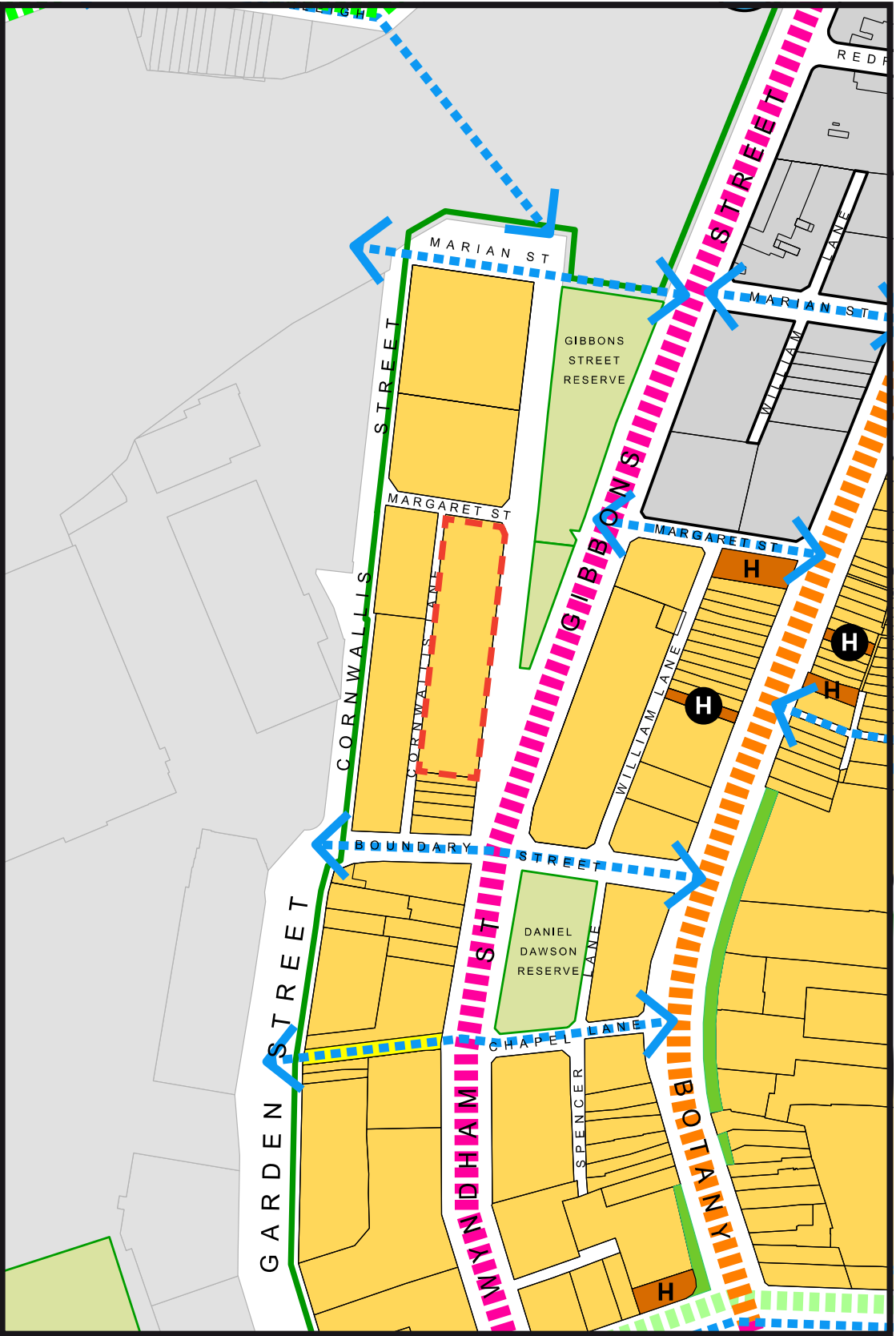
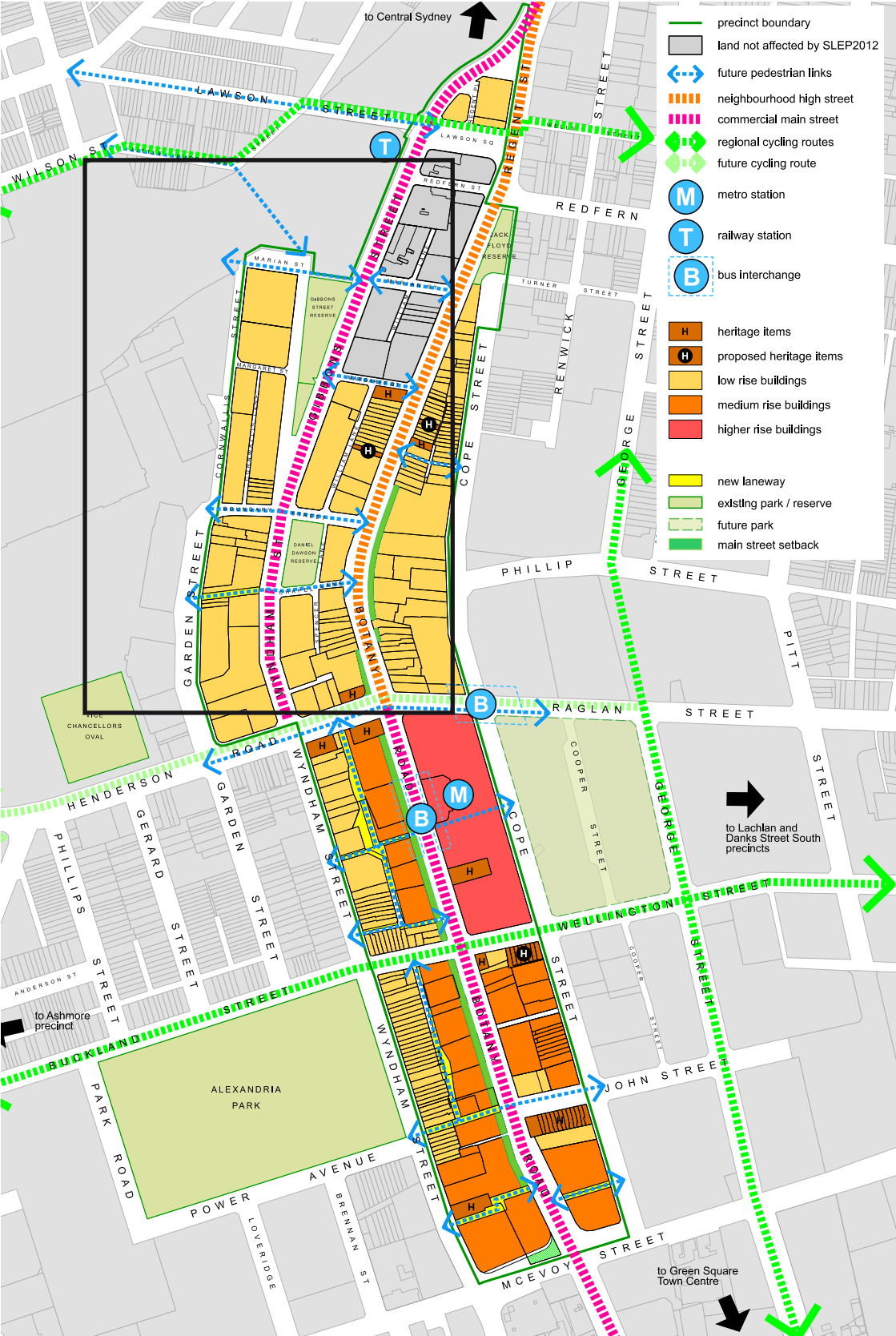
Applicable DCP controls

The site is within the Botany Road Precinct, guided by the Sydney DCP 2012, which seeks to create a vibrant, mixed-use corridor with active street frontages, improved pedestrian amenity, and design excellence. While most detailed controls apply to land south of the site between Henderson Road and McEvoy Street, the precinct framework highlights connectivity, employment growth, and high-quality public domain outcomes.

Located approximately 300m south of Redfern Station and 600 metres north of the Waterloo Metro Station, the site benefits from enhanced accessibility, which has already triggered significant urban renewal and residential uplift, positioning it to contribute to the precinct’s vision for a connected, sustainable, and vibrant urban environment.



- KEY**
- Site boundary
 - Conservation area
 - Land excluded from this DCP
 - Contributing
 - Detracting
 - Neutral



Planning envelope

Development Potential under Current LEP Controls

The site is subject to a 2:1 Floor Space Ratio (FSR), which permits a maximum Gross Floor Area (GFA) of approximately 5,050 m².

The maximum building height permitted under the LEP is 18 metres, which sets the upper limit for built form on the site.

Issues identified with the LEP Envelope

- Laneway interface:

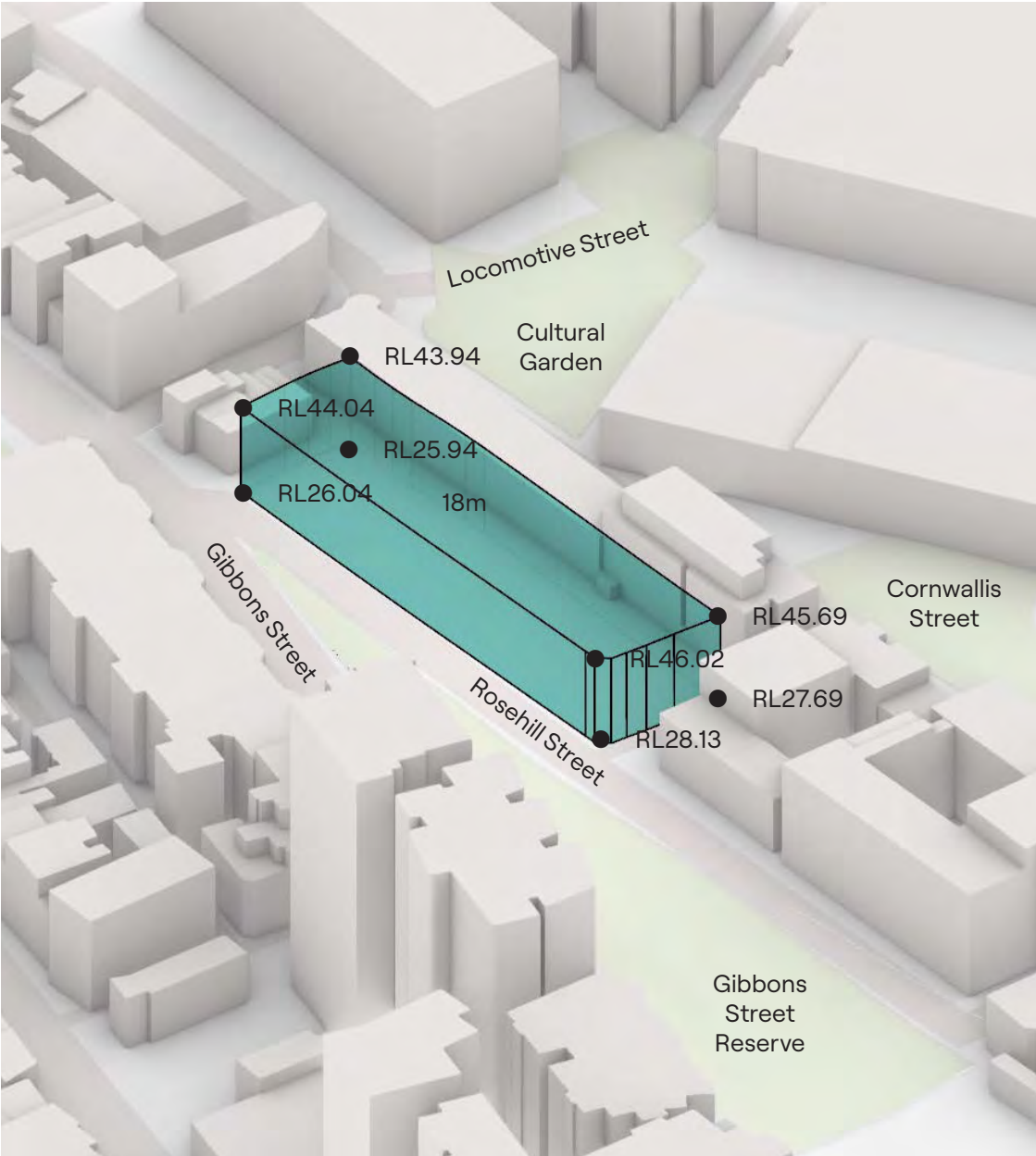
The current LEP envelope does not provide a setback from Cornwallis Lane which is a narrow laneway along the western boundary. This proximity compromises visual privacy and reduces solar access to the adjoining residential building, limiting the amenity of neighbouring properties.

- Built form character:

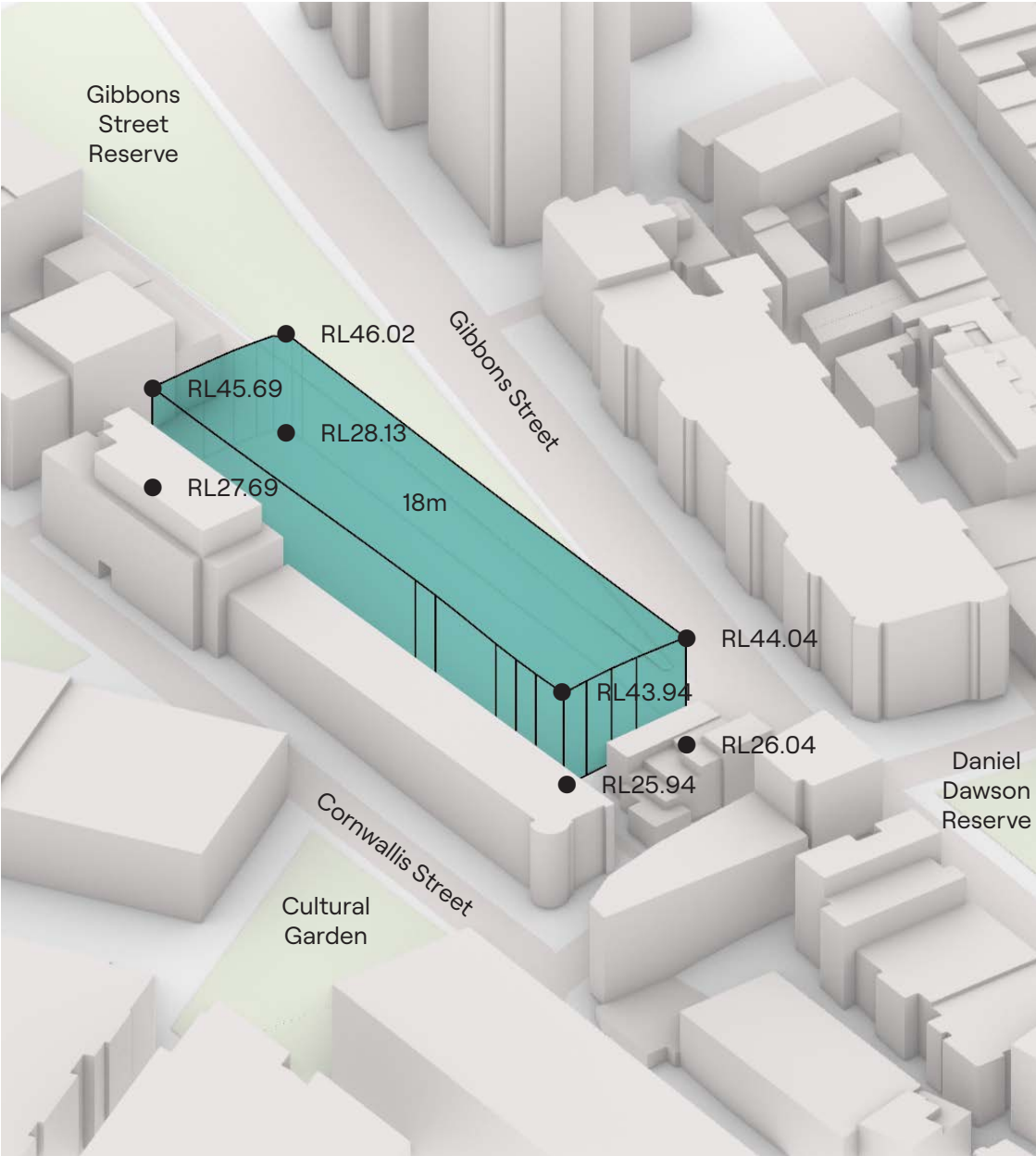
The envelope exhibits limited height variation and lack of frontage articulation, resulting in reduced opportunities to achieve a contextually responsive design.

- Development capacity:

The current controls restrict the site's ability to fully realise its development potential, particularly for uses such as purpose-built student accommodation, which require a greater GFA to achieve viable, well-designed outcomes.



North East

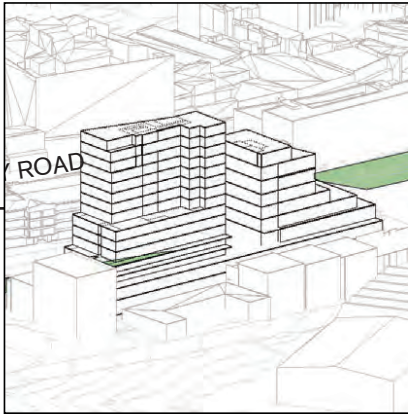


South West

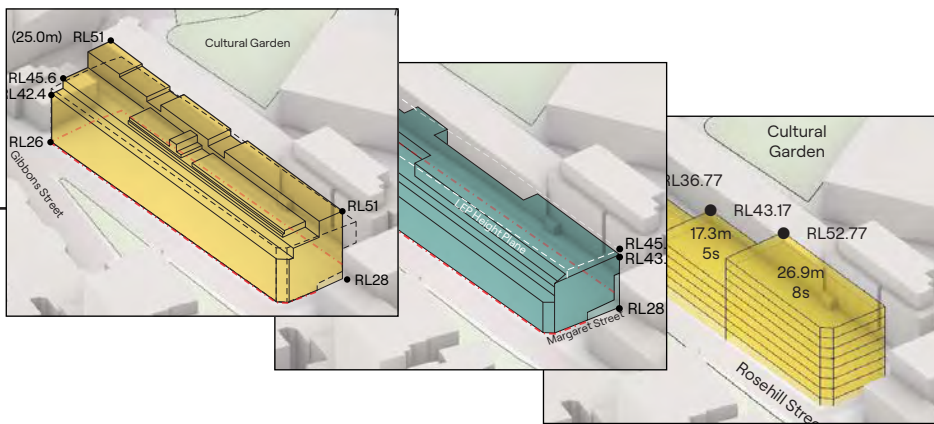
Project evolution



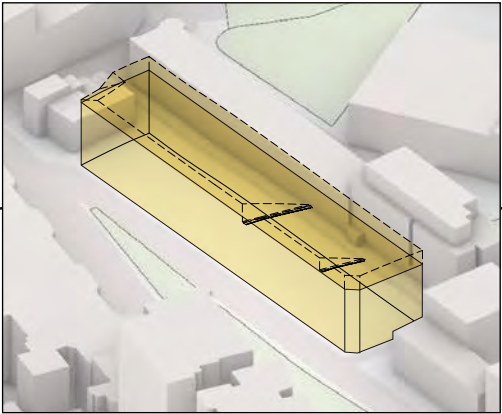
2018



2023



2024



2025

Previous proposals

Previous planning proposals for the site were not supported by Council, primarily due to concerns regarding building height, bulk, and scale. Feedback from Council emphasised the need to better address solar access, amenity impacts, and the relationship of the built form to its surroundings.

Key issues identified included:

- Overshadowing of open space
- Building separation
- Solar impact on neighbouring properties
- Land use
- Built form and streetscape character
- Deep soil and landscaping

Our previous options

During the Scoping Report stage, discussions between the proponent and Council resulted in several iterations of the proposed planning envelope. The initial concept explored concentrating additional height to the north of the site; however, following Council feedback, minimising overshadowing impacts on surrounding properties and open spaces became the key design priority.

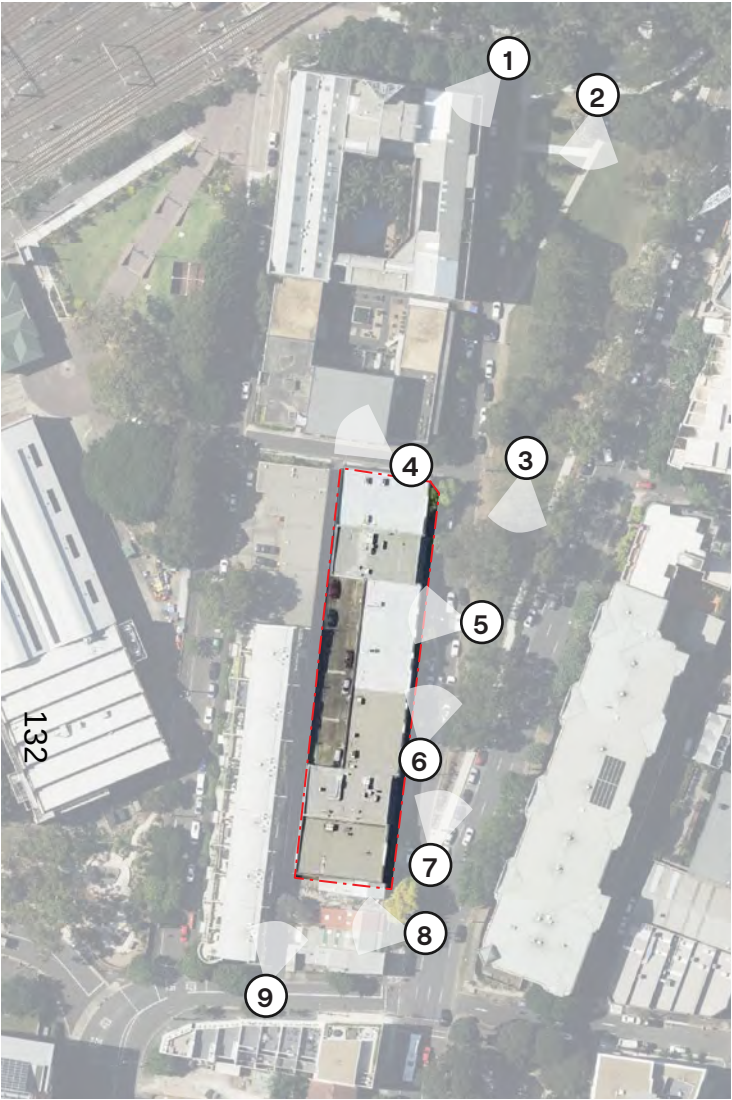
In response, the envelope was refined and shrink-wrapped to the reference scheme, balancing the desired building height with reduced overshadowing and improved amenity outcomes.

Throughout this iterative process, multiple configurations were tested to address Council's key concerns, which centred on:

- Building height and overshadowing
- Room sizes and internal dimensions
- Waste management and servicing
- Bicycle parking provision

Proposed envelope

In response to Council's pre-lodgement advice, the proposed envelope has been amended with a 20m building envelope, identification of a 2m green roof zone (clipped to protect and ensure the solar access to neighbouring apartments and open space.), and further refinement of room sizes/ dimensions, waste management and bicycle parking.



Location plan

Character

Rosehill Street has a diverse mixed-use character, combining residential, commercial, and light industrial uses. The streetscape features a blend of heritage terraces, adaptive reuse, and contemporary infill, creating a fine-grain, layered urban character that reflects Redfern’s evolving identity.

Commercial



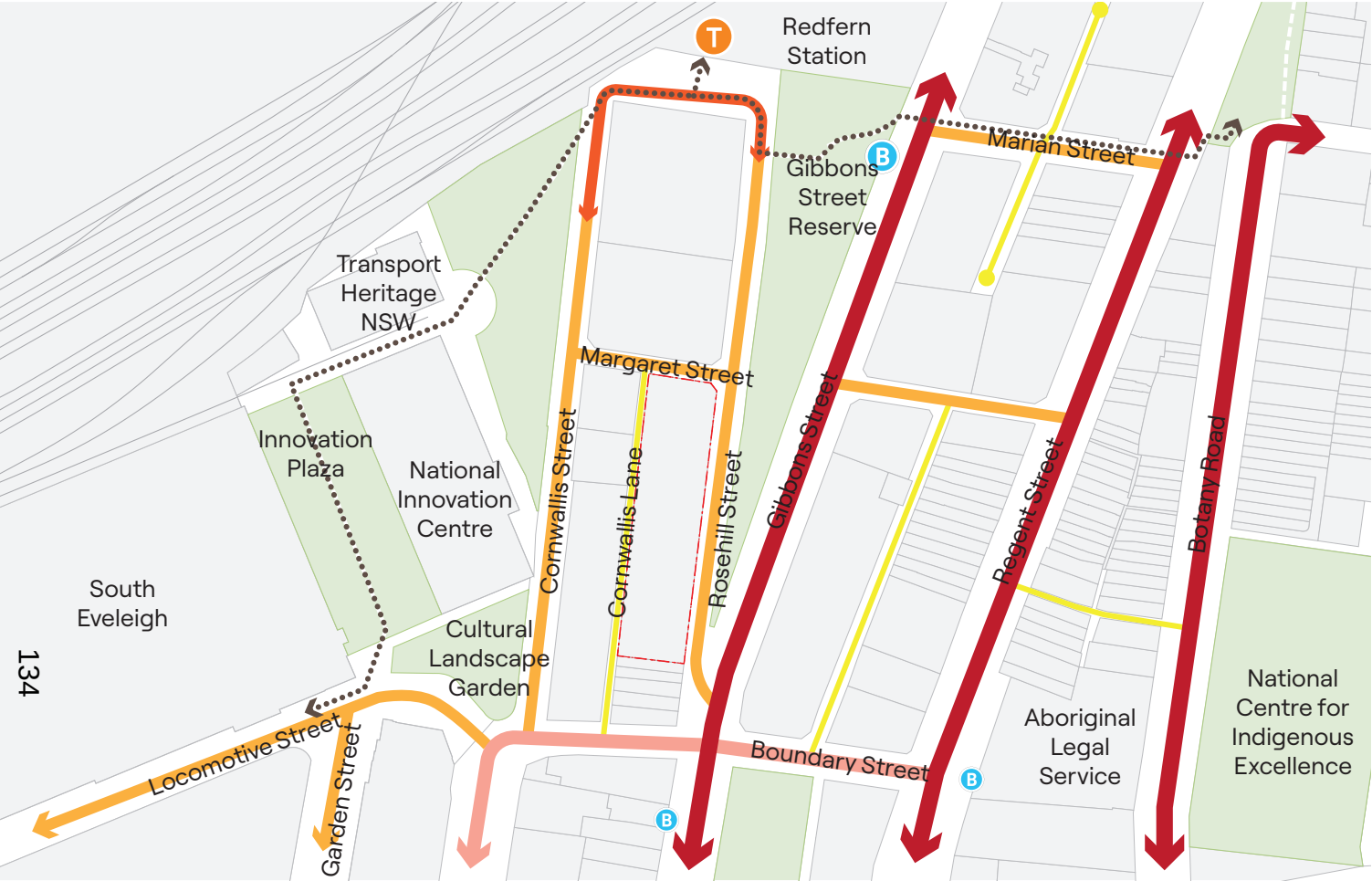
Residential area



Mixed use zone



Movement and access



Movement and access diagram

The site fronts Rosehill Street, a local road serving residential and light industrial uses. To the north, it connects with Cornwallis Street, forming a shared pedestrian and vehicle zone that provides safe access to Redfern Station and supports local walkability.

To the south, Rosehill Street links to Gibbons Street, a high-capacity arterial route that runs parallel to Botany Road and Regent Street, key north-south corridors through the Redfern-Waterloo area. Service lanes provide vehicular access to rear properties, helping maintain active frontages along these main streets.

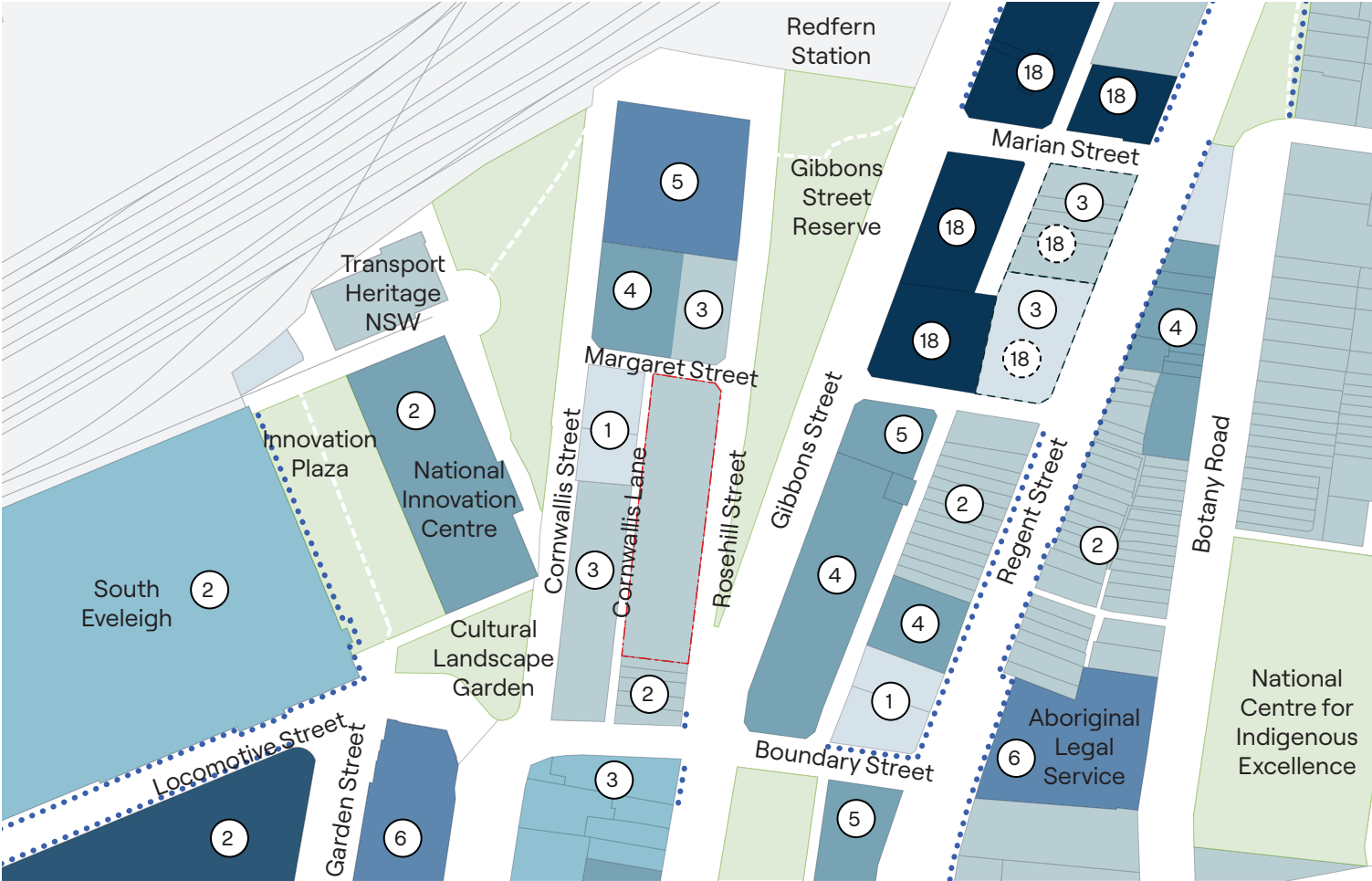
To the west, the network transitions toward South Eveleigh, where slower traffic speeds and improved pedestrian conditions support access to employment and residential areas.

This connected and fine-grain street network promotes multimodal access and supports transit-oriented development.

KEY

- Site boundary
- Train station
- Bus stop
- Main road
- Main street
- Local street
- Service street
- Shared way
- Main pedestrian routes

Height and built form



Existing building heights and active frontages diagram

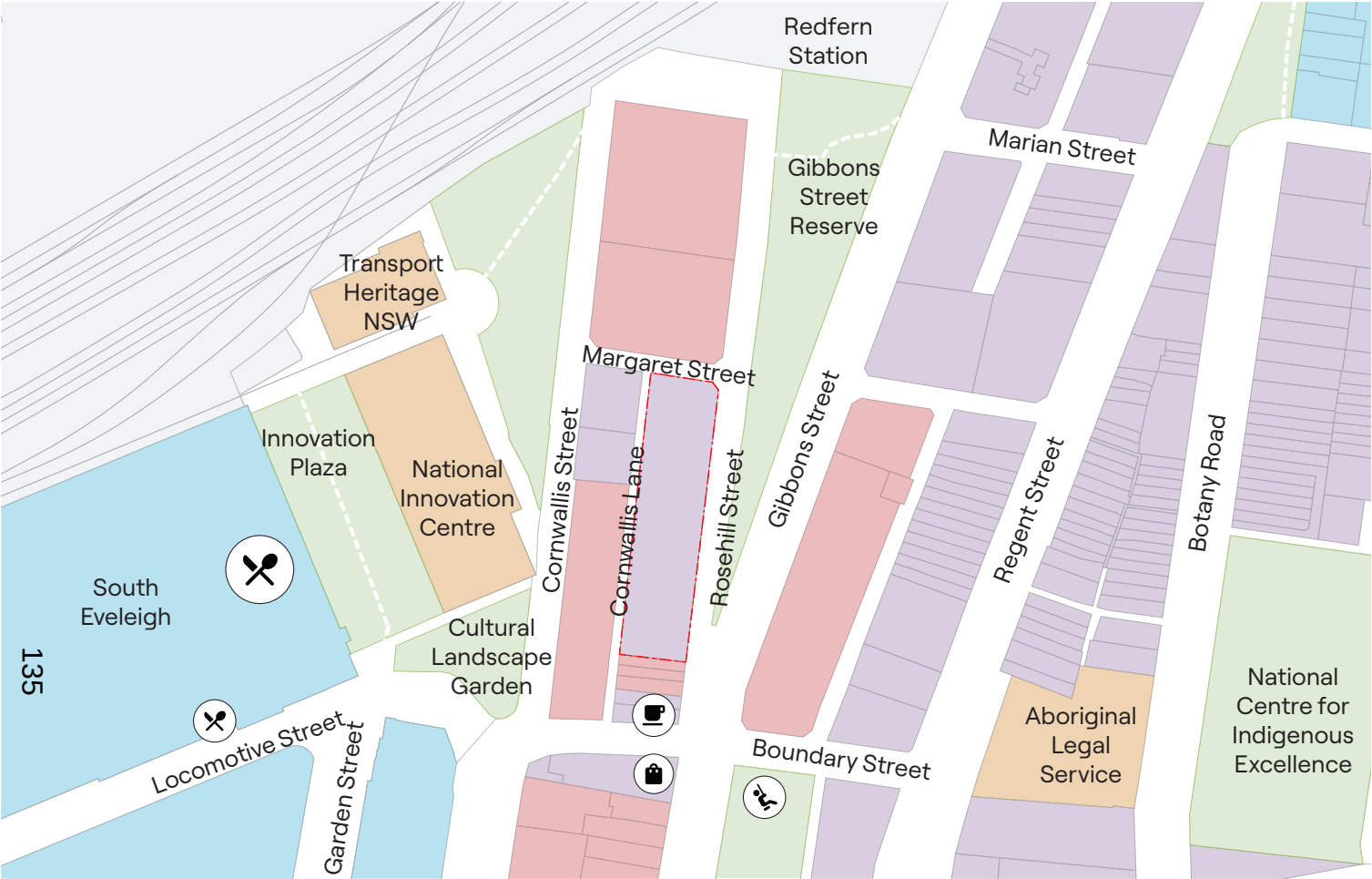
The area is undergoing a significant transition from a medium-density residential neighbourhood to a high-density, mixed-use precinct that supports increased housing near major transport nodes. Recent developments include 18-storey residential towers along the northern edge of Gibbons Street, with similar projects planned along Regent Street. Mid-rise apartment buildings of 4-6 storeys are interspersed throughout the precinct, contributing to an emerging urban scale.

In contrast, heritage terraces, particularly along Regent Street, reflect the area's historic fine-grain character. To the east, adaptive reuse projects, such as the former locomotive workshops, have been transformed into large-scale commercial and retail spaces, reinforcing the precinct's evolving blend of heritage fabric and contemporary development.

KEY

- Site boundary
- 4m HOB
- 7m HOB
- 15m HOB
- 18m HOB
- 20-25m HOB
- 30-35m HOB
- 60m+ HOB
- Planned future development
- Active frontage
- Height in storeys
- Planned future height in storeys

Land use



Land use diagram

The surrounding area comprises a mix of residential, commercial, and employment uses consistent with the evolving character of the Redfern-Eveleigh Innovation Corridor.

To the west, the South Eveleigh Precinct accommodates offices, innovation hubs, and adaptive reuse of industrial buildings.

To the east, medium-density residential development fronts Gibbons Street, supported by local retail and services.

Along Rosehill Street, a transitional character exists, with residential and small-scale commercial uses marking the shift from former industrial land to a mixed-use, transit-oriented environment.

KEY

Site boundary

Residential

Mixed use

Commercial/retail

Civic/community

Open space

Topography



Topography and flooding diagram

The site is located within a gently undulating part of the Redfern-Eveleigh corridor, where the topography generally falls from north to south, descending gradually away from Redfern Station.

Minor level variations occur along Rosehill Street and its adjoining streets, reflecting the transition from the higher ground near Redfern Station to the lower elevations along Gibbons Street to the west. The terrain becomes steeper along Boundary Street, sloping down to both the east and west, with the intersection of Boundary and Gibbons Streets forming one of the few relatively flat areas within this locality.

The south-west corner of the site presents a notable dip of approximately 1.5m, evident particularly from Cornwallis Lane.

KEY

Site boundary

0.5m contours

2m contours

Overland flow direction

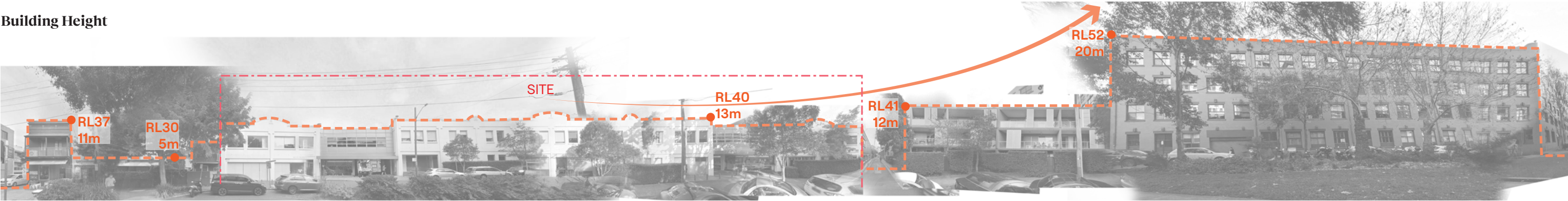
Site analysis

Streetscape analysis

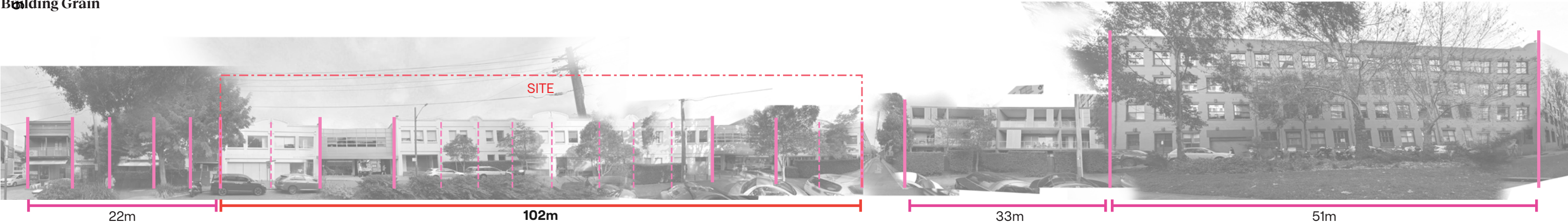
Analysis of the street elevation informs the urban response to street wall, grain and articulation.

- Street wall height increases from south to north with one storey residential frontages leading into two storey commercial frontages.
- Building grain begins along the south as relatively fine, varying from 5-7m along the terraces. The site features a long street frontage resulting from its commercial uses.
- Building articulation is evident in the punched out window openings, typical of masonry construction.

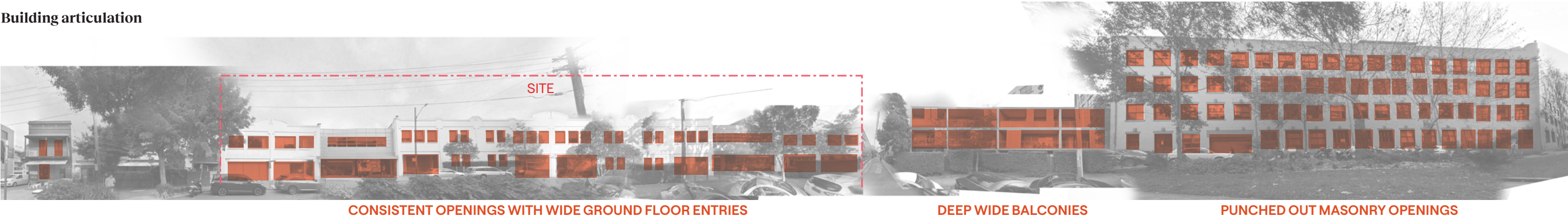
Building Height



Building Grain



Building articulation

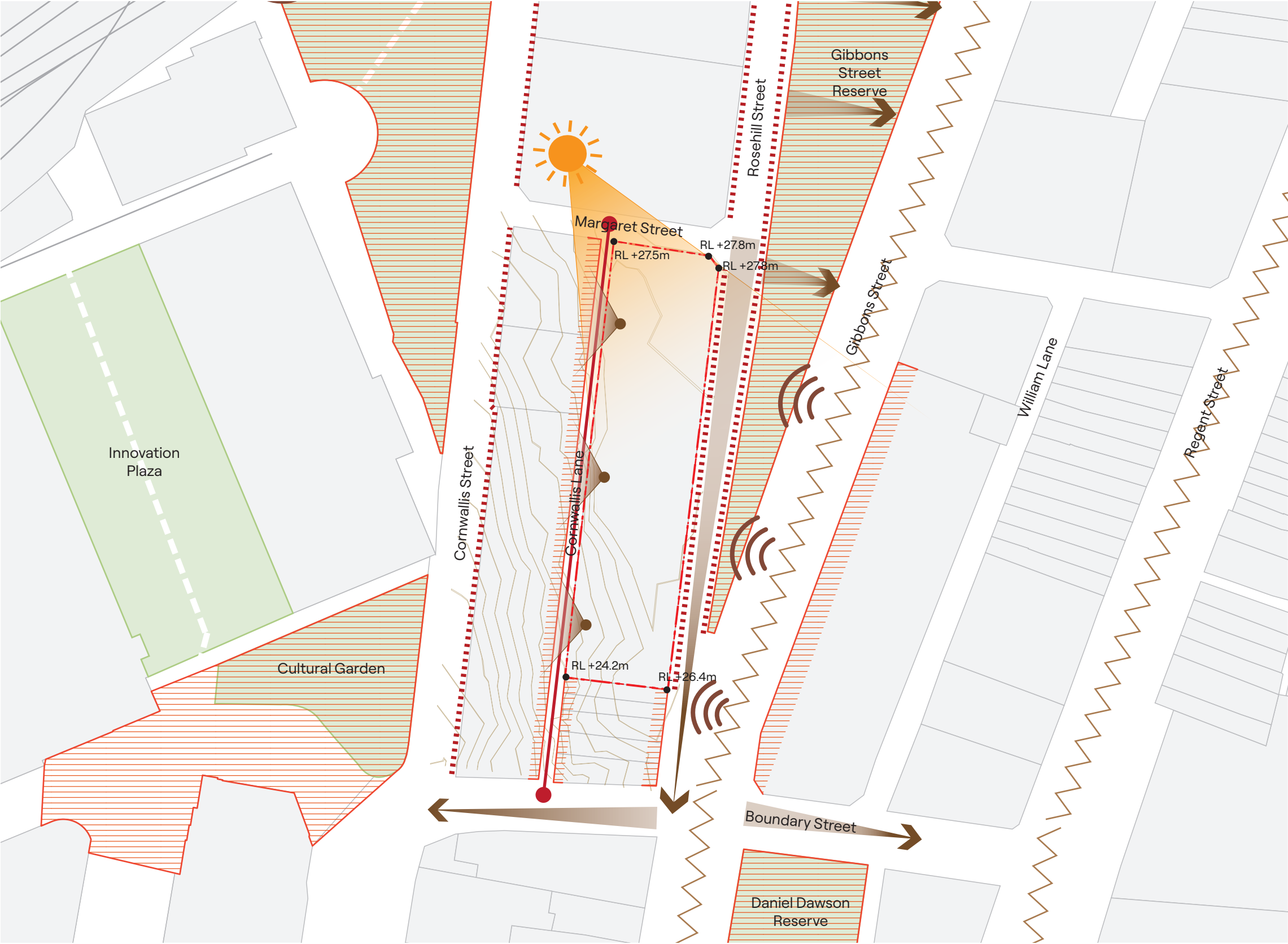


Constraints

- Development must carefully mitigate overshadowing impacts to surrounding residential properties and adjacent open spaces, particularly along 39-61 Gibbons Street, where solar access is a key concern for Council.
- The interface with 15-41 Cornwallis Street, which is built to the boundary, creates potential visual privacy impacts that will require thoughtful building orientation and setbacks.
- The site adjoins the narrow Cornwallis Lane, which primarily serves as a service and access route. Development must respond appropriately to this interface to maintain safety, amenity, and visual quality.
- High traffic volumes along Gibbons Street and Regent Street generate noise and air quality impacts, requiring acoustic mitigation and appropriate building design to ensure internal amenity.
- The sloping terrain along Rosehill Street and Boundary Street presents potential overland flow and stormwater management challenges, necessitating careful site planning and water-sensitive design strategies.
- Given the site's transitional urban context, future development must reconcile varied building scales and typologies, ensuring a cohesive interface between emerging high-density forms and existing fine-grain character.
- A natural dip in the ground located of approximately 1.5 metres at the south-west corner of the site limits the potential to accommodate an 18m high reference scheme. For this reasons an additional 2m to the Height of Buildings (HOB) control are required to ensure full compliance for the small portion of the building affected by the dip.

KEY

- Site boundary
- Noise
- Slope
- Busy main road
- Threat to visual privacy
- Overshadowing
- Rear laneway
- Street parking
- 0.5m contours



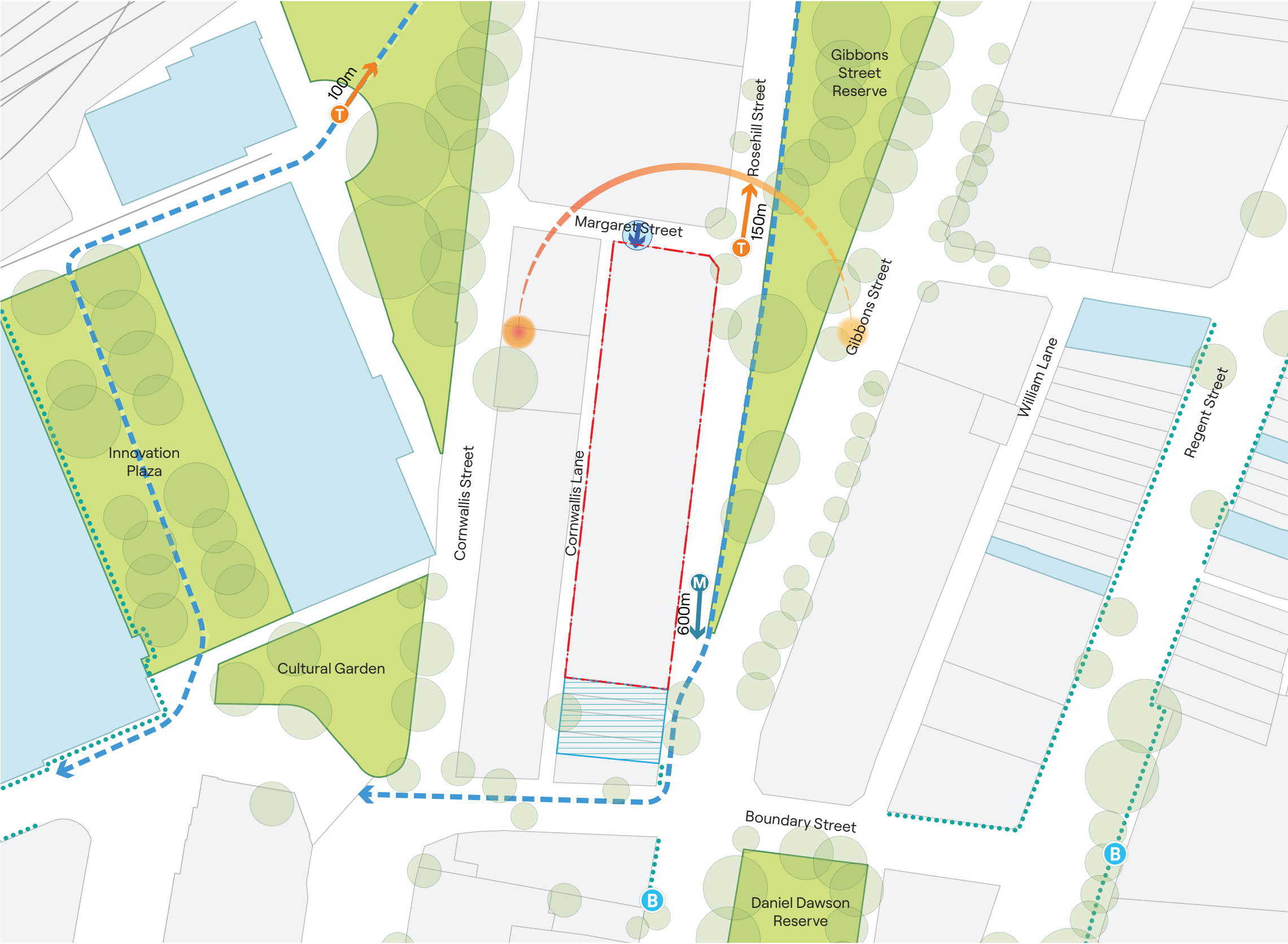
1:1,000@ A3 1

Opportunities

- The site is highly accessible, located approximately 150 metres from Redfern Station and 600 metres from Waterloo Metro Station, providing direct connections to key employment, education, and innovation precincts across Sydney.
- Surrounding heritage items and character buildings contribute to a distinctive local identity, offering opportunities to enhance and complement the historic built fabric through sensitive design.
- Margaret Street provides an opportunity for discrete servicing and basement access, allowing Rosehill Street to function as a primary pedestrian-focused frontage with minimal vehicle conflict.
- Active ground-floor uses contribute to a lively day and night-time economy, supporting street activation and passive surveillance.
- Mature street trees and established landscaping provide leafy streetscapes that reinforce green infrastructure.
- A variety of local open spaces, including Gibbons Street Reserve and Daniel Dawson Reserve, serve the recreational and social needs of future residents.
- The absence of built form along the eastern edge of the site enables excellent solar access
- The dilapidated terraces to the south of the site offer opportunity for renewal, supporting the broader transition of the precinct to a higher-density mixed-use character.

KEY

- Site boundary
- Train station
- Bus stop
- Sun path
- Heritage
- Dilapidated terraces
- Open space
- Tree canopy
- Pedestrian route
- Vehicle access



1:1,000@A3 1

Planning and place summary

					
Overshadowing of Open Space	Building separation	Solar impact on neighbouring properties	Land use	Built form and streetscape character	Deep soil/Landscaping
Review overshadowing impacts to: — Daniel Dawson Reserve — Gibbons Street Reserve — Indigenous Landscape Cultural Garden at Australian Technology Park — Open Space in Cornwallis Street and Locomotive Street	Consider building separation and preliminary visual privacy treatments to: — 32 Rosehill Street, Redfern — 15-41 Cornwallis Street, Redfern — 80-88 Rosehill Street, Redfern	Impacts to the following key residential developments are to be reviewed: 1. 39-61 Gibbons Street, Redfern 2. 80-88 Rosehill Street, Redfern	DCP requires: — Ground floor and first floor uses are to be non-residential uses — Residential use is permitted where it does not undermine the employment generating function of the precinct.	Analysis to be provided on the compatibility of proposal in context of surrounding locality - Bulk, scale, height, etc. DCP requires: — 18m height limit — Justification of transition heights to neighbouring developments, noting surrounding 5-6 storeys — Maximum street frontage length to Rosehill Street of 40m requires frontage design to reduce appearance of one continuous façade.	DCP requires the following for residential flat buildings and non-residential development: — Deep soil is to be 10% of the site area at a minimum. — For lots greater than 1,000sqm, the deep soil area is to be consolidated with a minimum dimension of 10m. — All remaining deep soil areas are to have a minimum dimension of 3m. — Where site conditions allow, deep soil is to be consolidated as one area to assist with the ease of drainage and allow for effective deep soil planting.
Response					
Analysis of overshadowing impact of existing conditions and testing for the proposed envelope to ensure compliance with DCP objectives.	Assessment of current laneway conditions and streets has informed testing of privacy setbacks in accordance with ADG.	Analysis of overshadowing impact of existing conditions and testing for the proposed envelope to ensure compliance with ADG requirements.	Analysis of surrounding building uses and activity to inform land use allocation. Rosehill Ground floor frontage has non-residential uses including entertainment areas, study rooms, lobby and library.	Alignment of built form to the streetscape character.	Allocating zones in appropriate areas for deep soil and landscaping.



Existing LEP envelope

The proposed design refines the existing LEP envelope to deliver a more contextually responsive and high-amenity built form. The current controls, while establishing a clear height and density framework, present several constraints relating to laneway interface, articulation, and overall development capacity.

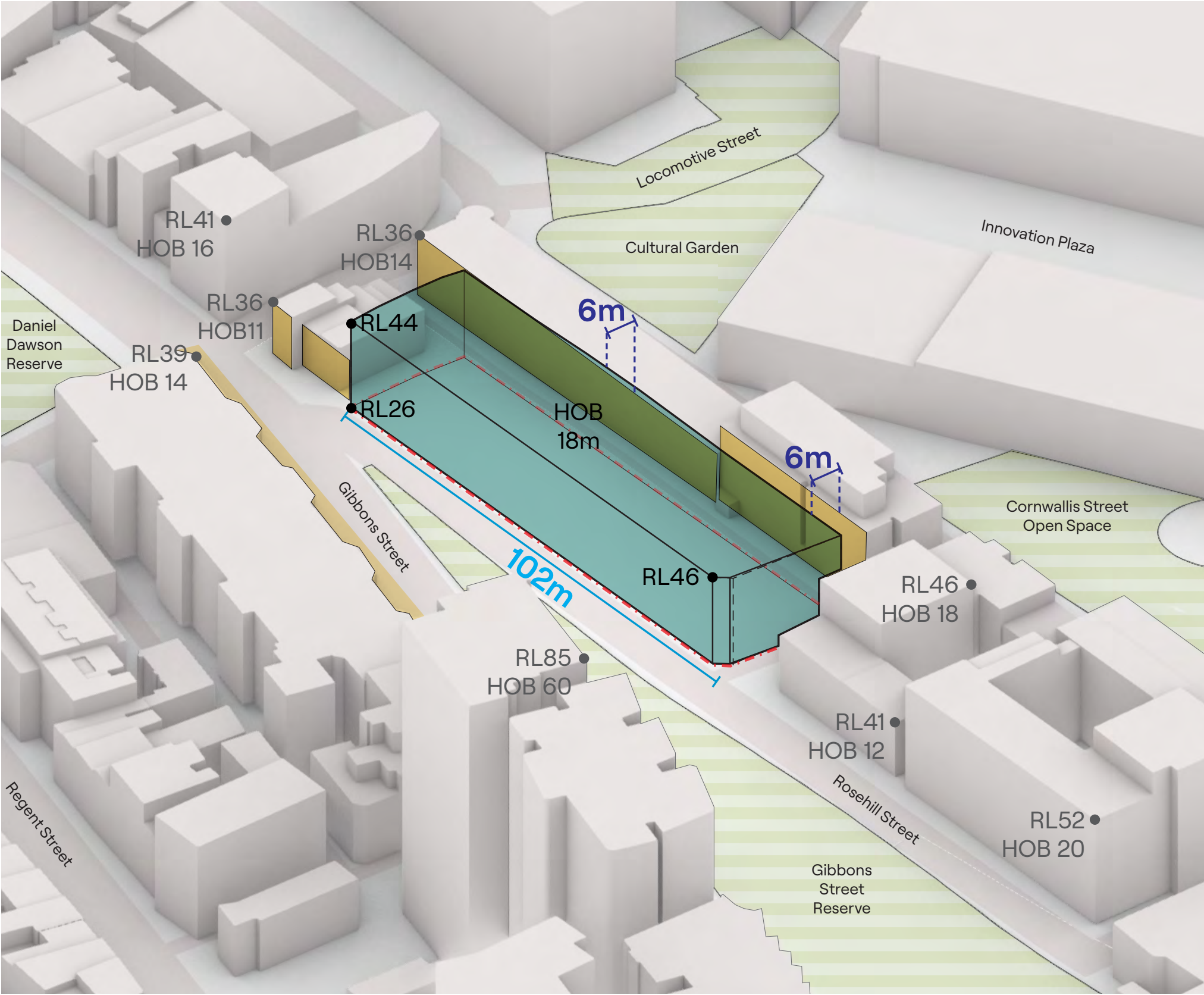
Through targeted design moves, the proposal addresses concerns regarding visual privacy and solar access to adjoining residences. It also reflects the streetscape modulation to better reflect the evolving character of the precinct, and optimises the envelope to support a viable and well-planned built form outcome.

Collectively, these adjustments enable a design that achieves improved amenity, urban quality, and alignment with strategic planning objectives.

141

KEY

- Overshadowing consideration - open space
- Overshadowing consideration - neighbours
- LEP Envelope



Key moves



Overshadowing of Open Space



Building separation



Solar impact on neighbouring properties



Land use



Built form and streetscape character

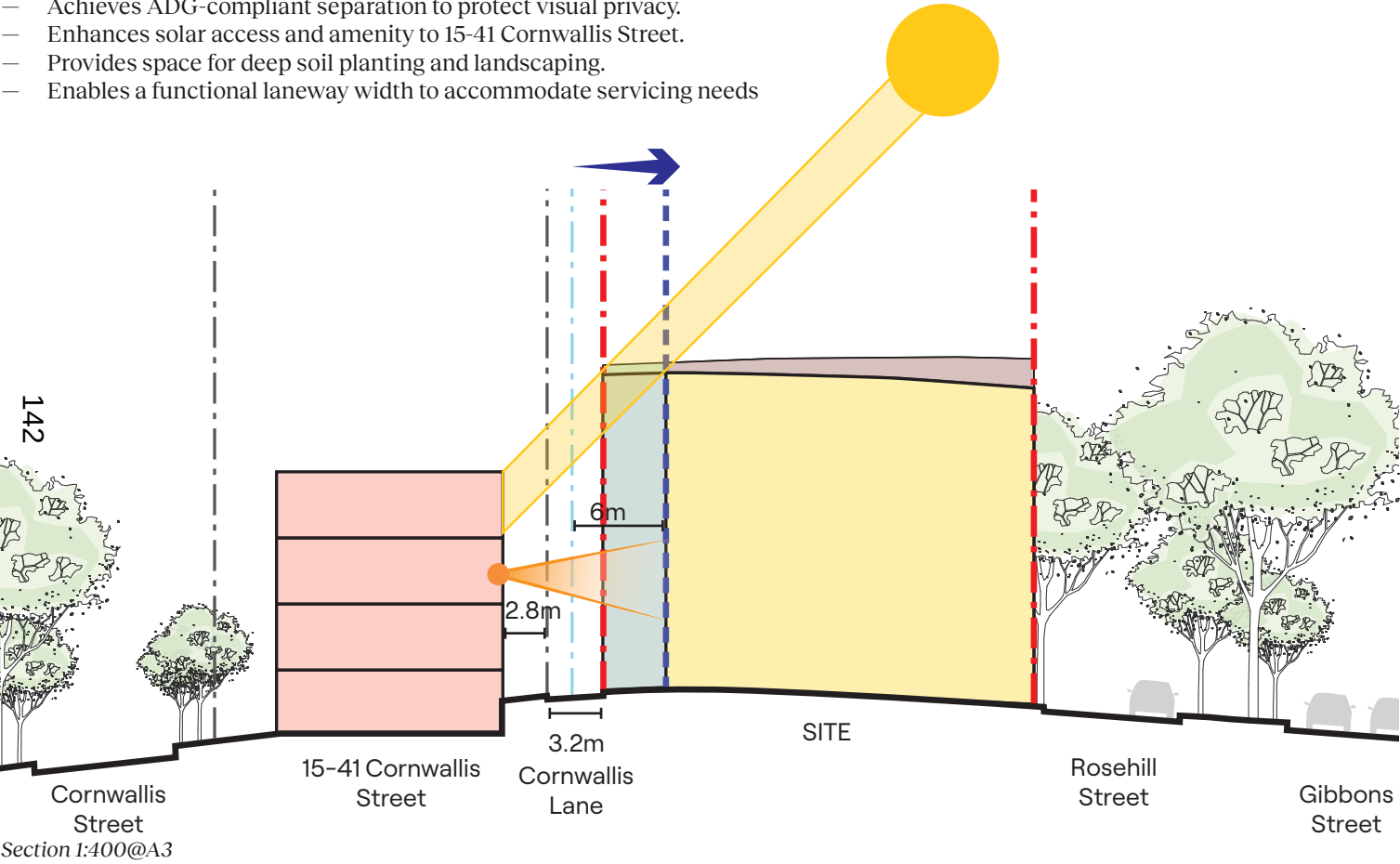


Deep soil/Landscaping

Increase height by 2 metre and introduce a rear setback to create a functional laneway

- Design moves:
- Increasing the height control by 2 metres
 - Introduce a primary rear setback of 3 metres along Cornwallis Lane.

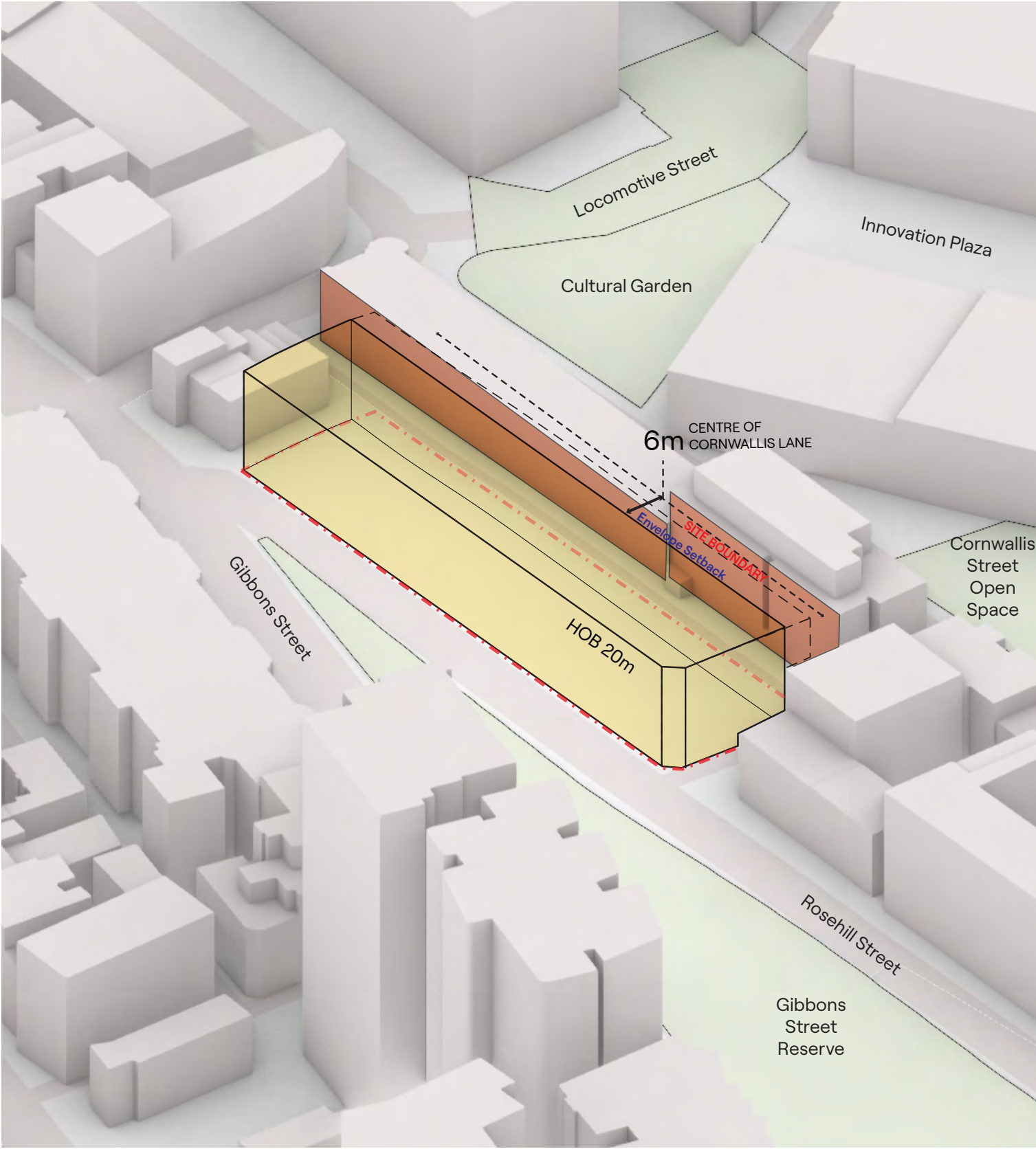
- Rationale:
- The increased height is a response to the site's natural ground and ensure the generated height plane is feasible for development.
 - Achieves ADG-compliant separation to protect visual privacy.
 - Enhances solar access and amenity to 15-41 Cornwallis Street.
 - Provides space for deep soil planting and landscaping.
 - Enables a functional laneway width to accommodate servicing needs



Increased building separation improves the functionality of service laneways and offers safer links for people to walk and cycle.



Establish a quality interface between developments that facilitates both functionality and landscaping of deep soil zones.



Key moves



Divide mass to reflect streetscape rhythm

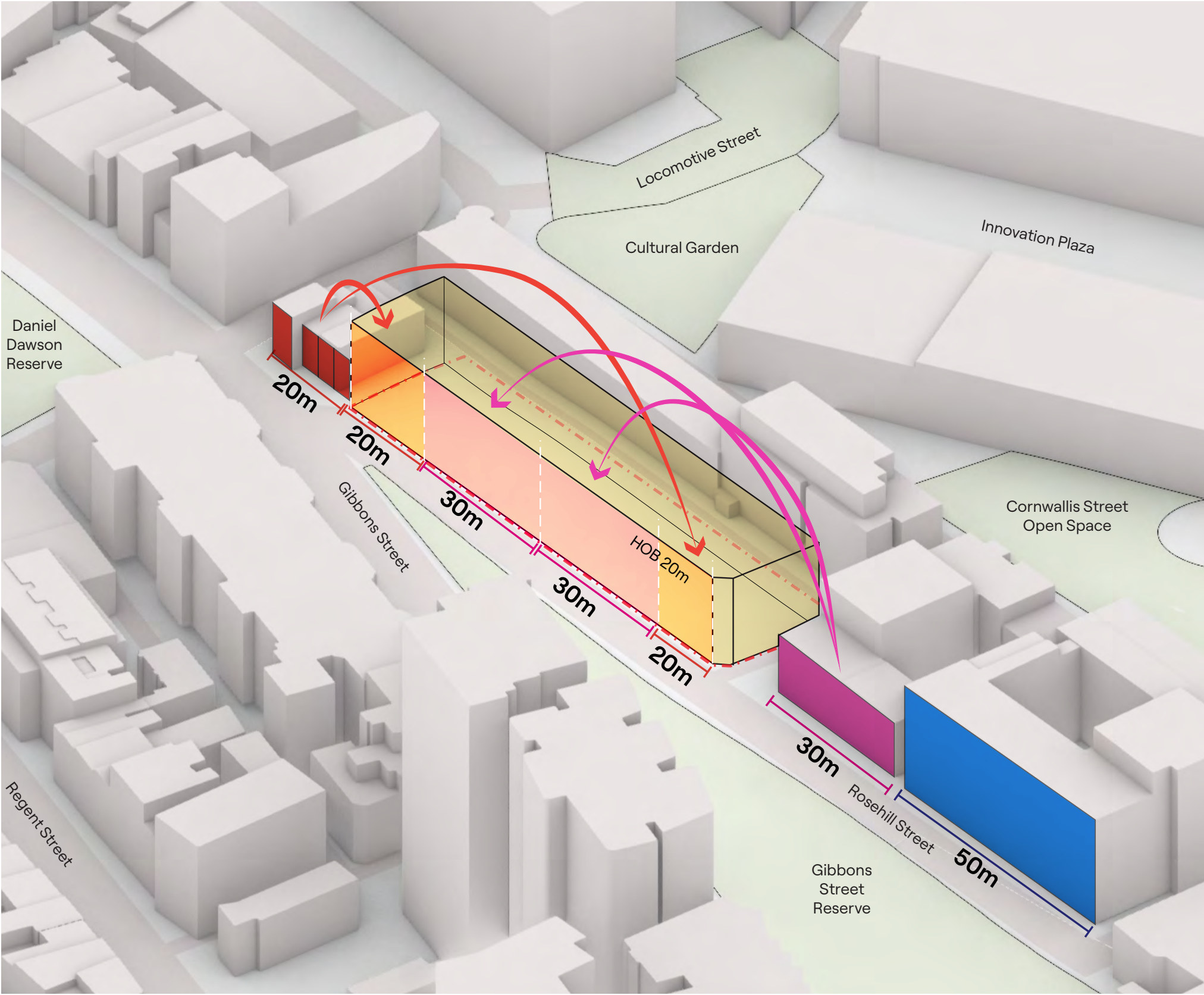
- Design moves:
- Break down the 100m building frontage into smaller, contextually scaled segments that respond to the existing streetscape pattern.
- Rationale:
- Introduces articulation and visual relief along the building length.
 - Enhances the pedestrian interface and address along Rosehill Street
 - Reinforces the established rhythm and fine-grain character of the surrounding streetscape.



Creating rhythm through building separation and articulation reduces perceived bulk and adds visual interest to the building.



Building articulation should be informed by the surrounding streetscape and incorporate elements of architectural features to present a cohesive frontage.



Key moves



Enhance amenity and protect privacy

Design moves:

- Locating communal areas at ground level along the Rosehill Street frontage
- Landscape the laneway to deliver deep soil zones and communal open spaces
- Integrate accessible rooftop terraces with planters and screening to provide usable open space while maintaining privacy

Rationale:

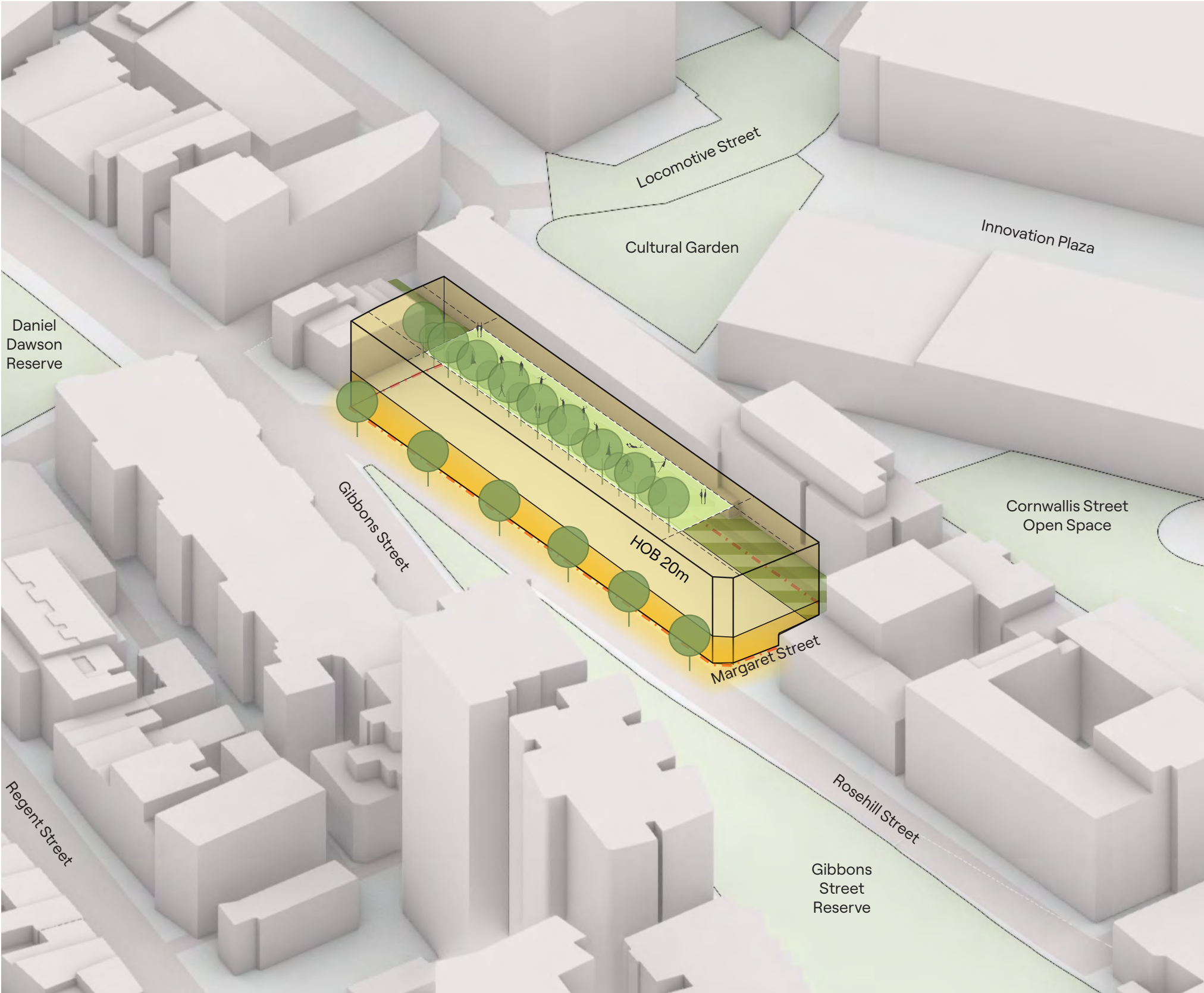
- Cultivates an active and engaging streetscape along Rosehill Street.
- Enhances residential amenity by offering a variety of communal open spaces.
- Contributes to best-practice design outcomes for student accommodation by supporting social connection, landscape integration, and privacy protection.



Non-residential uses are visible from the streetscape and facilitate activity along the street frontage, such as a retail tenancy, offering an active transition zone for people to linger and interact.



Create accessible rooftops to ensure solar access to communal open spaces and improves amenity for residents.



Key moves



Position green rooftop articulation zone to minimise impacts

Design moves:

- Provide additional flexibility through a 2m green rooftop articulation zone

Rationale:

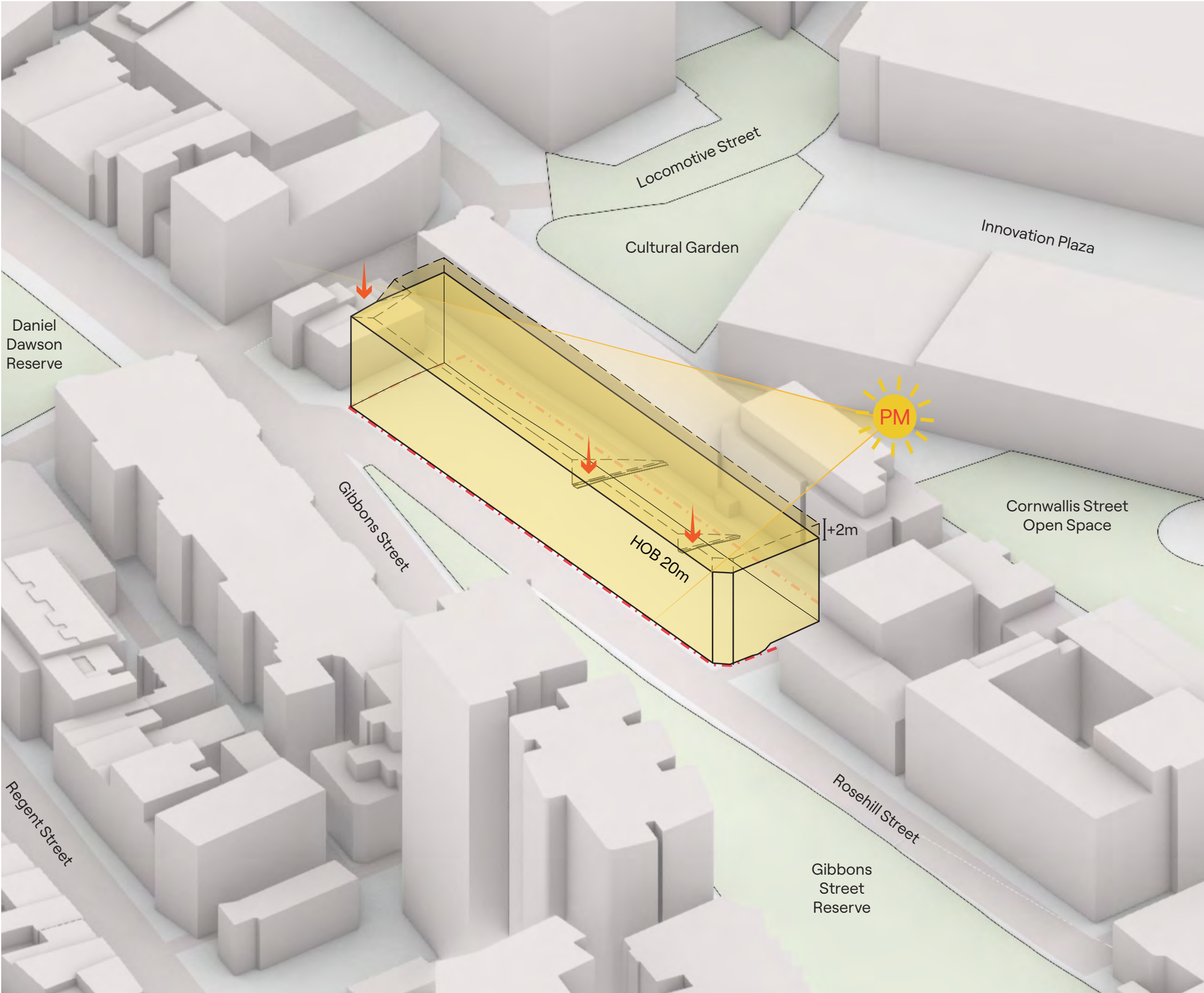
- Allows for plant rooms and lift overruns within a controlled height zone.
- Minimises overshadowing impacts on neighbouring properties and open spaces.
- Enables an accessible, landscaped rooftop to contribute to urban greening and reducing heat island effects.



Continuing the existing datum of the streetscape anchors the development within its surroundings.



Gradation in height and grain creates a more cohesive transition between land uses and density.



Key moves

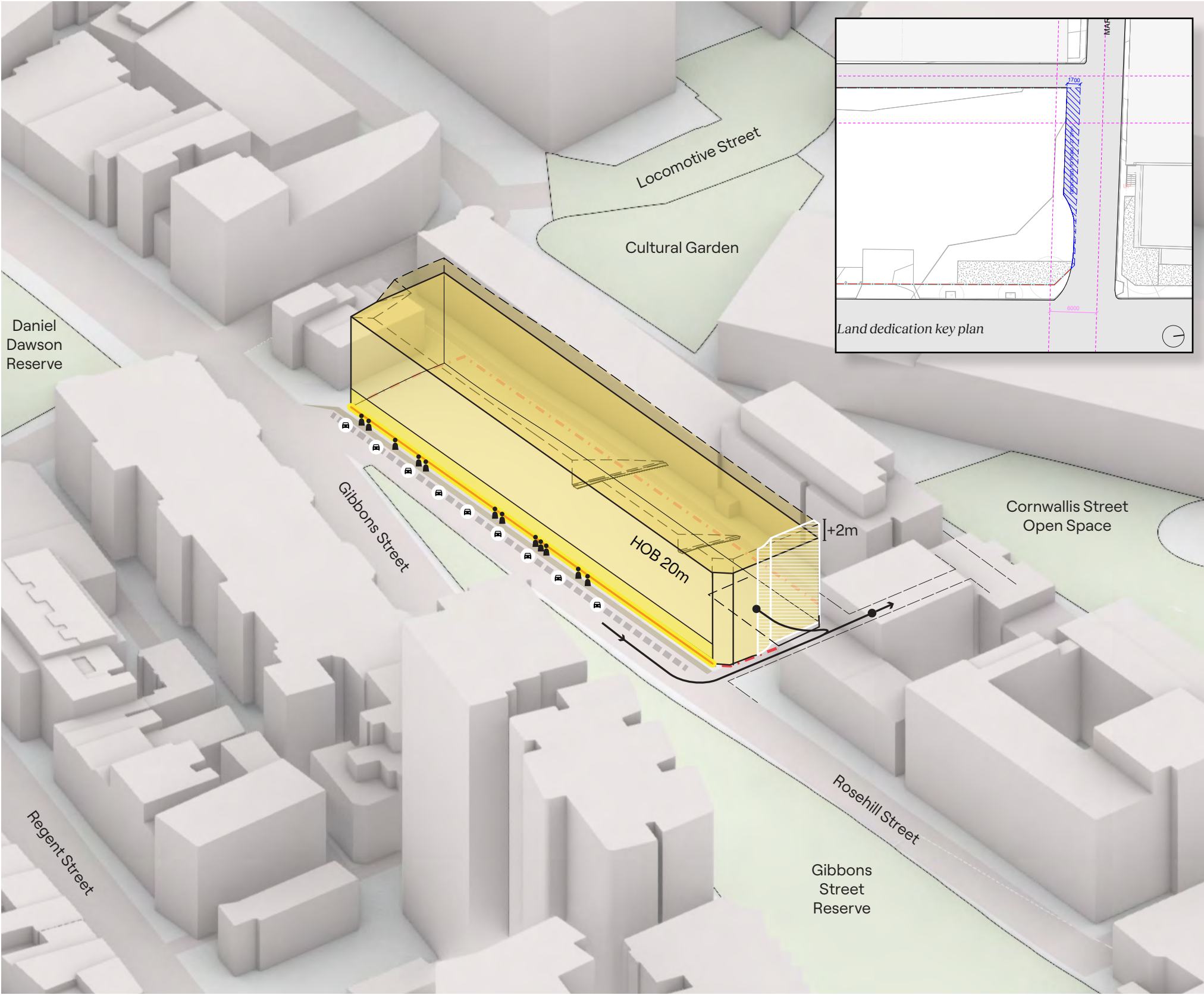


Position loading dock along Margaret Street

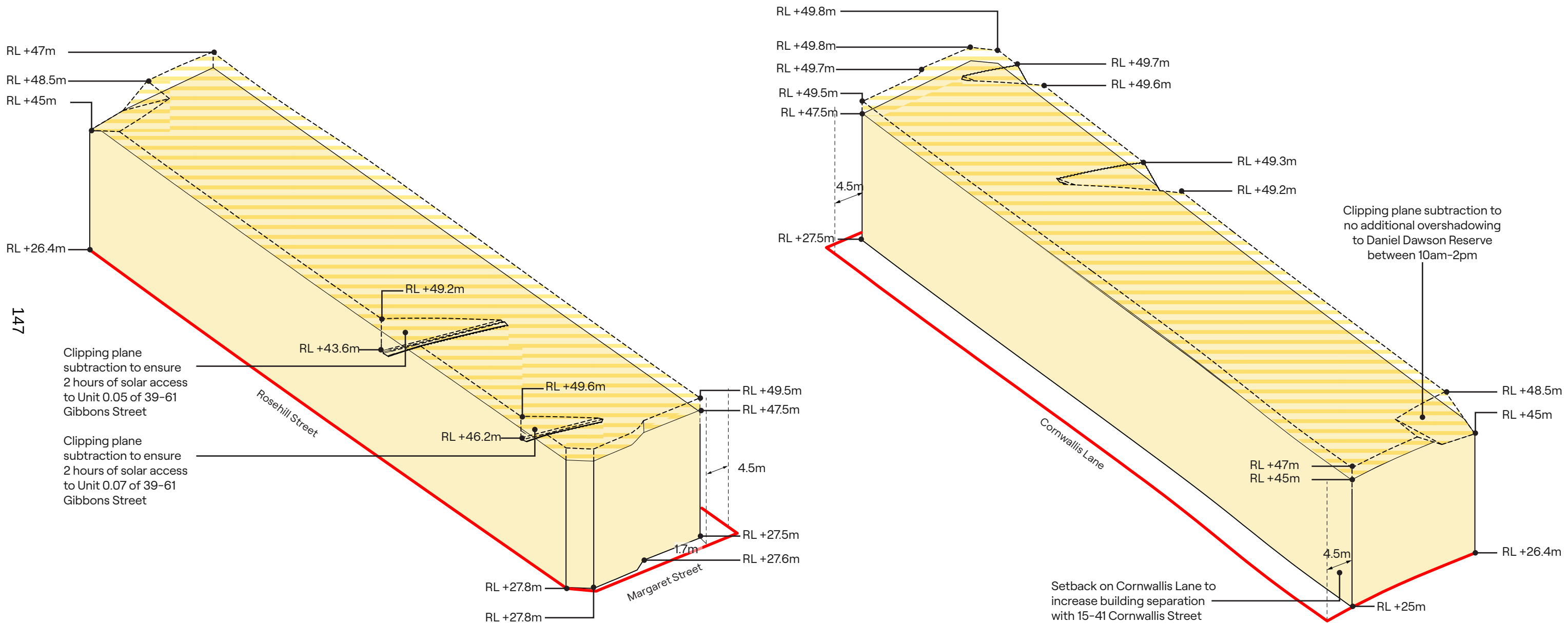
- Design moves:
- Maximise activation of Rosehill Street and optimise Margaret as service lane for waste and loading activities.
 - Widen Margaret Street through a 1.7 land dedication to service all required vehicle movements at the north west corner.
- Rationale:
- Minimise use of wide blank and inactive interface at the ground on primary street frontage (Rosehill Street)
 - Prioritisation of pedestrian movements and avoidance of wide vehicle crossover on Rosehill Street, consistent with Sydney DCP pedestrian priority map. In comparison, Margaret Street functions as a quiet laneway with very little pedestrian movements.
 - Reduce loss of on-street car parking on Rosehill Street. In comparison, Margaret Street has no on-street car parking.



Artist’s impression of the Rosehill Street and Margaret Street intersection demonstrating activation along Rosehill Street.



Proposed envelope



North east isometric view

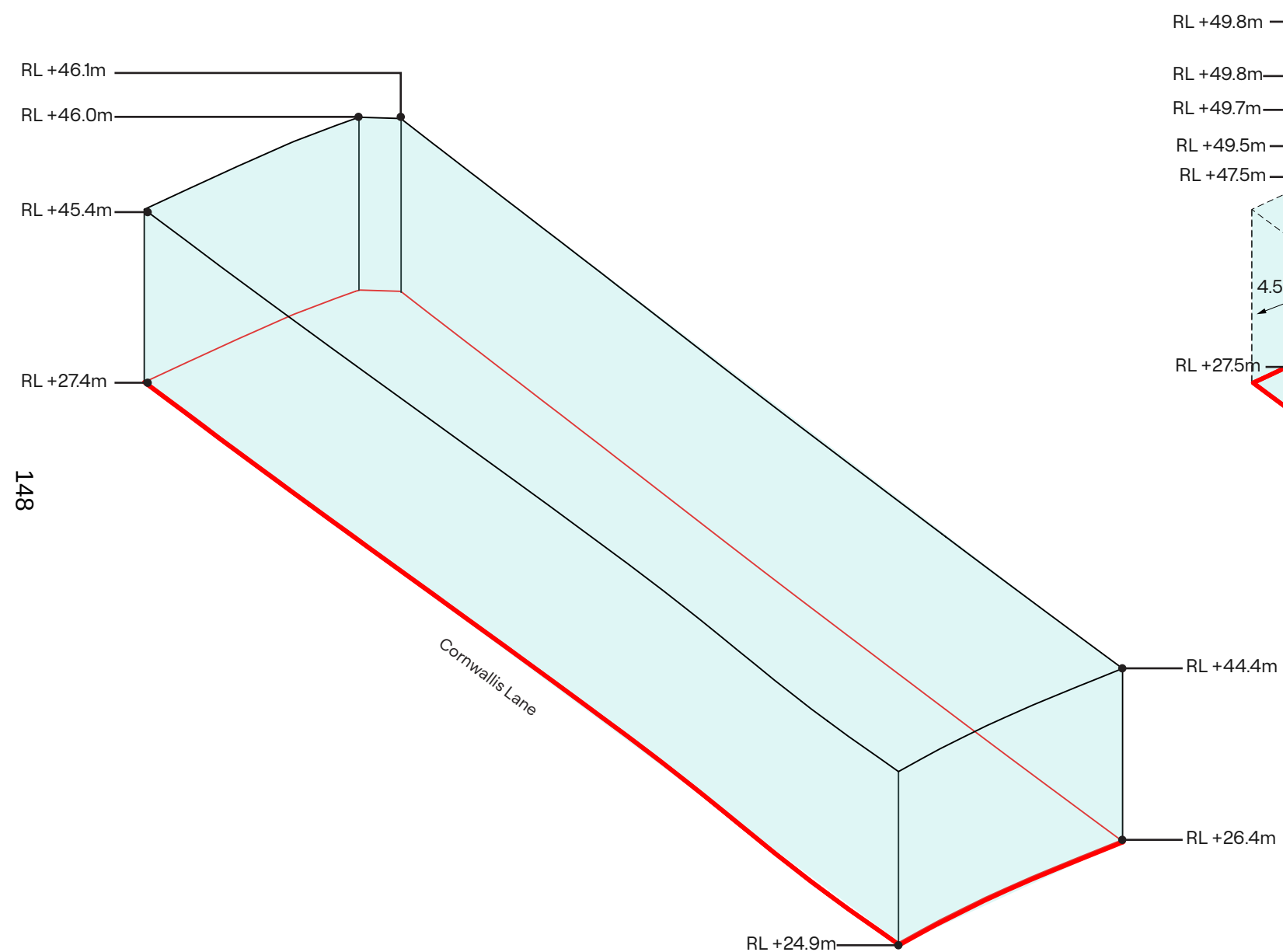
South west isometric view

KEY

- Site boundary
- Proposed envelope
- Green rooftop access articulation zone

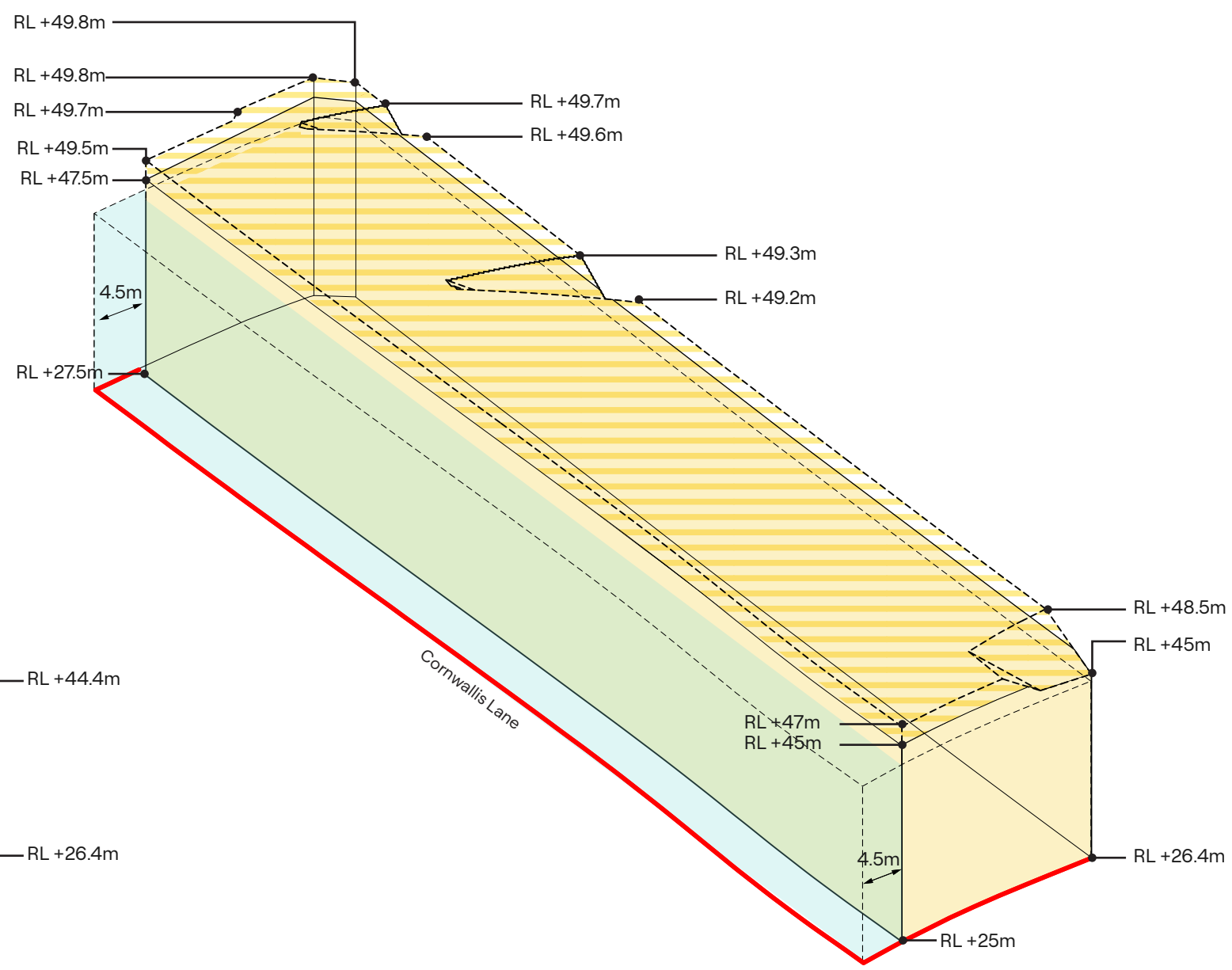
Comparison of envelopes

LEP envelope



South west isometric view

Proposed envelope



South west isometric view

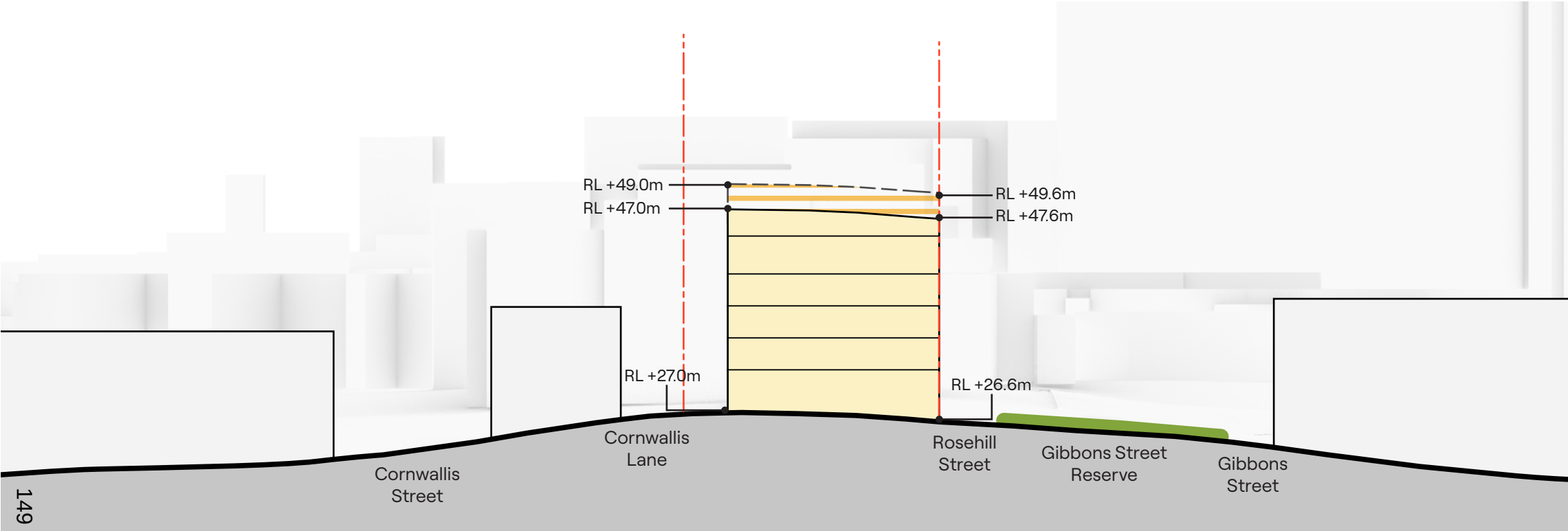
KEY

- Site boundary
- LEP envelope
- Proposed envelope
- Green rooftop access articulation zone

PROPOSED
GFA
8,837m²

PROPOSED
FSR
3.5:1

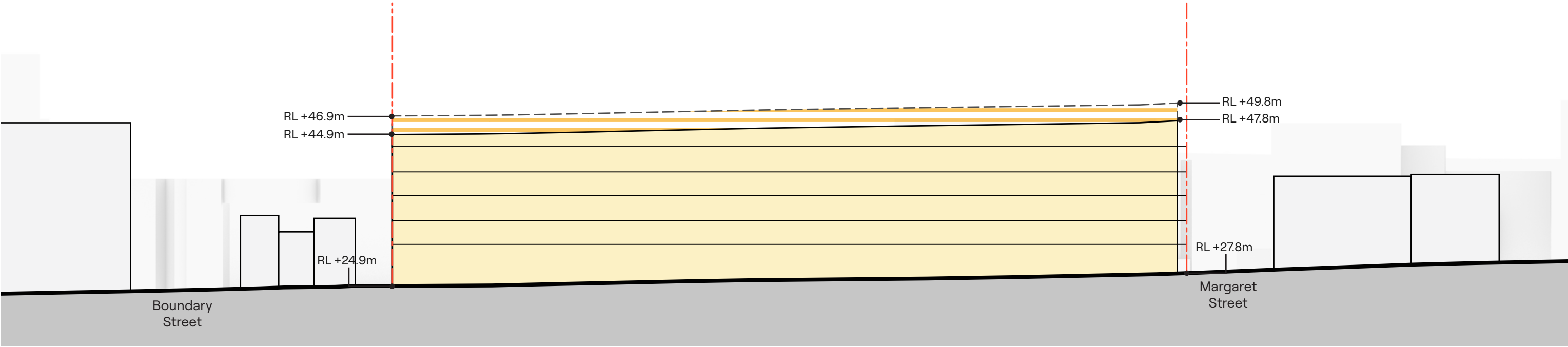
Envelope sections



- KEY
- Site boundary
 - Proposed envelope
 - Green rooftop access articulation zone

AA' - East west section

1:500@ A3



BB' - North south section

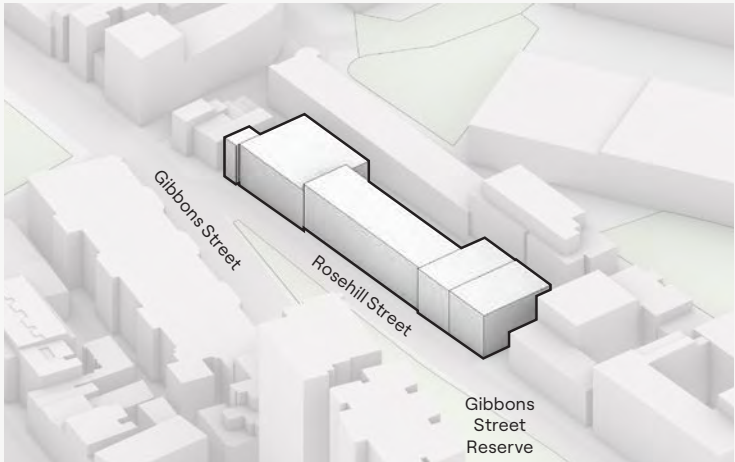
1:500@ A3

Solar impact on surroundings

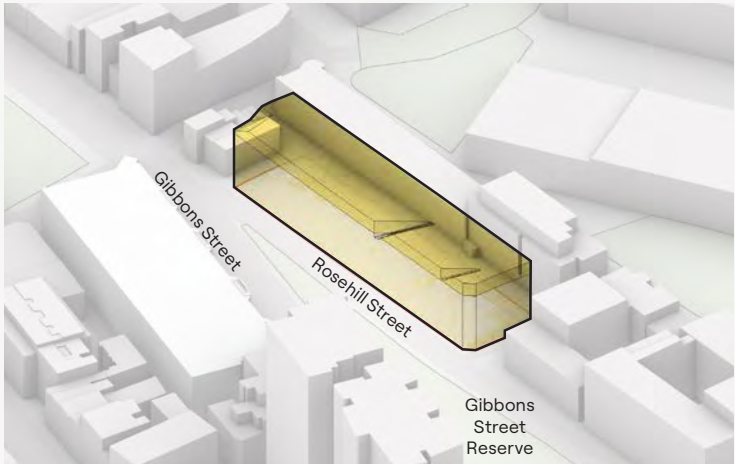
The proposed envelope has been designed to comply with the solar access requirements of the ADG and the City of Sydney DCP. A series of solar insolation studies were undertaken to assess and minimise potential overshadowing impacts.

An initial shadow study identified key areas of concern, which were subsequently examined in greater detail through solar insolation and eye of sun testing to verify outcomes and confirm compliance with relevant solar access provisions.

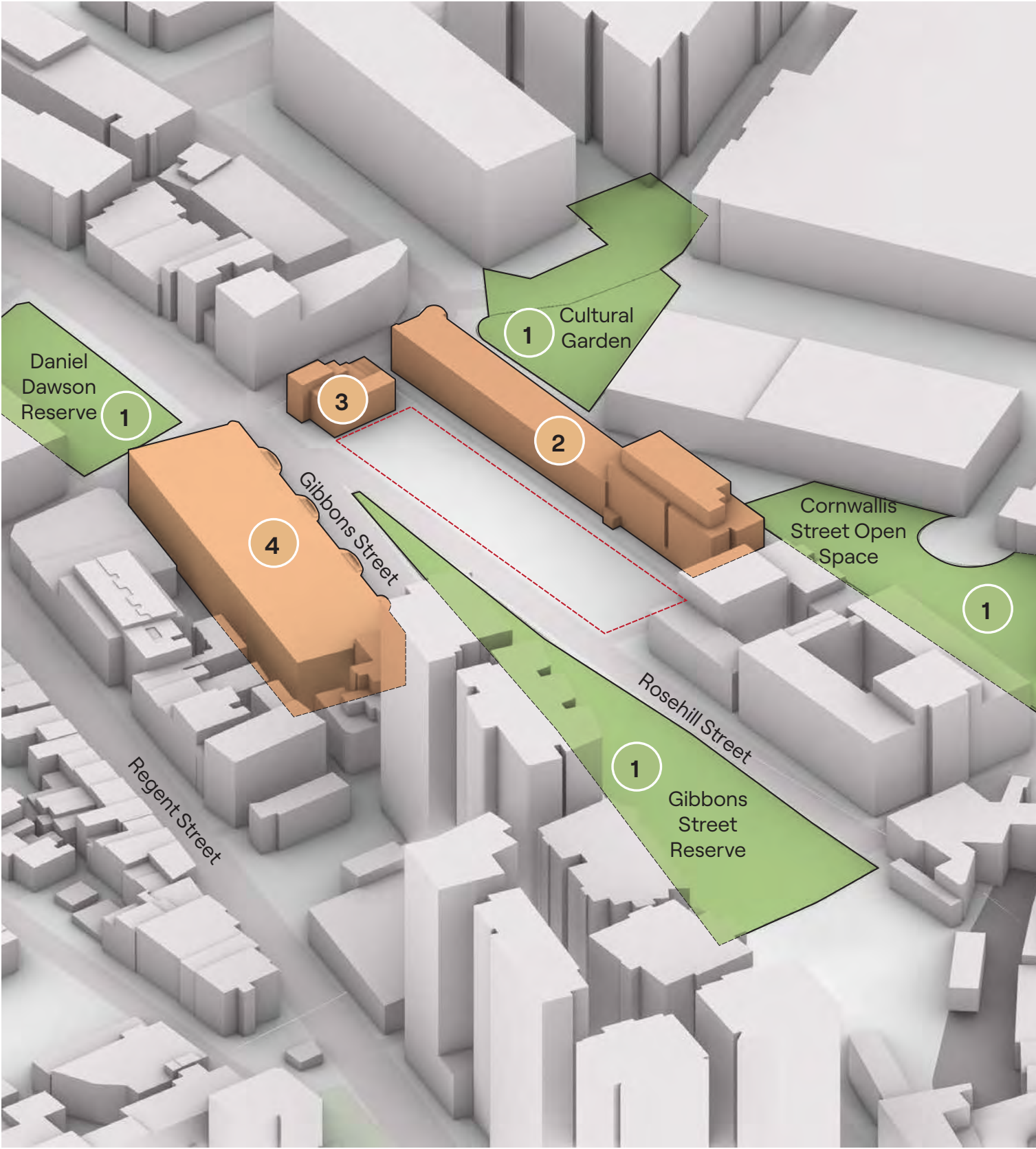
The overshadowing impacts of the following conditions are compared throughout testing:

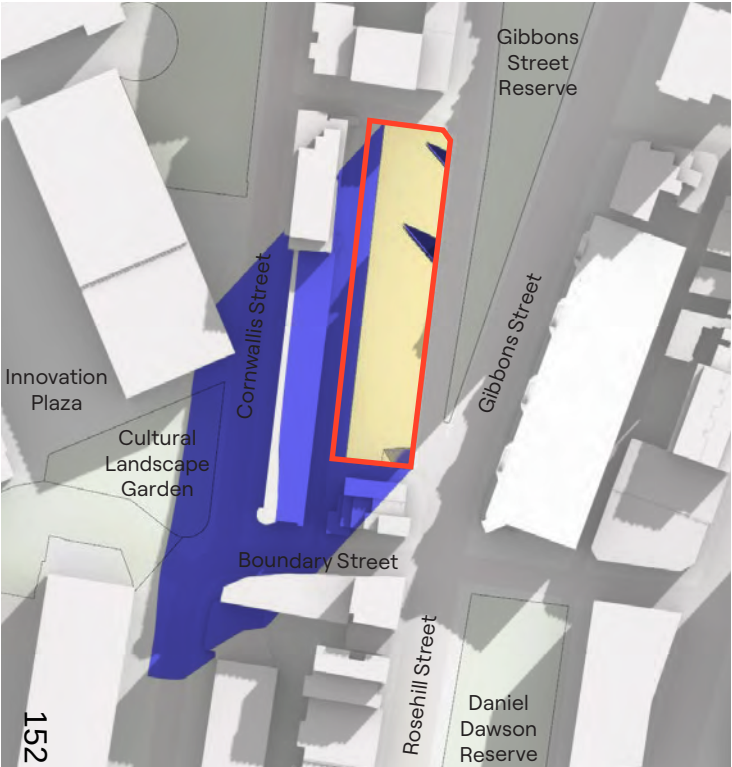


Existing conditions

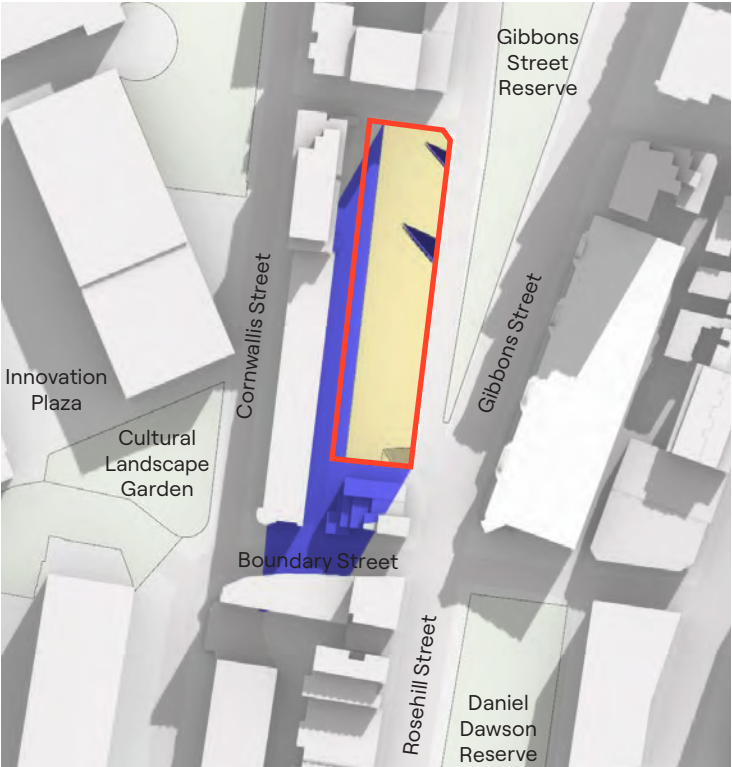


Proposed envelope

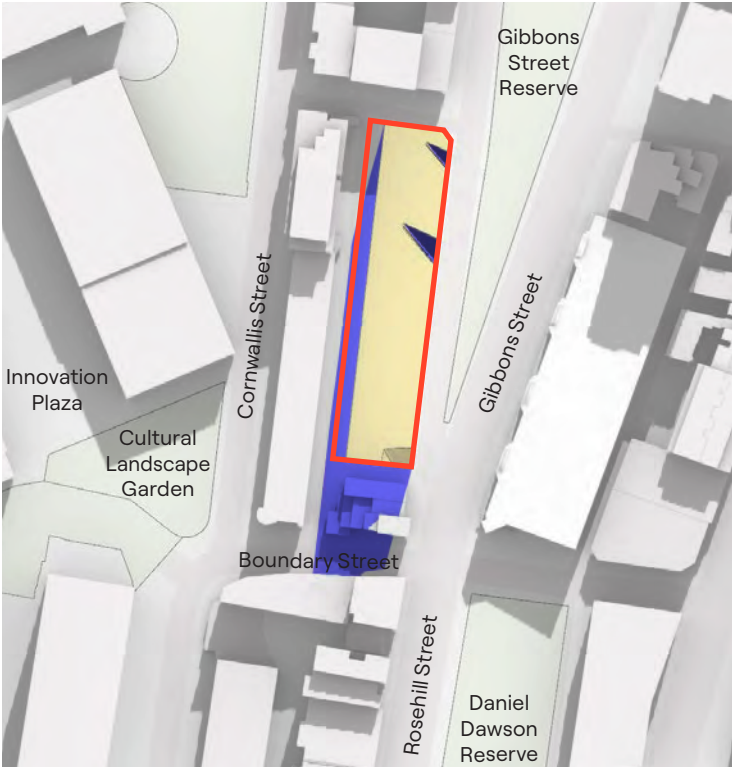




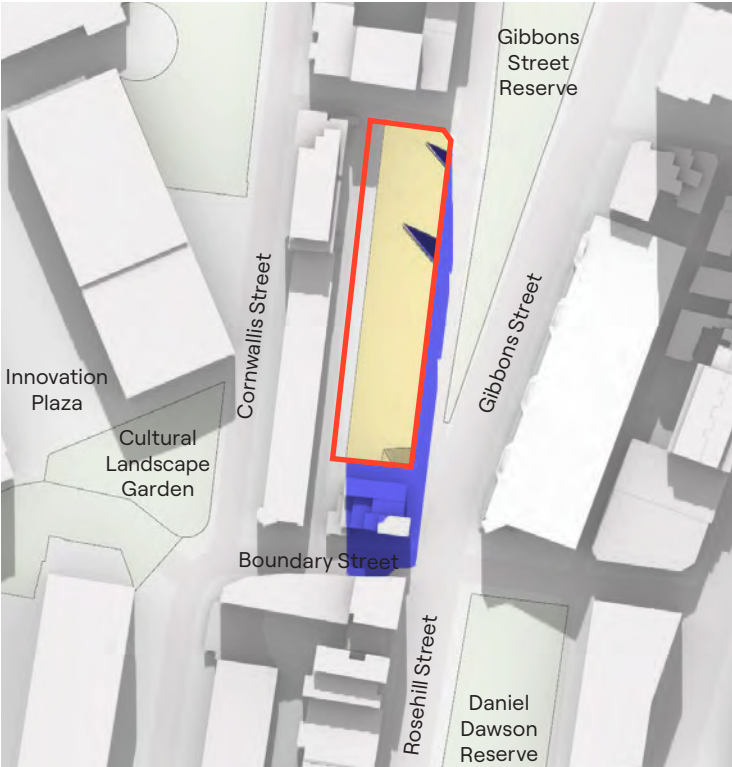
9:00 am



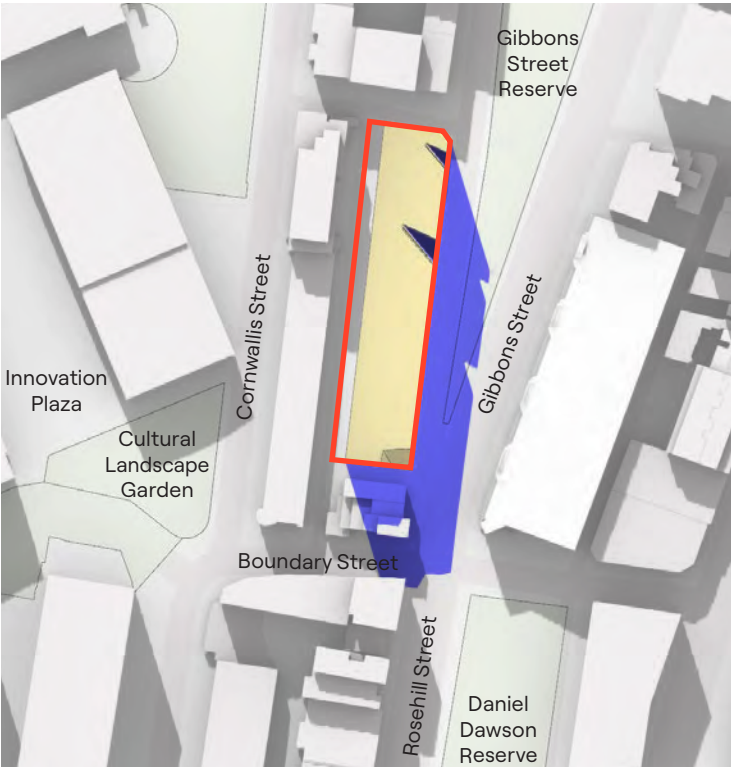
10:00 am



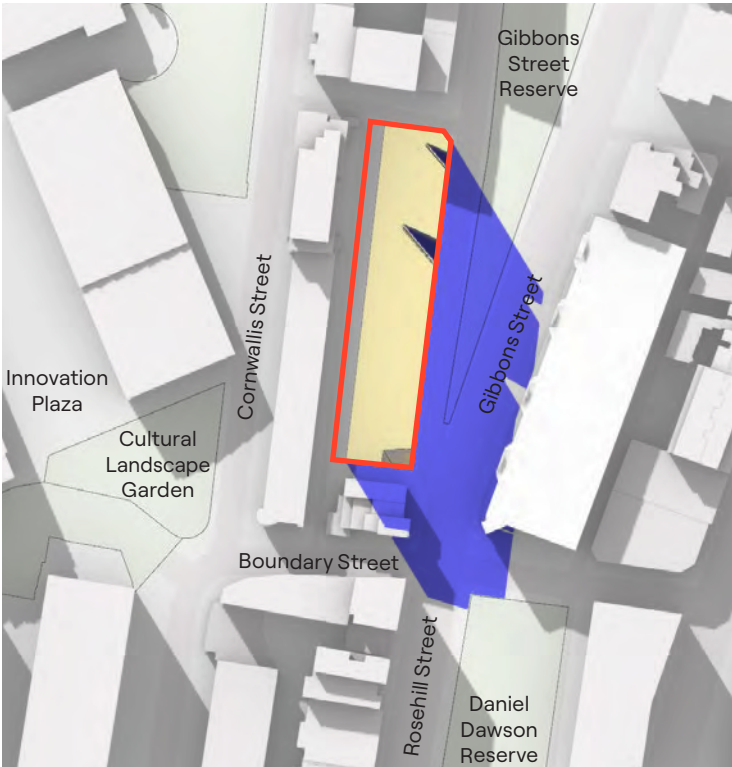
11:00 am



12:00 pm



1:00 pm



2:00 pm



3:00 pm

KEY	
	Subject site
	Proposed envelope
	Existing shadows
	Proposed massing shadow



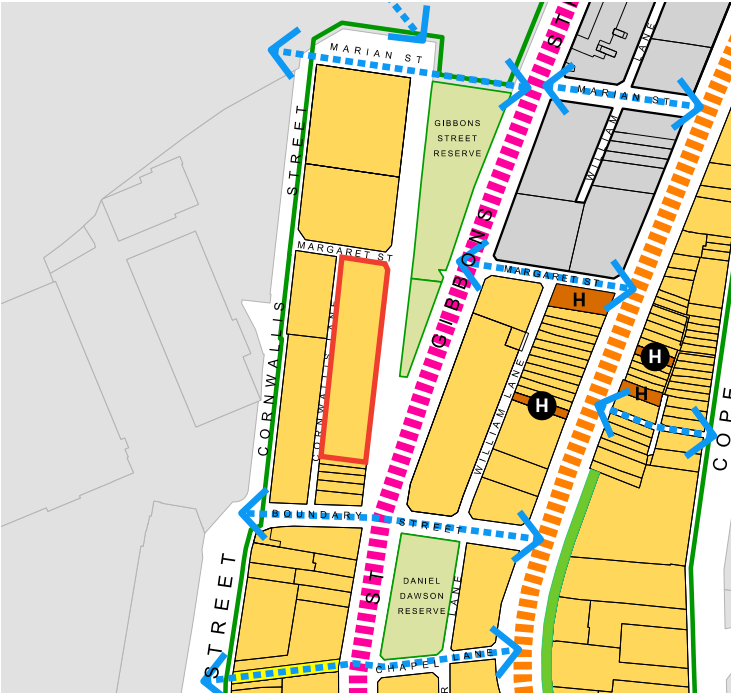
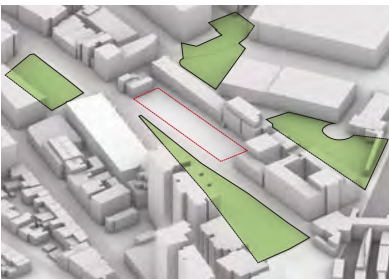


Figure 5.253 Botany Road Precinct Urban Strategy

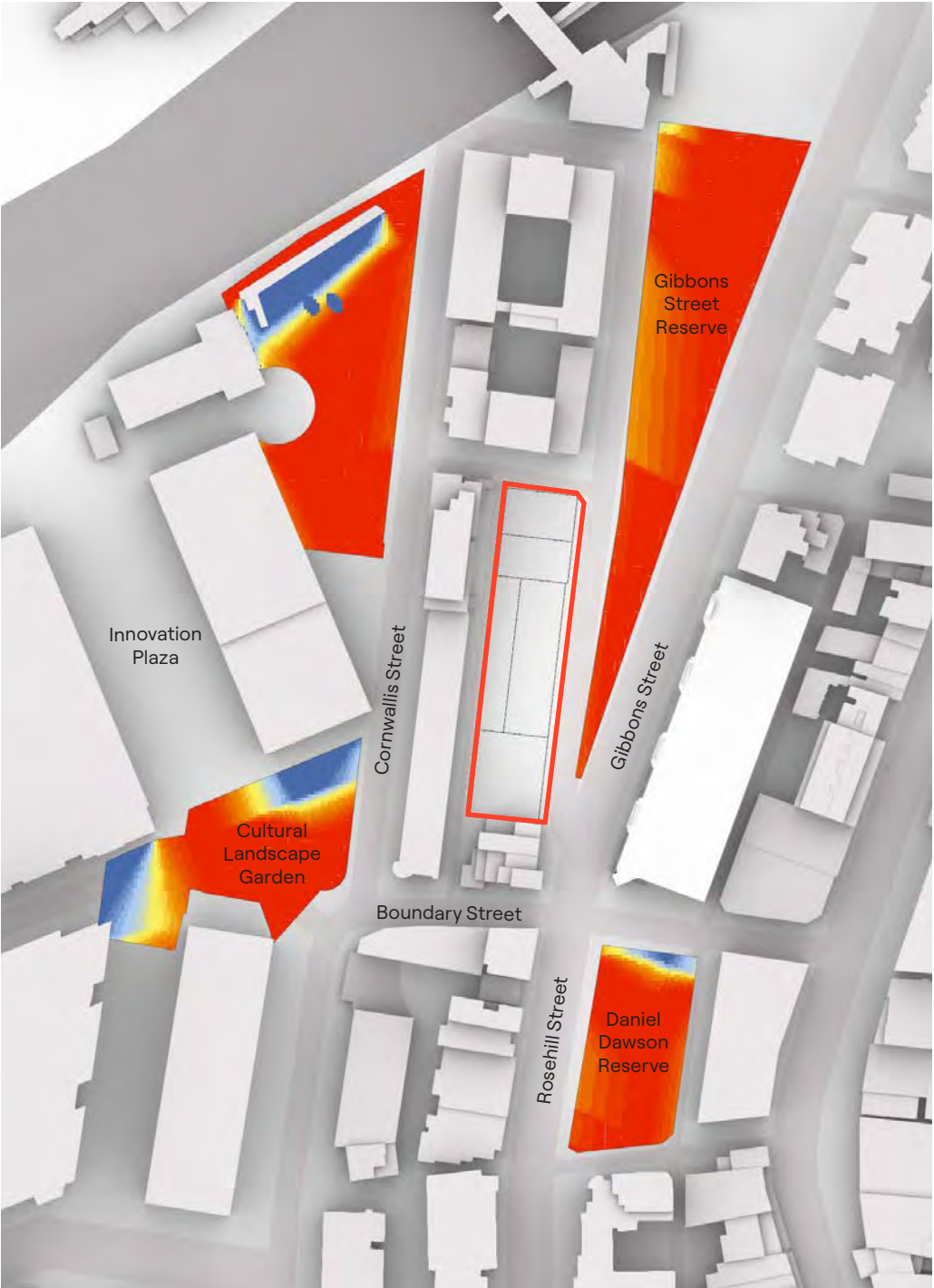
Provision 5.10.4.1(3) of the City of Sydney DCP states that “development is to minimise overshadowing to parks and other identified open space in Figure 5.253 Botany Road Precinct Urban Strategy between 10 am and 2pm at the winter solstice.”

As identified in Figure 5.253, the open spaces relevant to this assessment include Gibbons Street Reserve and Daniel Dawson Reserve. Although Innovation Plaza and the Cultural Landscape Garden are excluded from this provision, analysis confirms that the proposed development does not affect these areas.

The proposal achieves no additional overshadowing of Daniel Dawson Reserve. To ensure this outcome, a solar access plane was projected at 2pm mid-winter, and the proposed envelope was clipped accordingly, a refinement verified through eye of sun testing.

In relation to Gibbons Street Reserve, minor overshadowing is observed between 1pm and 2pm, limited to the narrowest and least functional portion of the space. The primary active and usable areas remain unaffected, preserving the reserve’s overall amenity and access to sunlight.

While complete avoidance of overshadowing to Gibbons Street Reserve was not feasible without compromising development viability, the proposed envelope balances solar access protection with practical development outcomes in accordance with DCP objectives.



Existing conditions

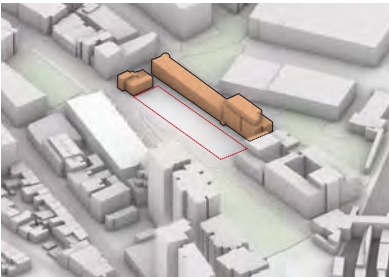


Proposed envelope

Impact on adjoining properties

The proposed envelope complies with solar access requirements in relation to adjoining properties. The interface with 15-41 Cornwallis Street occurs primarily along bedroom façades, as confirmed through floorplan analysis and on-site verification. Since the ADG requires solar access protection only for living rooms, the proposal is compliant.

The properties at 80-88 Rosehill Street still maintain good solar access. Moreover, the buildings are in poor condition and likely to be redeveloped in the future.



88 Rosehill Street



84-86 Rosehill Street



80-84 Rosehill Street



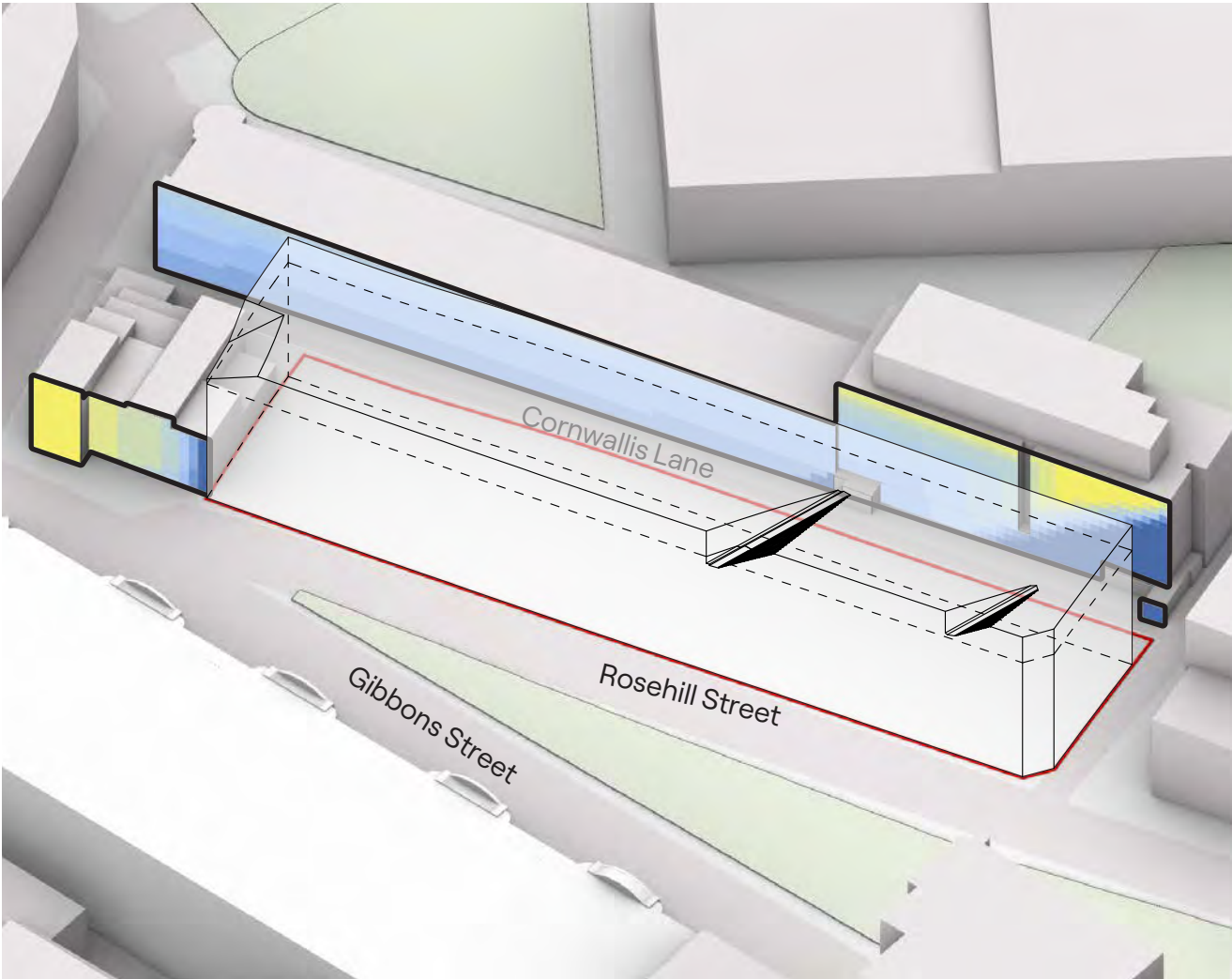
Rear of 15-41 Cornwallis Street



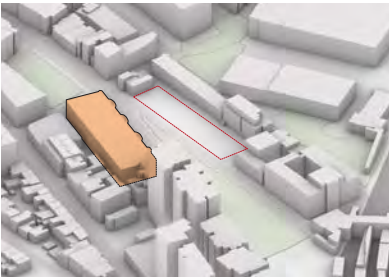
Rear of 15-41 Cornwallis Street

44-78 Rosehill Street, Redfern

Proposed envelope



Floorplan of apartments at 15-41 Cornwallis Street



Interpreting guidelines

‘Minimising overshadowing of neighbouring apartments’ guidelines

The City of Sydney has published draft guidelines to provide a framework for categorising the solar access of neighbouring apartments based on the amount of direct sunlight received. These guidelines use a consistent testing parameter of 1 square metre of direct sunlight to living areas and private open spaces.

Although the table is titled “Living Areas and Private Open Space,” the categorisation has been applied with additional nuance to enhance amenity for neighbouring properties, ensuring a more considered assessment of solar access.

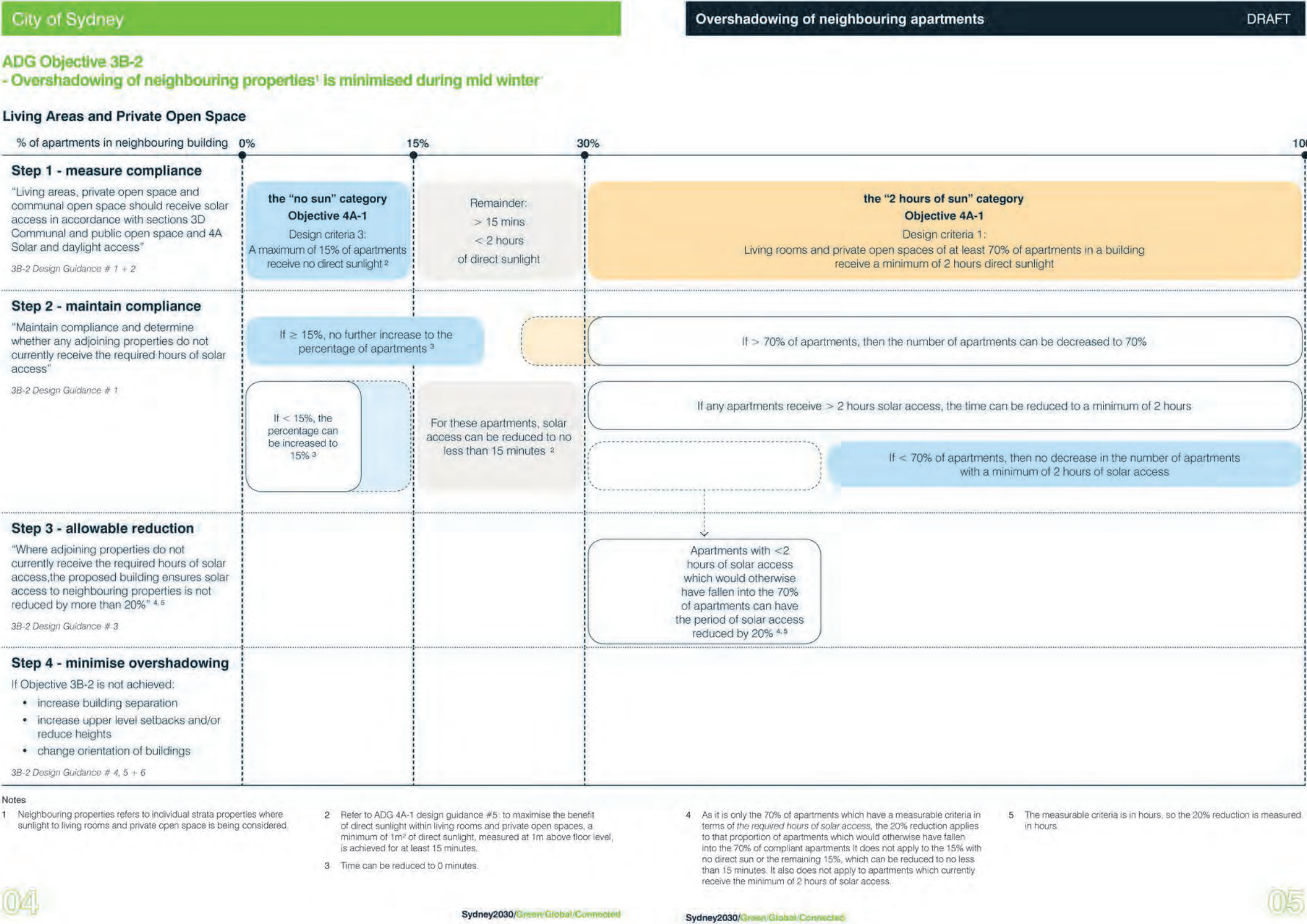
Interpretation of Categories

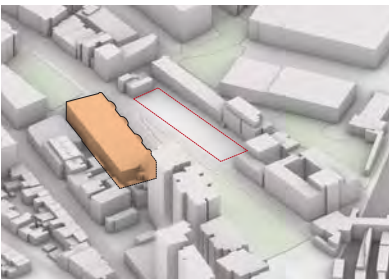
- 2 hours of direct sunlight:
 - BOTH living area AND private open space receive at least 2 hours of direct sunlight to 1 m² between 9 am and 3 pm (mid-winter).
- 15 minutes to 2 hours of direct sunlight:
 - EITHER living area OR private open space receives less than 2 hours, but BOTH receive more than 15 minutes of direct sunlight to 1 m².
- No direct sunlight:
 - EITHER living area OR private open space receives less than 15 minutes of direct sunlight to 1 m².

Application of Methodology

Using detailed Eye-of-Sun testing, each apartment within is classified into one of the above categories. A baseline condition is first established to assess solar access under existing circumstances.

The proposed building envelope is then tested and refined to ensure that it maintains compliance with these categories and adheres to the allowable reductions set out in the guidelines.





Analysis of existing conditions

Testing methodology

A solar insolation test is first conducted to produce a visual representation of the solar access to each apartment. Eye of sun testing is then used to validate these findings and determine whether 1 square metre is visible of either private open spaces and living areas. This then informs the categorisation of each apartment and informs the allowable reductions that can be made.

The results are documented on the following page.

Note: On-site investigation has identified the subdivision of Unit 0.01, resulting in the additional apartment Unit 0.65.

156

KEY

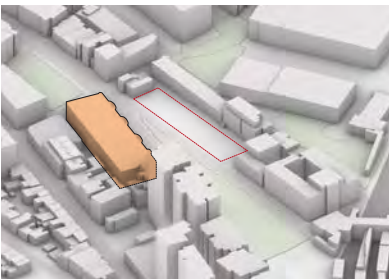
- ≥ 2 hours of direct sunlight to living area and private open space
- 15mins to 2hrs of direct sunlight to living area or private open space
- No direct sunlight to living area or private open space



Solar access of apartments under existing conditions



Solar insolation diagram of the Gibbons Street facade under existing conditions



Solar impact under proposed conditions

Allowable reductions

The property at 39-61 Gibbons Street comprises 67 apartments.

As the number of apartments that receive 2 hours of solar access is below 70% of the total number of apartments, the total number of apartments receiving 2 hours cannot be reduced.

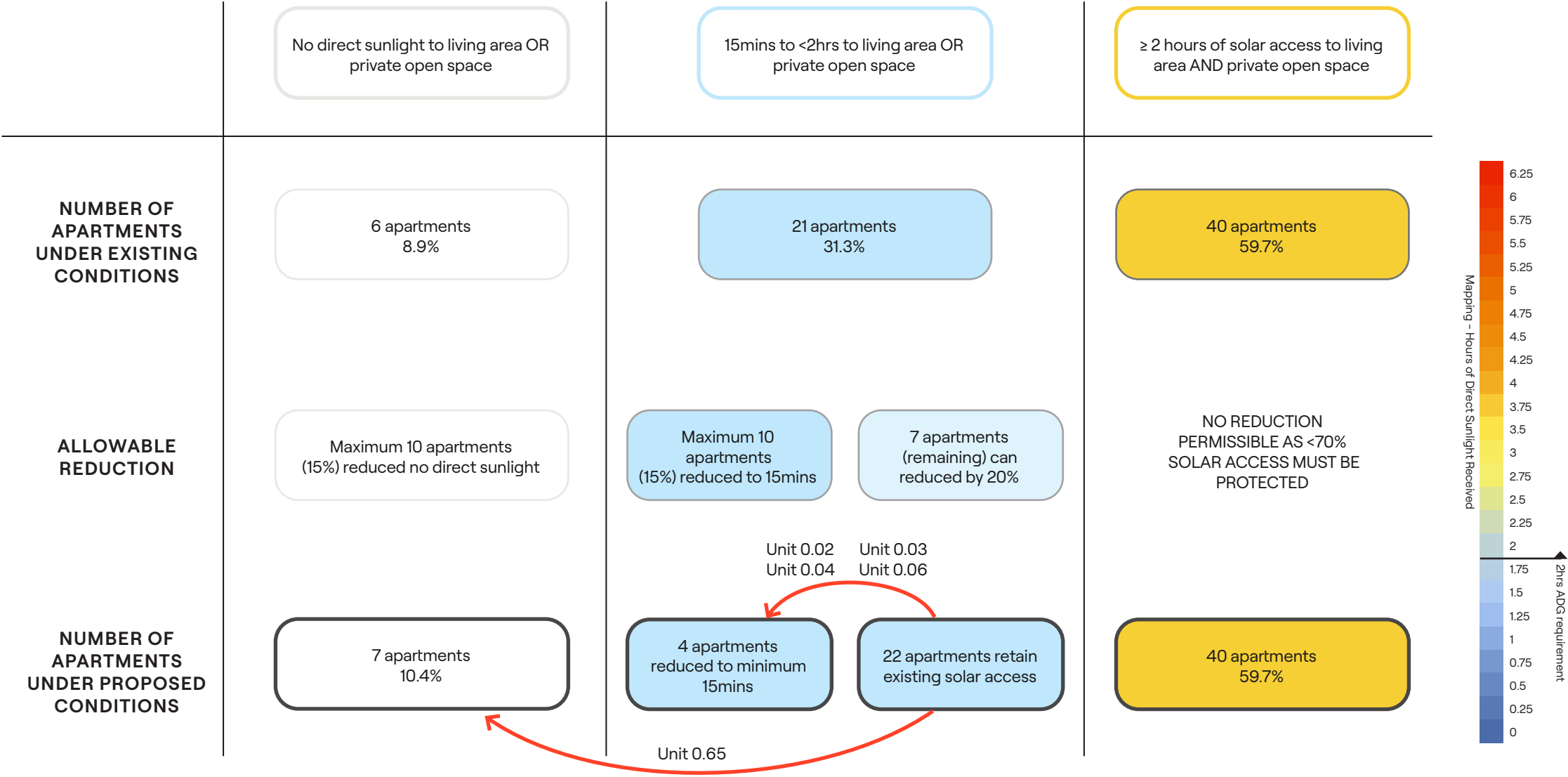
Within the ‘no direct sunlight’ category, a maximum of 15% of apartments can receive no direct sunlight. Under existing conditions, 6 apartments receive no direct sunlight, equating to less than 15%. This means that, under the proposed envelope, an additional 4 apartments can fall within this category without breaching the guideline.

Solar impact

The proposed development only impacts the Gibbons Street facade of 39-61 Gibbons Street. The solar insolation diagram below documents the extent of impact of the proposed envelope along this facade. This has been verified using eye of sun testing and is documented in Appendix 1.

Findings

- The analysis demonstrates that the proposed envelope maintains compliance with the allowable overshadowing parameters:
- The number of apartments receiving two or more hours of direct solar access remains unchanged.
 - Five apartments in the 15 minutes-2 hours category will experience a reduction in solar access. Of these, four apartments continue to receive more than 15 minutes of sunlight, while one apartment (Unit 0.65) will receive less than 15 minutes.
 - The total number of apartments receiving less than 15 minutes of solar access remains below 15% of all apartments, and therefore complies with the City of Sydney guidelines.



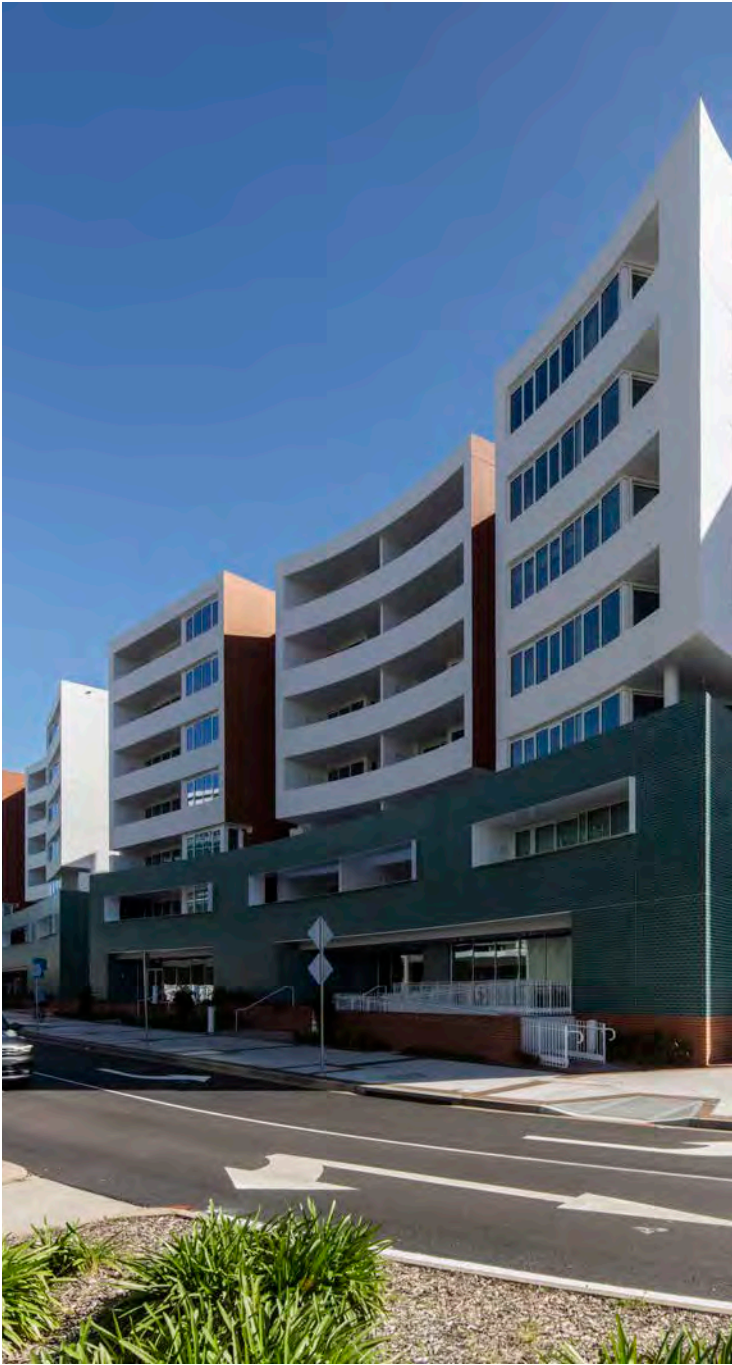
Solar insolation diagram of the Gibbons Street facade under proposed envelope

Architectural concept

Building form

Built form has been influenced by the surrounding heritage buildings with masonry facades and punched window openings. Adjacent precedent imagery demonstrates different approaches to those two principles.

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Artist's impression of the proposal at the corner of Margaret Street



Artist's impression from Gibbons Street



Artist's impression at the intersection of Rosehill Street and Gibbons Street

Facade materiality, colour and detailing is reflective of the heritage character of the surrounding buildings. Simple detailing with the colour of the brick celebrated is a key concept in this reference scheme. Adjacent imagery demonstrates precedent imagery with a similar approach to detailing and materiality.

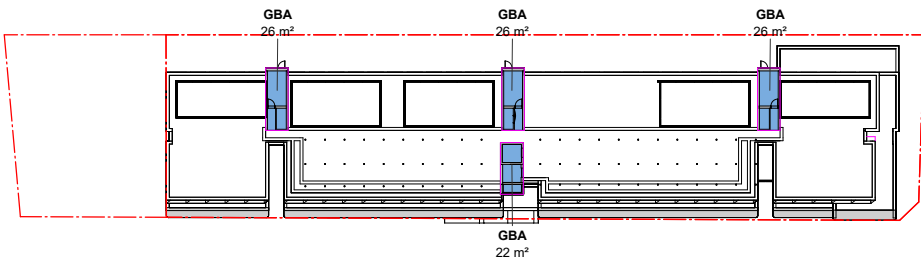
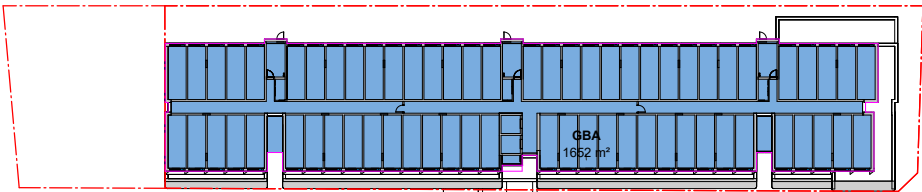
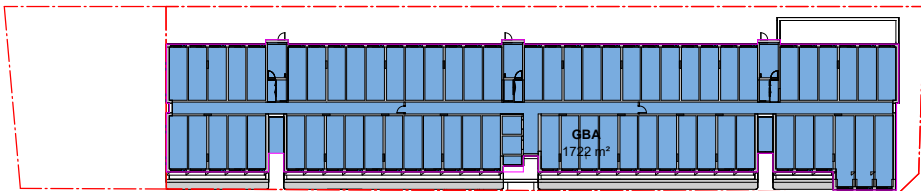
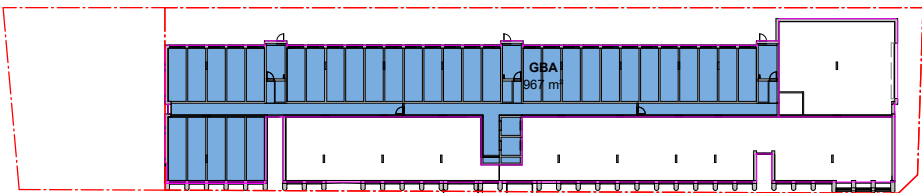
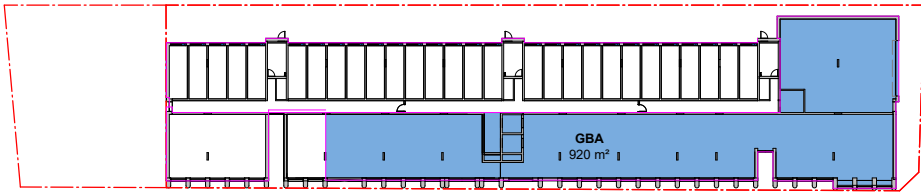
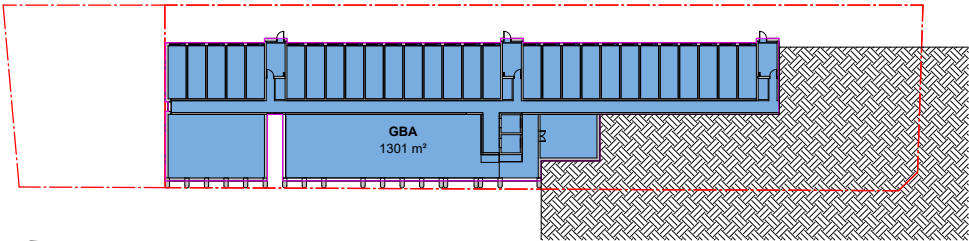


Attachment A3

**Proponent Planning Proposal Request – Part
B – Urban Design Study**

GBA breakdown

166

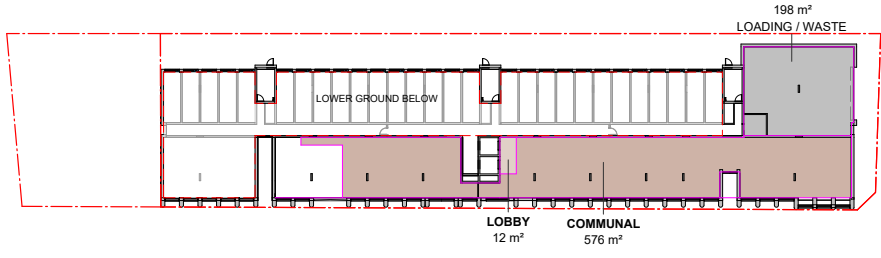
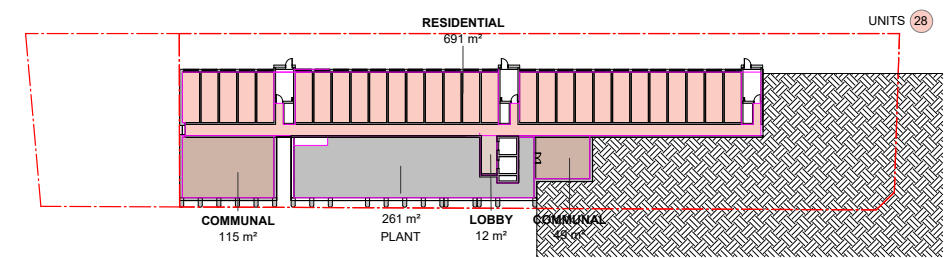


GBA

Area Schedule (Gross Building)	
Level	Area
LOWER GROUND	1301 m²
GROUND LEVEL	920 m²
MEZZANINE	967 m²
LEVEL 01	1837 m²
LEVEL 02	1722 m²
LEVEL 03	1722 m²
LEVEL 04	1652 m²
ROOF	26 m²
ROOF	26 m²
ROOF	22 m²
ROOF	26 m²
	10220 m²

GFA breakdown

167



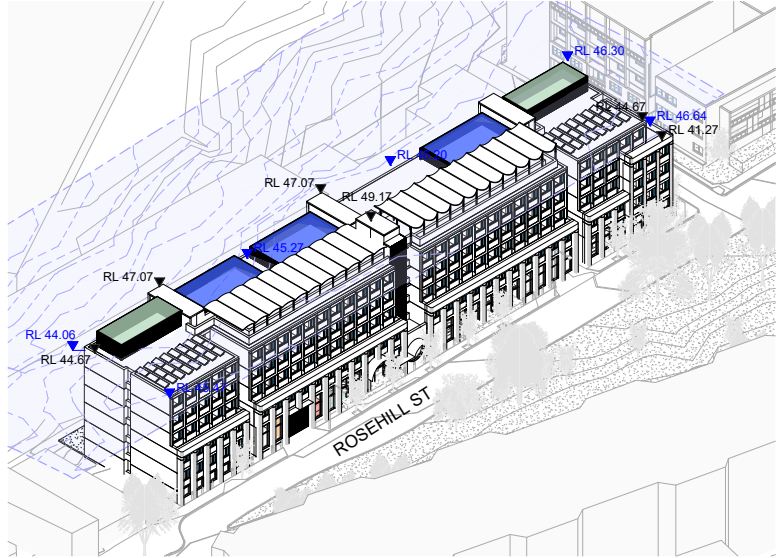
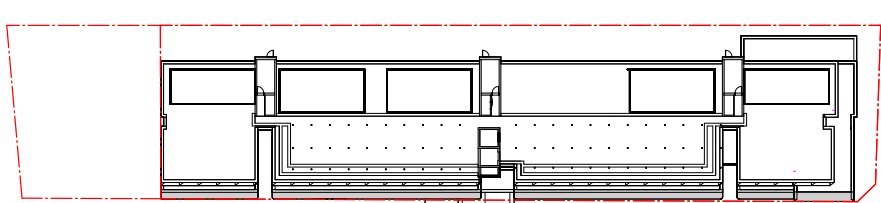
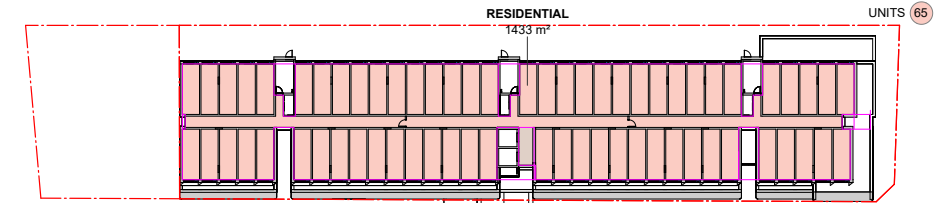
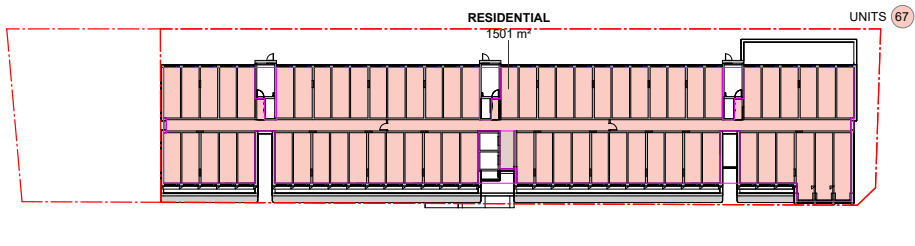
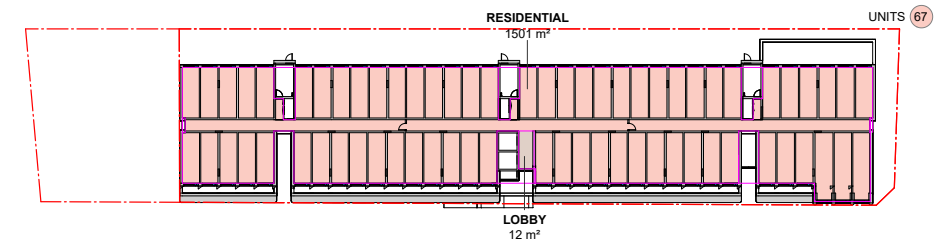
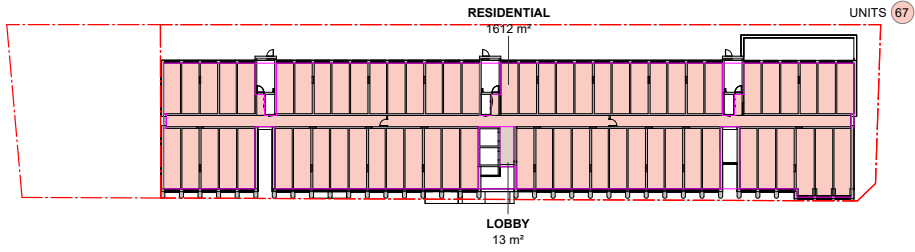
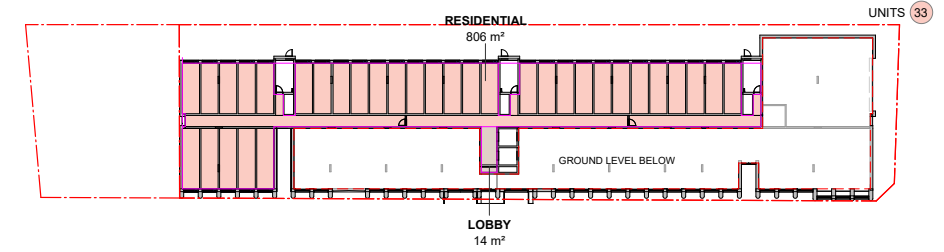
Area Schedule (GFA)		
Level	Name	Area
LOWER GROUND	COMMUNAL	164 m²
GROUND LEVEL	COMMUNAL	576 m²
		740 m²
LOWER GROUND	LOBBY	12 m²
GROUND LEVEL	LOBBY	12 m²
MEZZANINE	LOBBY	14 m²
LEVEL 01	LOBBY	13 m²
LEVEL 02	LOBBY	12 m²
LEVEL 03	LOBBY	12 m²
LEVEL 04	LOBBY	12 m²
		87 m²
LOWER GROUND	RESIDENTIAL	691 m²
MEZZANINE	RESIDENTIAL	806 m²
LEVEL 01	RESIDENTIAL	1612 m²
LEVEL 02	RESIDENTIAL	1501 m²
LEVEL 03	RESIDENTIAL	1501 m²
LEVEL 04	RESIDENTIAL	1433 m²
		7544 m²
		8371 m²

- RESIDENTIAL
- COMMUNAL SPACE
- LOBBY

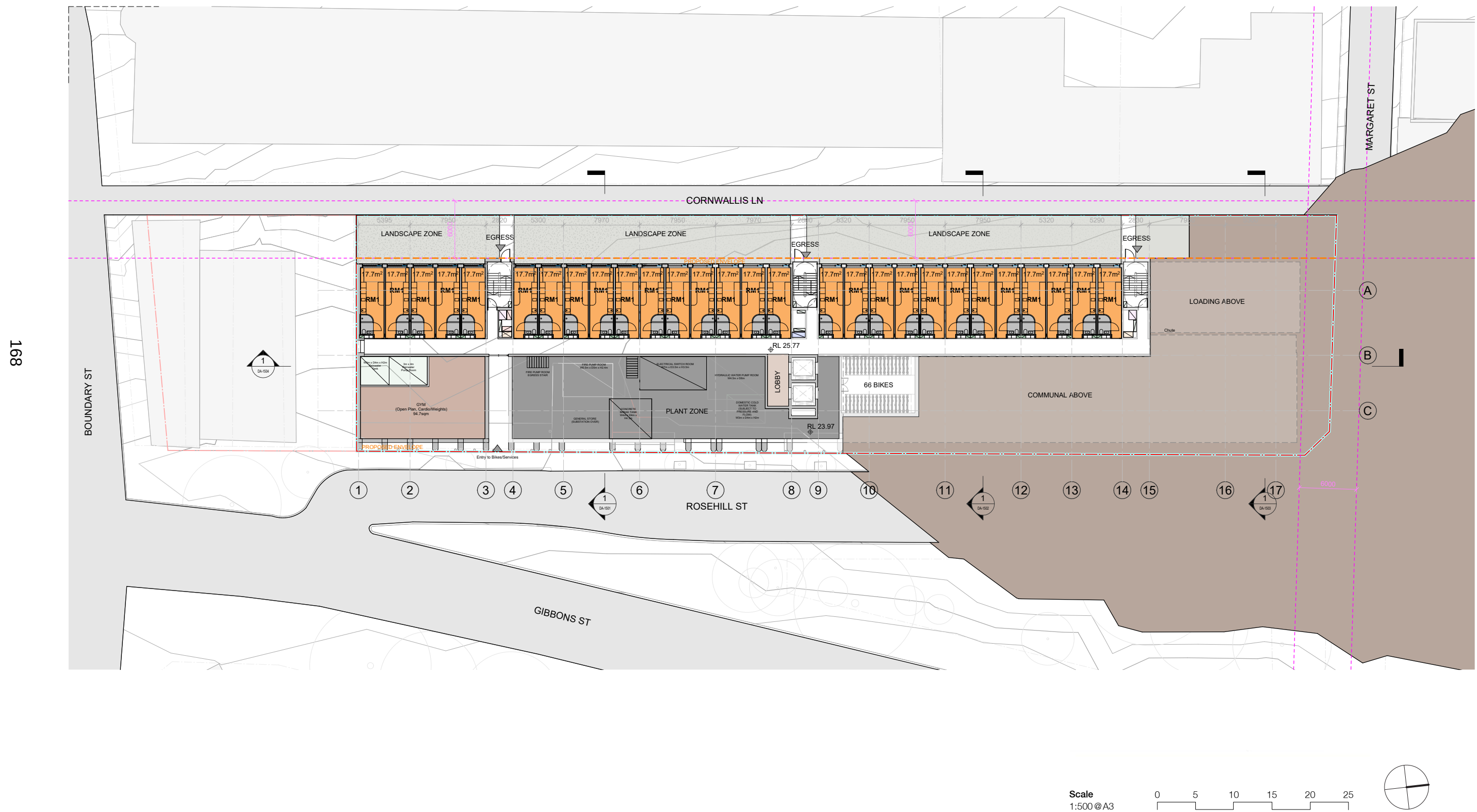
SERVICES / STORAGE
Not included in GFA

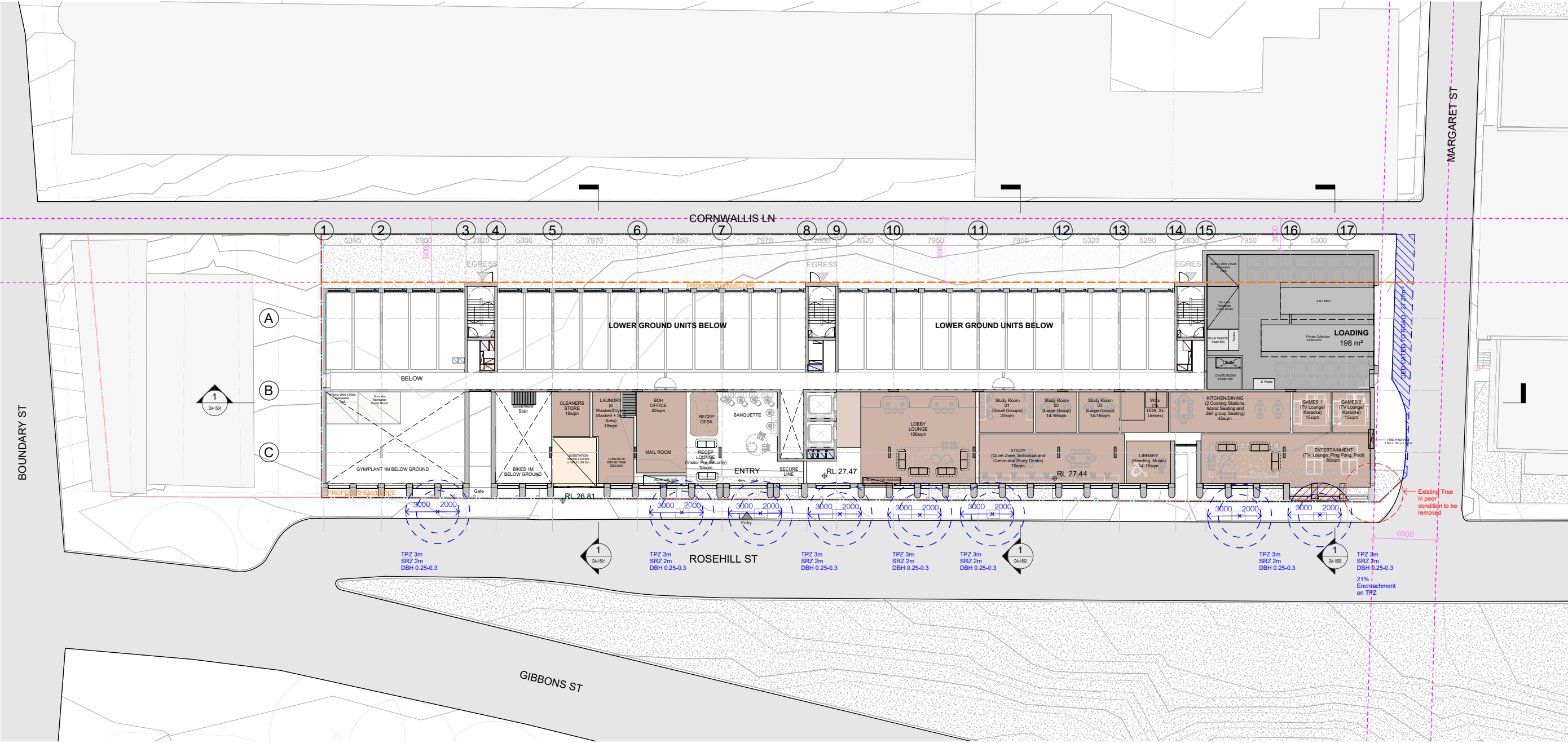
RESI COMMUNAL SPACE
BASE 30m²
of UNITS (over 6) 327 (- 6)
2m² per Unit over 6 642m²
AREA REQUIRED 672m²

SITE AREA	2525m²
FSR	3.32:1
UNITS	327



Indicative lower ground floor plan





Scale
1:500 @ A3



Journal Student Living assets

Reference imagery from recently opened Journal Student Living asset in Melbourne



LIBRARY



LOBBY



ENTERTAINMENT LOUNGE



MUSIC ROOM



GYM



ROOFTOP TERRACE

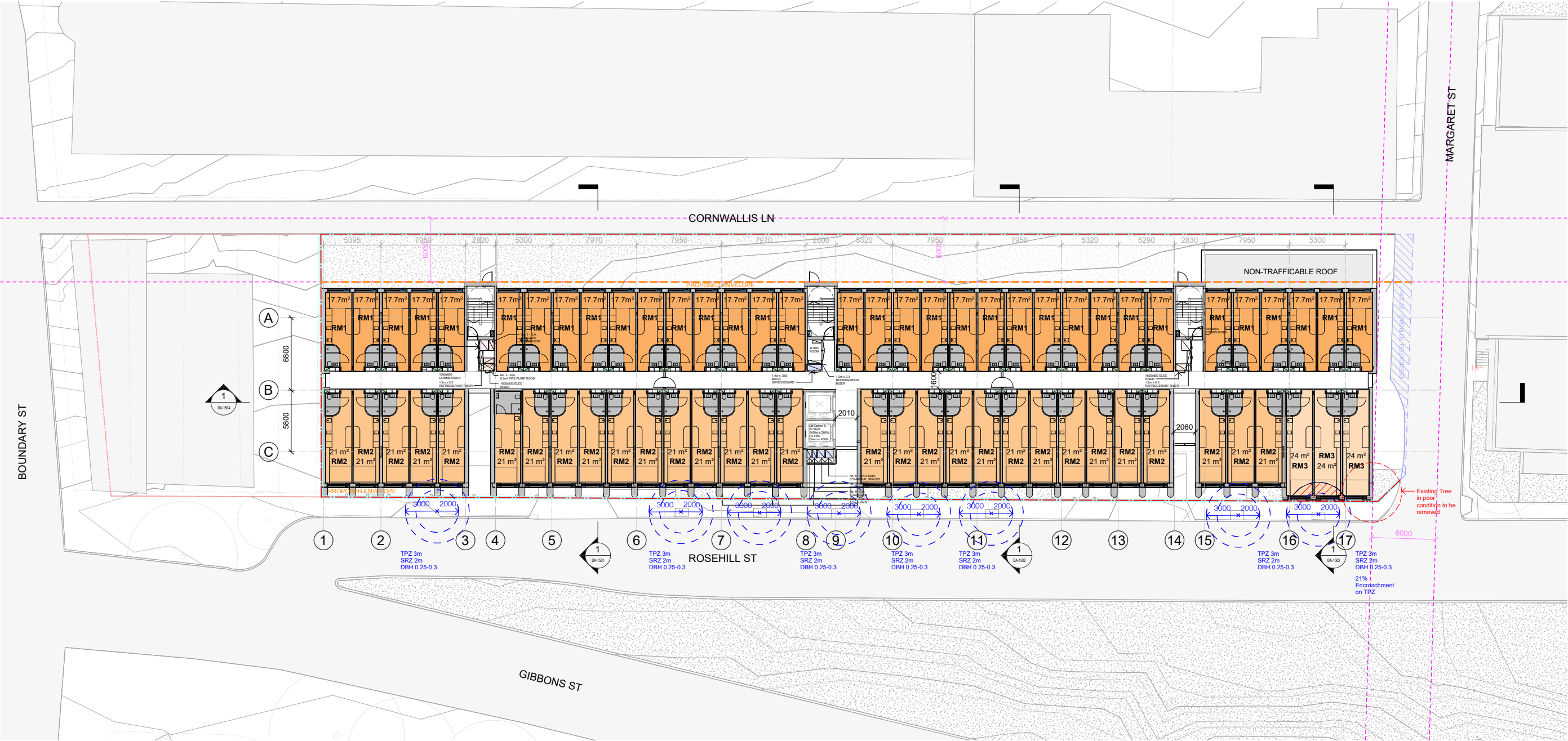


STUDY AND SEATING

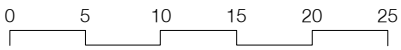


STUDY AND SEATING

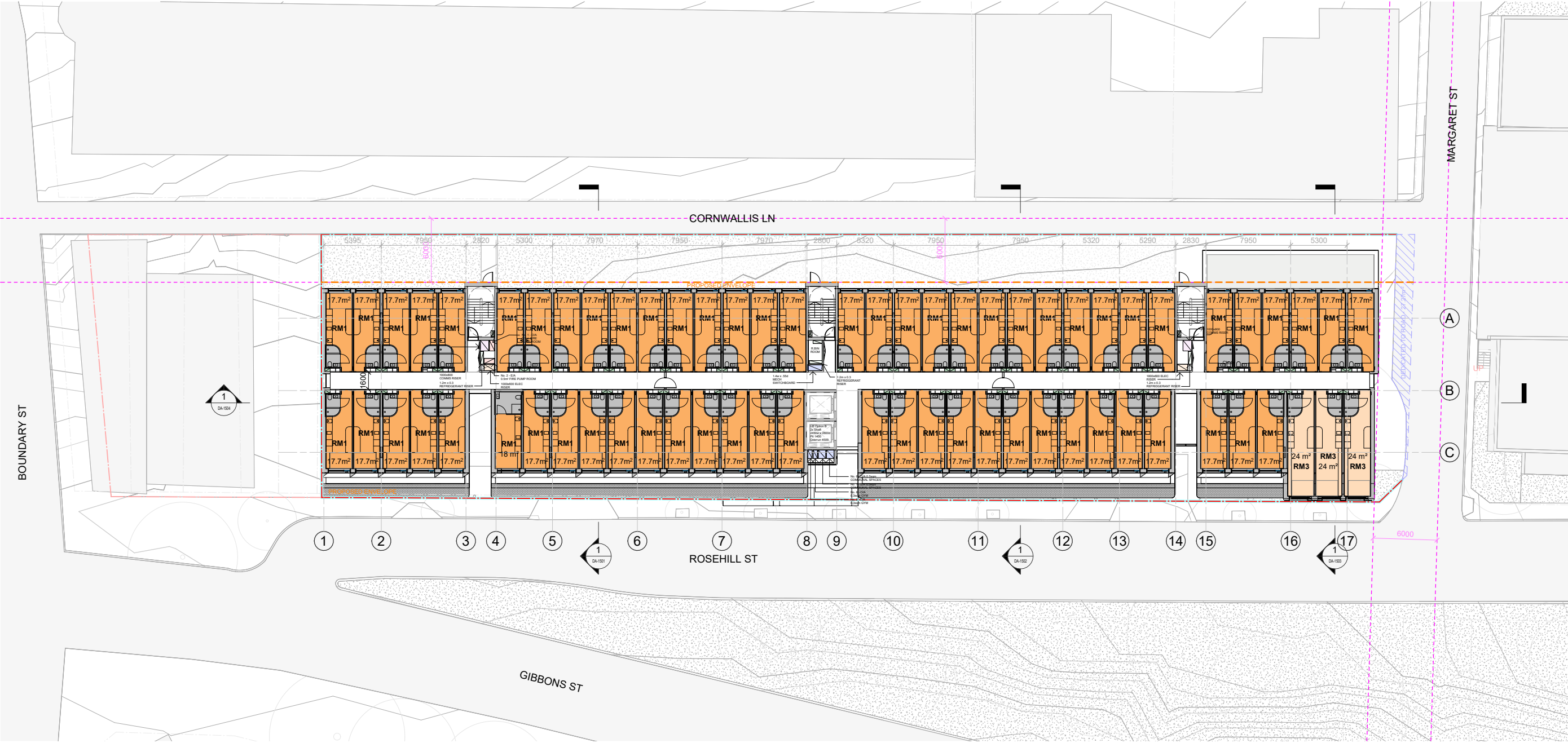




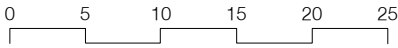
Scale
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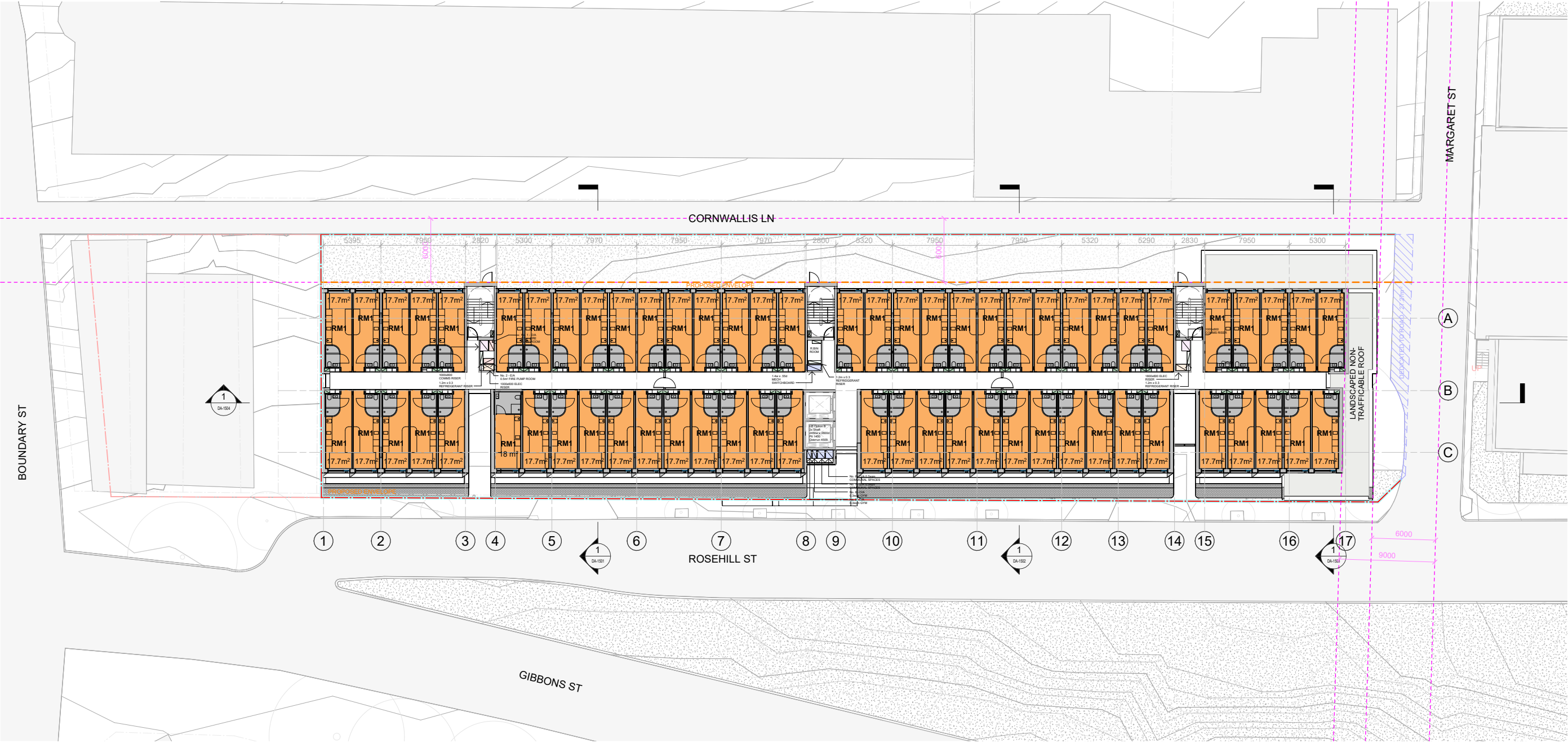
173



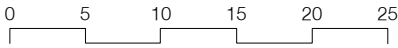
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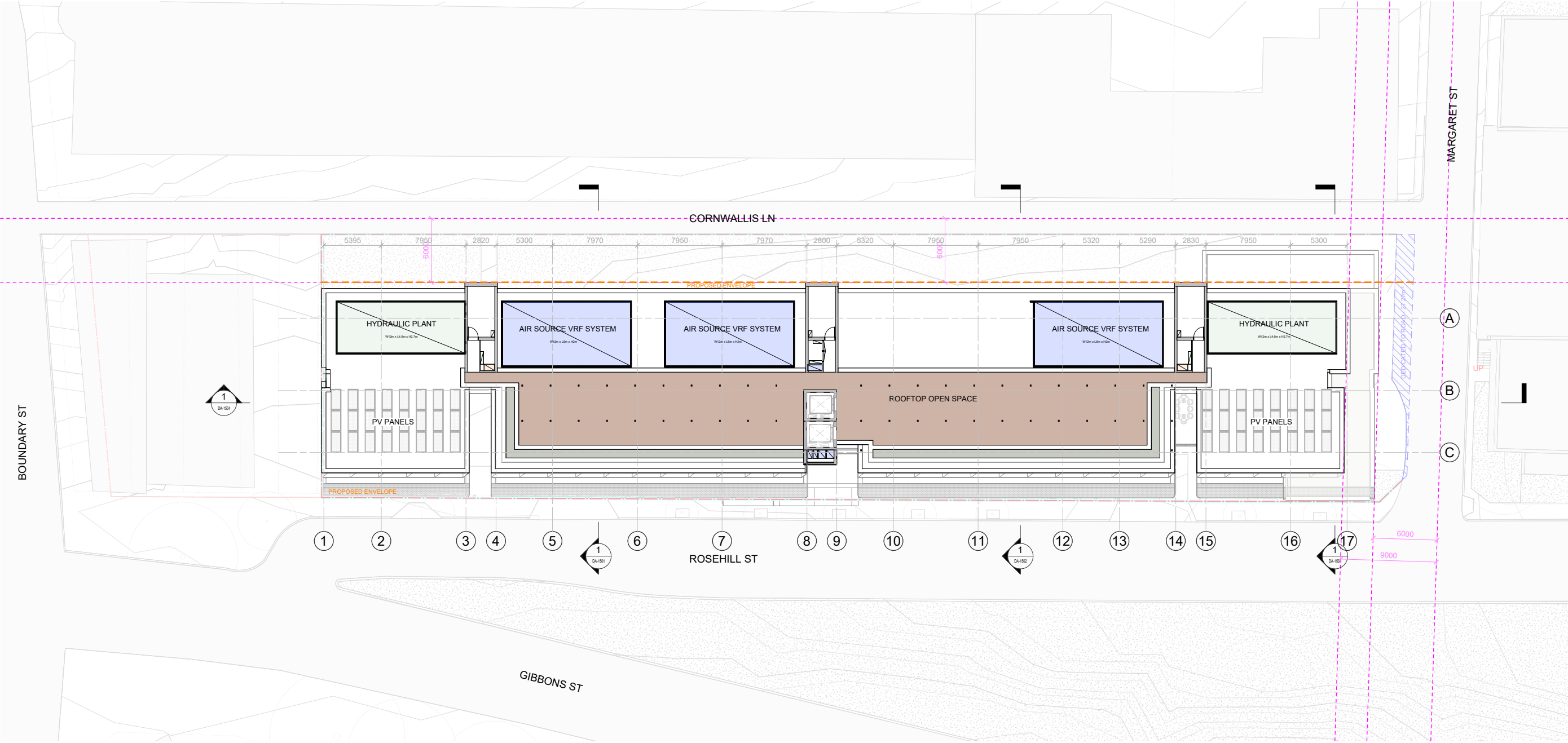
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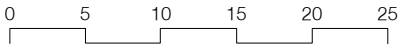
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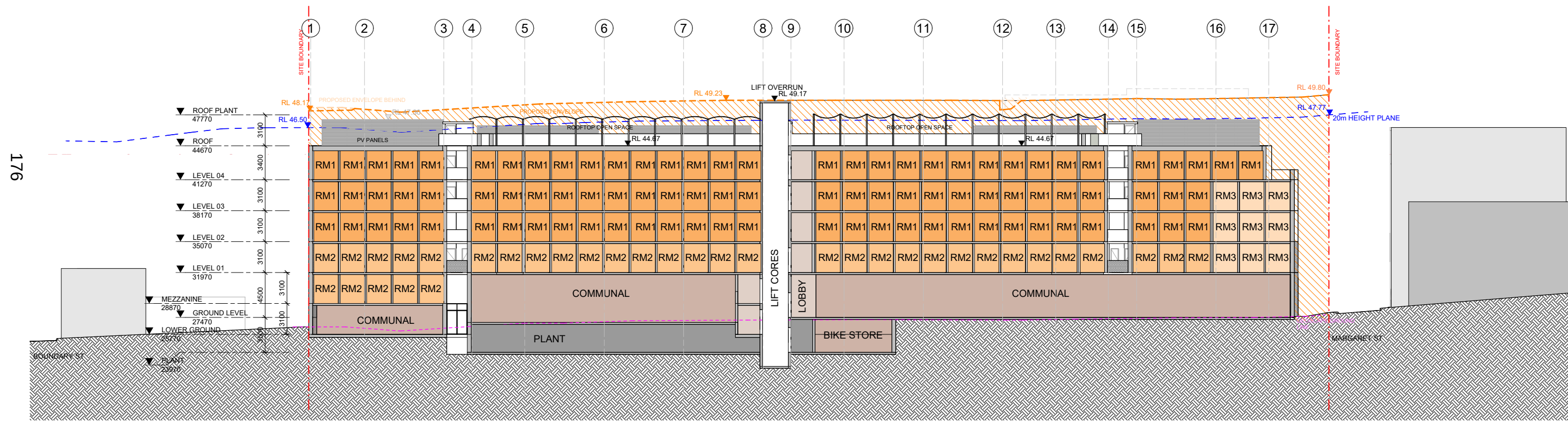
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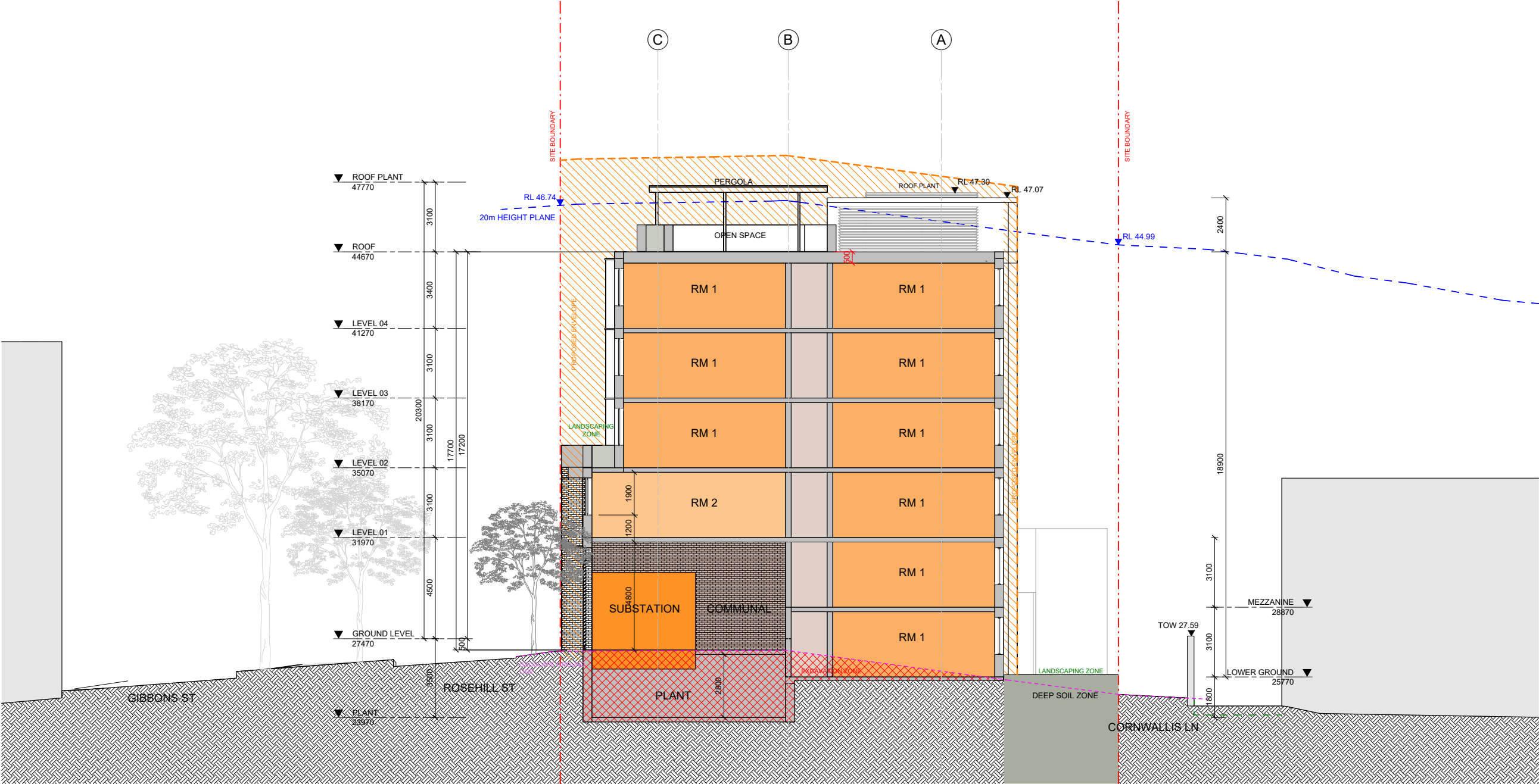
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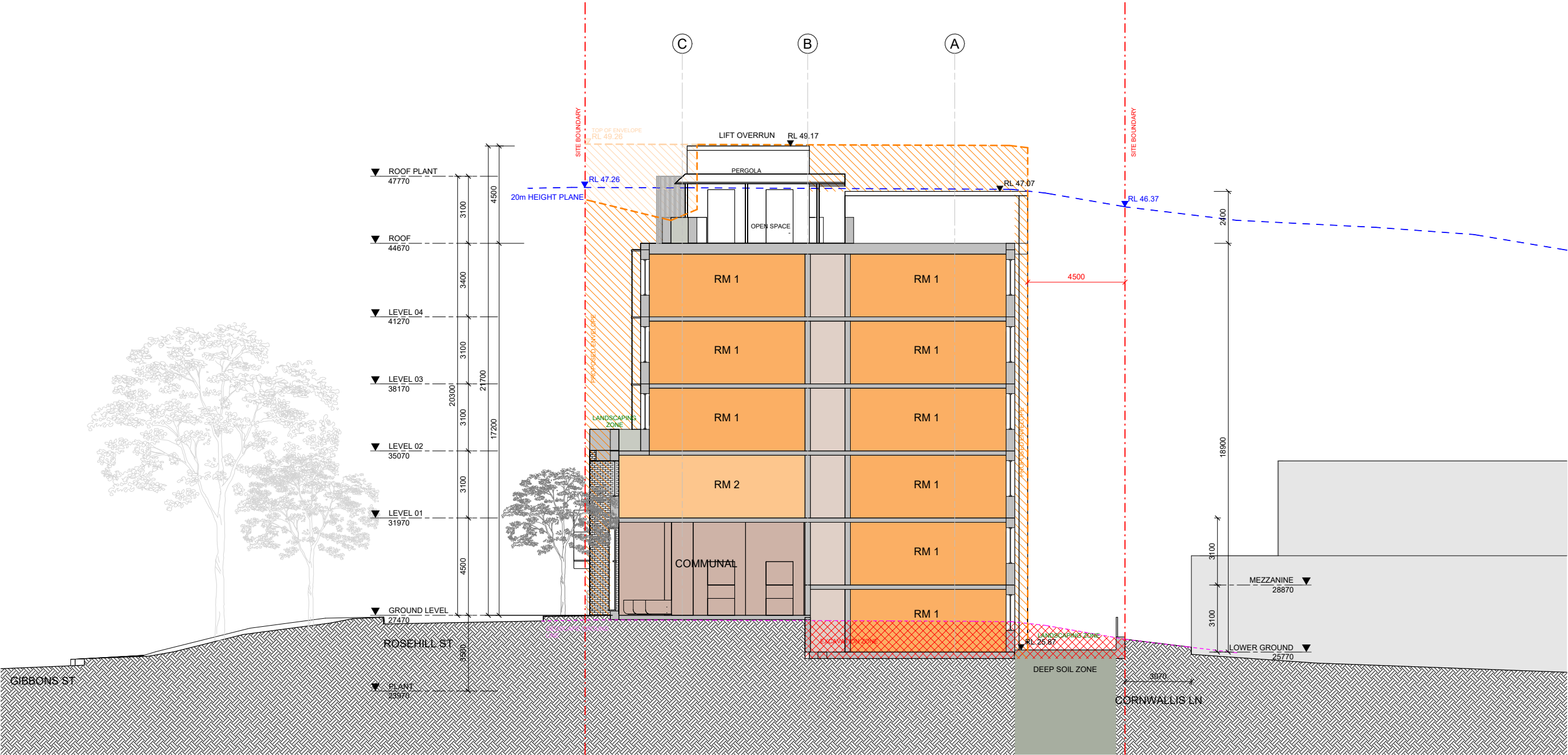
Indicative north-south section

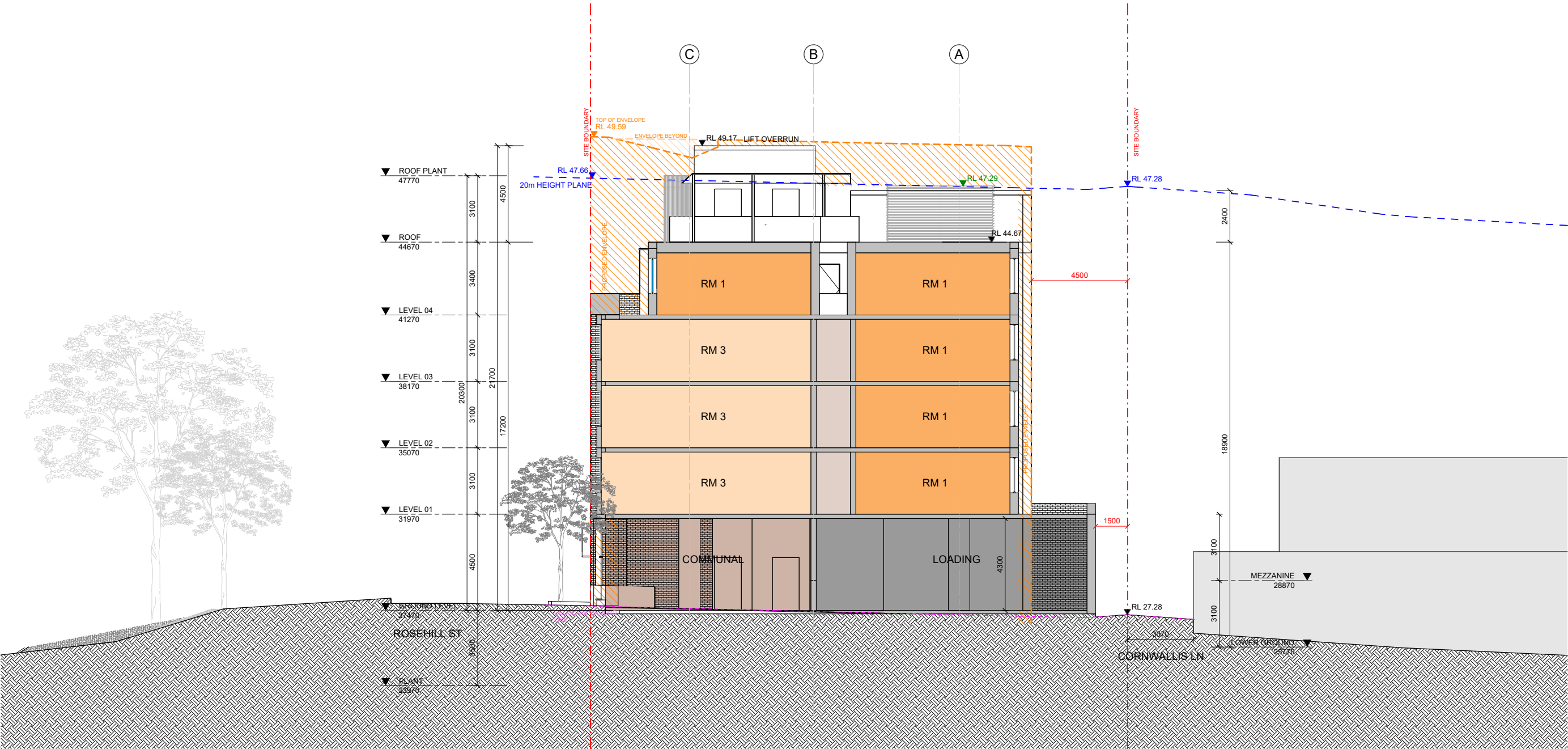


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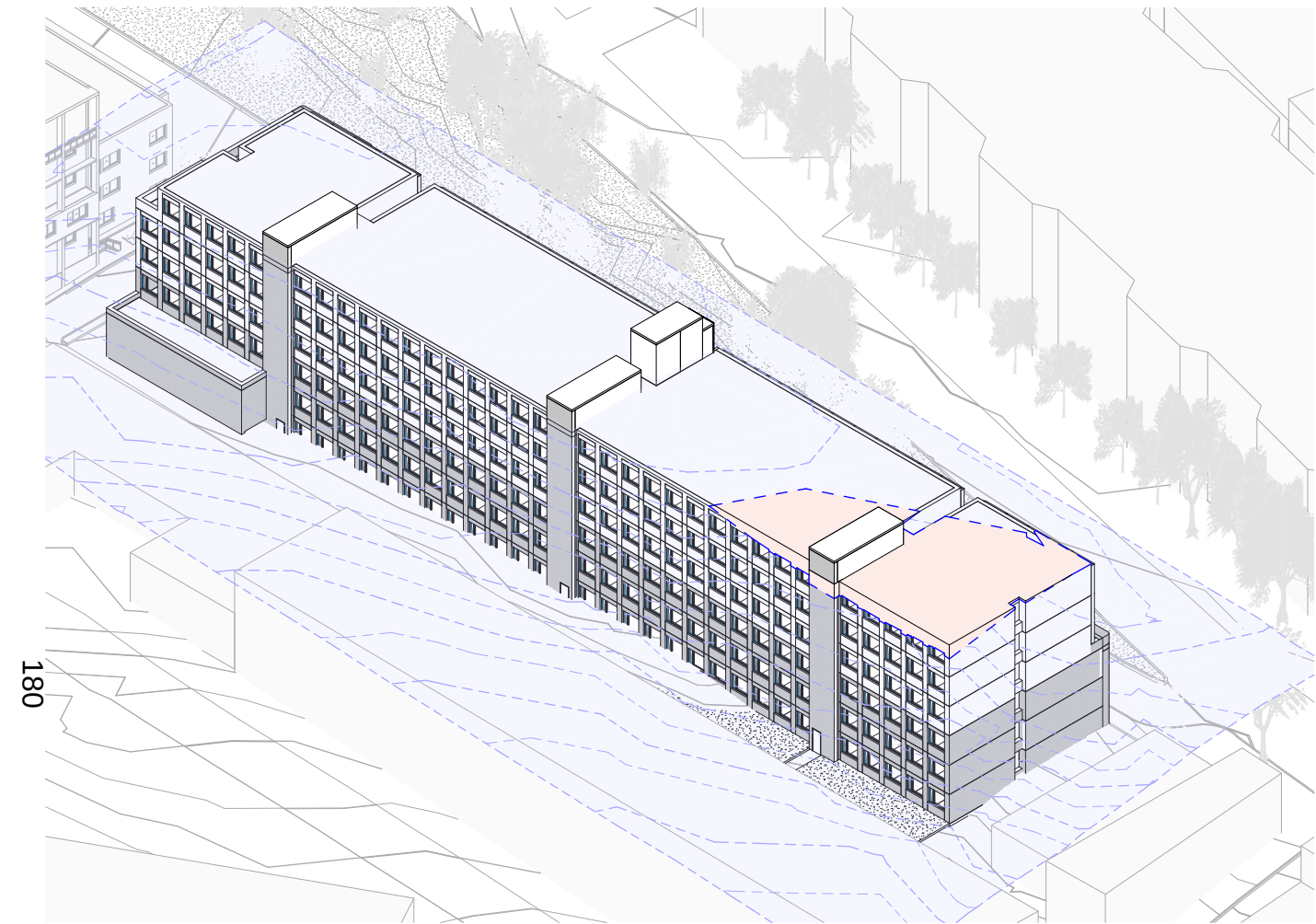


178





Height of building analysis

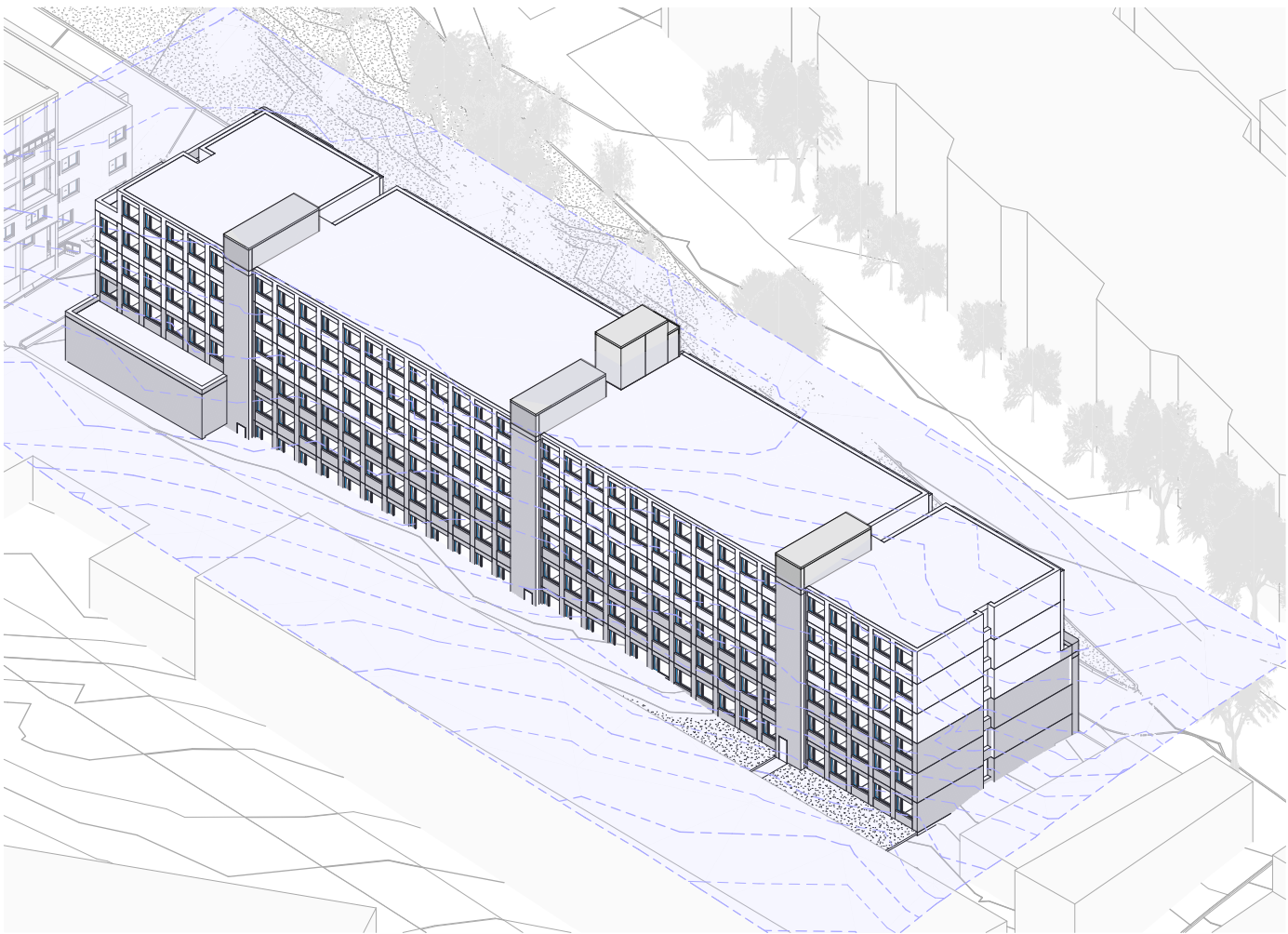


18m Height Plane

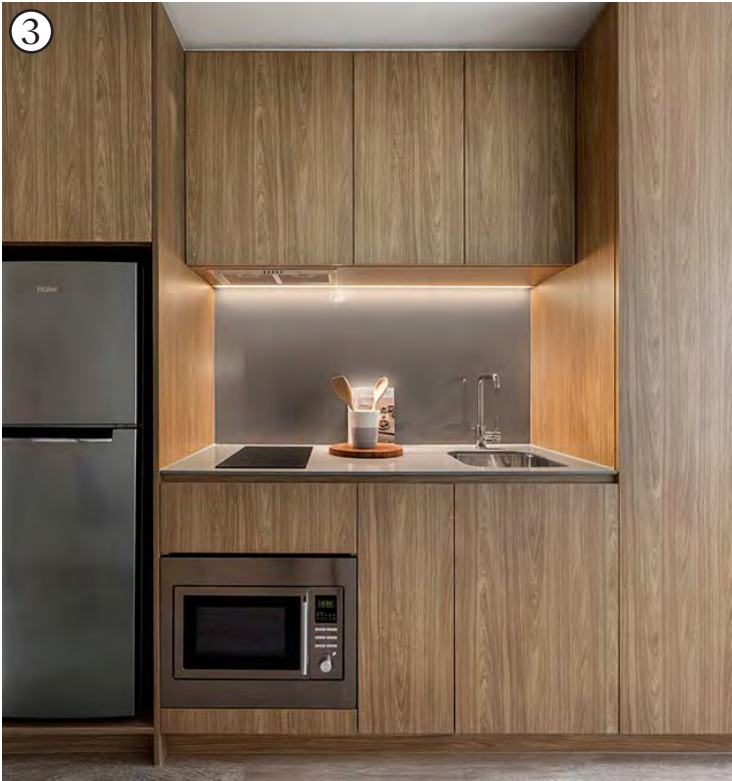
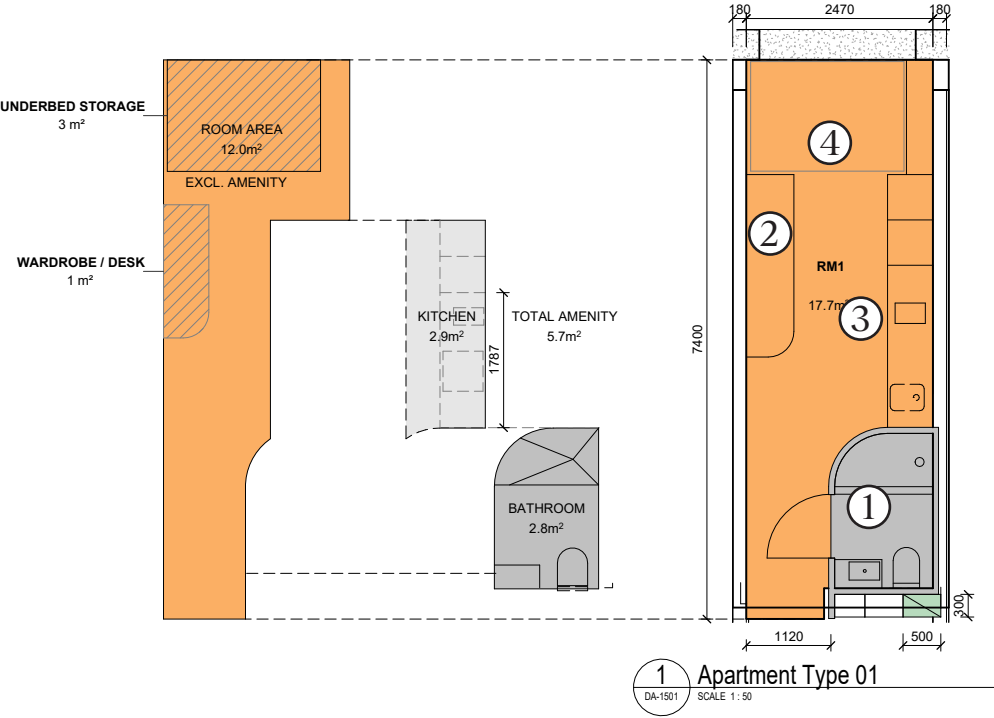
The diagram illustrates the volume of the reference scheme that exceeds the 18-metre height plane stipulated by the current LEP provision. This encroachment is minimal and confined to the portion of the site affected by a natural dip in the ground, which reaches approximately 1.5 metres at its deepest point.

To address this, the proposal seeks a modification to the Height of Buildings (HOB) provision, requesting an additional 2 metres. This adjustment would ensure full compliance of the reference scheme, while also accommodating a further 2 metres for a green roof zone. The green roof zone would support lift overruns, pergolas, and other elements necessary for functional access and use of the rooftop space.

The adjacent diagram demonstrates full compliance with the proposed 20-metre height plane.

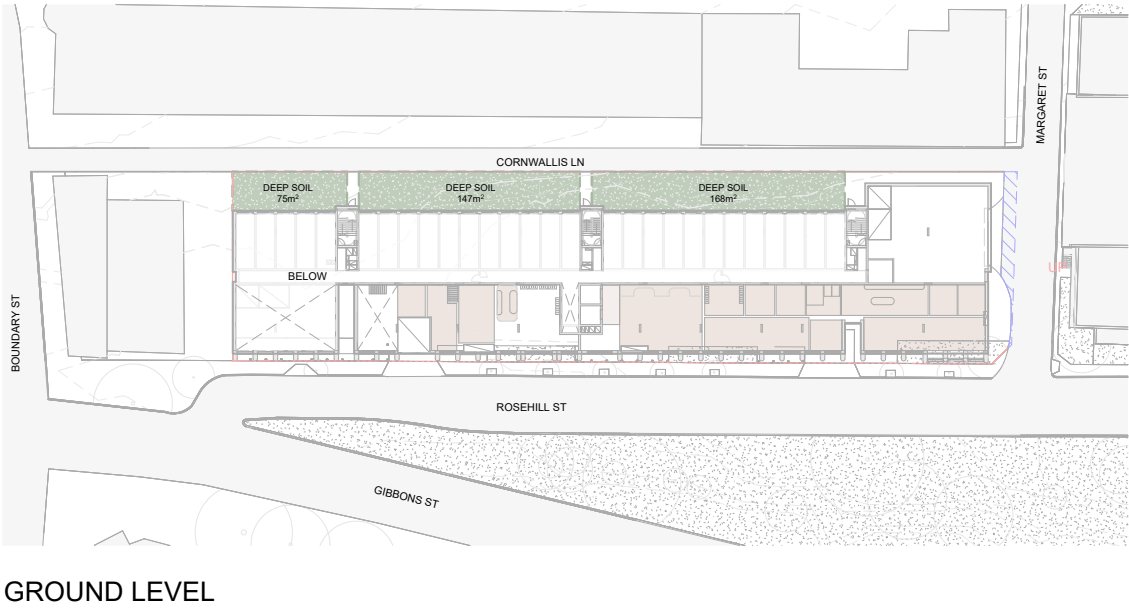
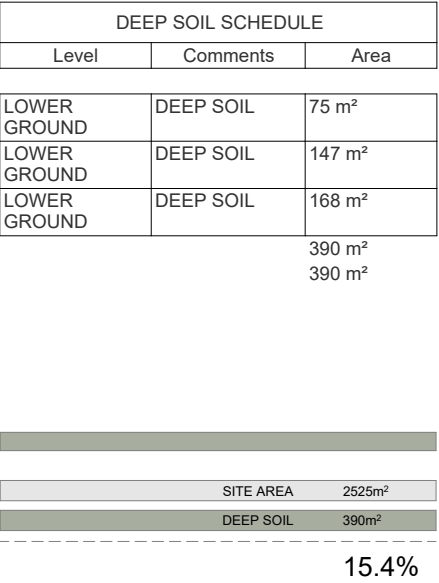
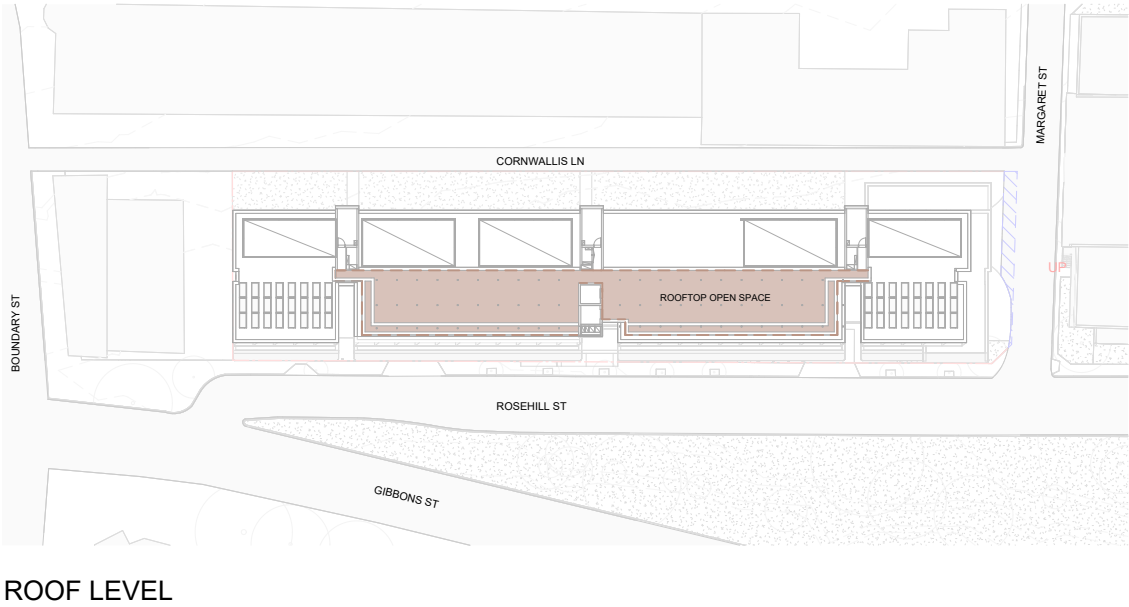
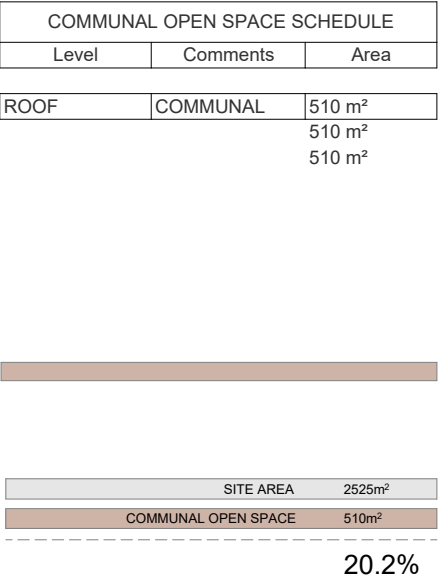


20m Height Plane



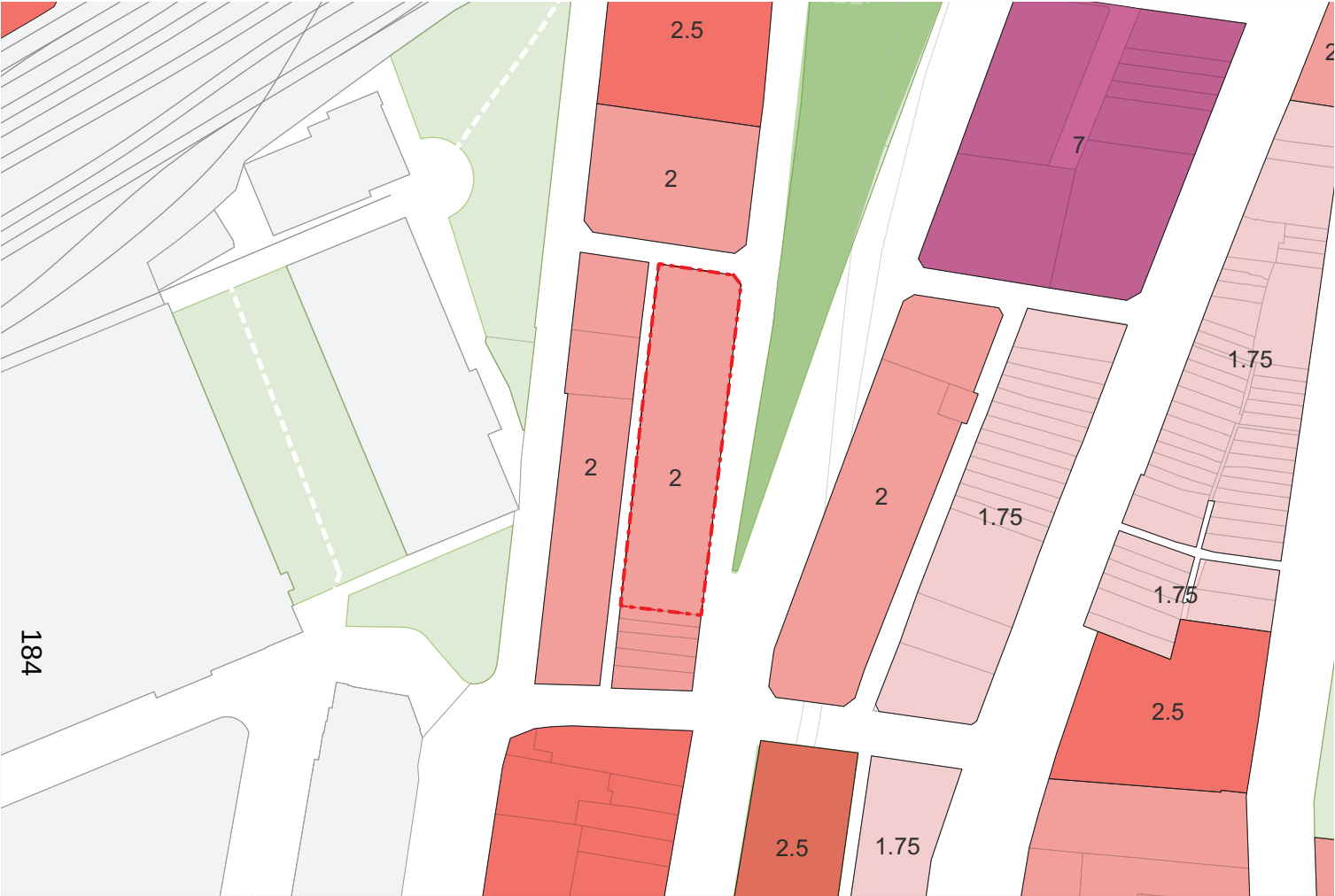
Deep soil and landscape

182



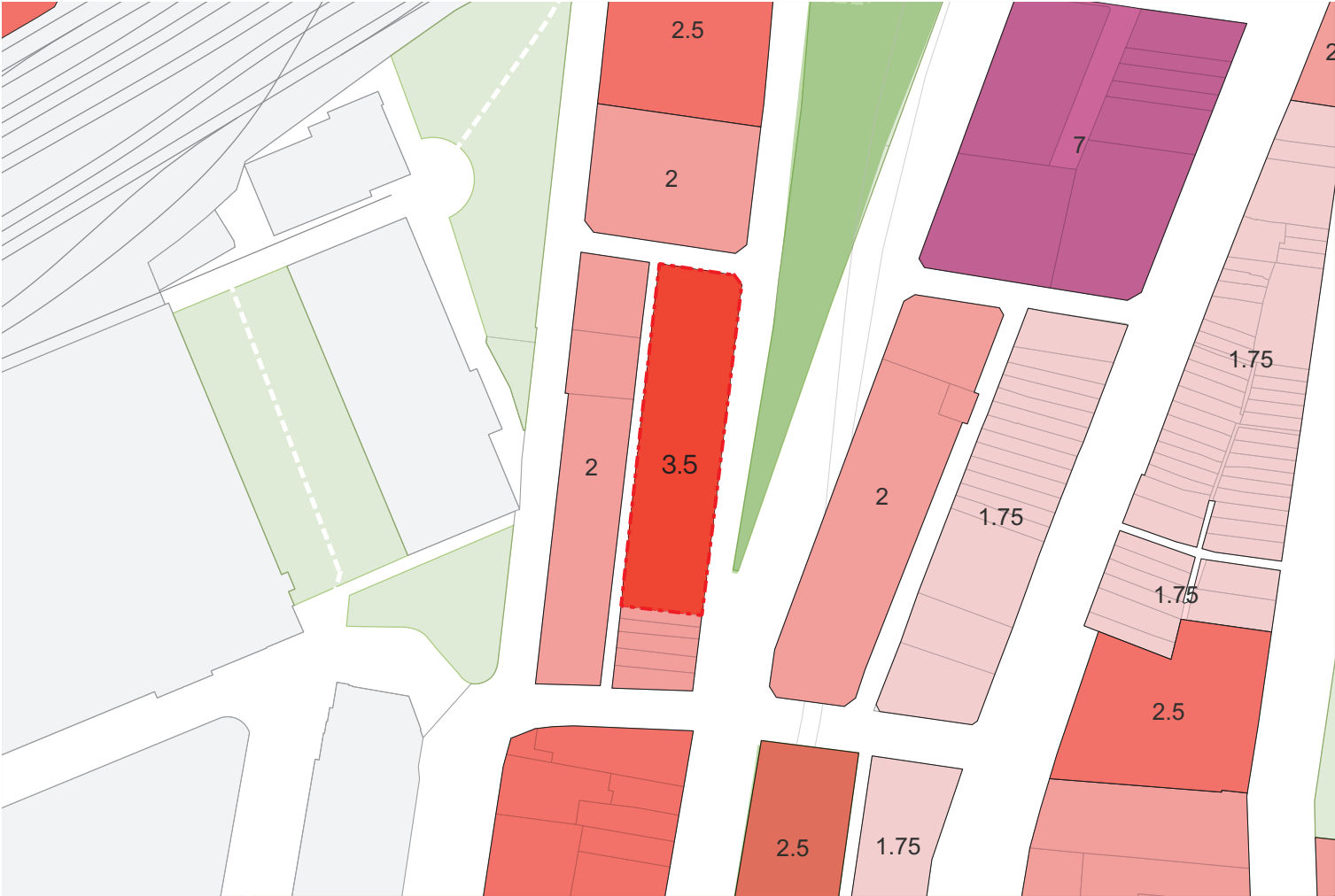
Proposed LEP amendments

Proposed amendments to LEP Floor Space Ratio Controls



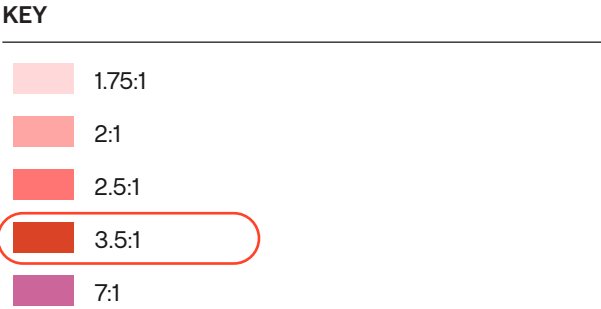
Existing Floor Space Ratio Map (FSR)

The existing controls for the subject site are 2:1.

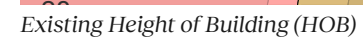


Proposed Floor Space Ratio Map (FSR)

An increase in the permissible FSR for the subject site from 2:1 to 3.5:1.

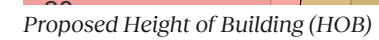
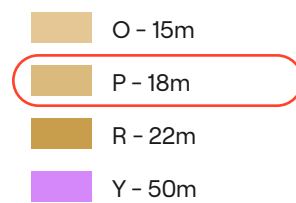


Proposed amendments to LEP Height of Building Controls



The existing controls for the subject site is 18m.

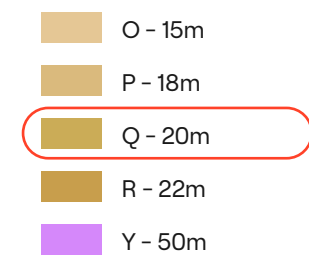
KEY



An increase in the permissible height for the subject site from 18m to 20m.

An increase of 2 metre to the Height of Building control in response to the site's natural ground that presents a dip of approximately 1.5m in the south-west corner of the site.

KEY



Eye of sun study

An initial eye of sun analysis was undertaken using a 3D digital terrain and building model sourced from MetroMap to identify potential overshadowing impacts. The study confirmed that any overshadowing from the proposed envelope is confined to the western façade of 39-61 Gibbons Street.

To ensure precision, the Gibbons Street façade was reconstructed with high geometric accuracy using a combination of survey data, detailed façade elevations, point cloud information, and on-site verification, thereby minimising modelling assumptions and improving analytical reliability.

The design and orientation of 39-61 Gibbons Street enables compliance with solar access requirements for apartments on Levels 1-3 along the Gibbons Street façade. However, as the ground floor apartments are recessed, they require targeted, high-resolution assessment.

As the objective of the study is to determine the duration of direct solar access to living areas, a minimum of 1m² of glazing to each living room was required to be visible within the eye of sun analysis. This condition occurs after 12:30 pm for the ground floor apartments, which has been examined in detail.

The results of this analysis are presented on the following pages.



12:00 pm



9:00 am



10:00 am



11:00 am



1:00 pm



2:00 pm



3:00 pm

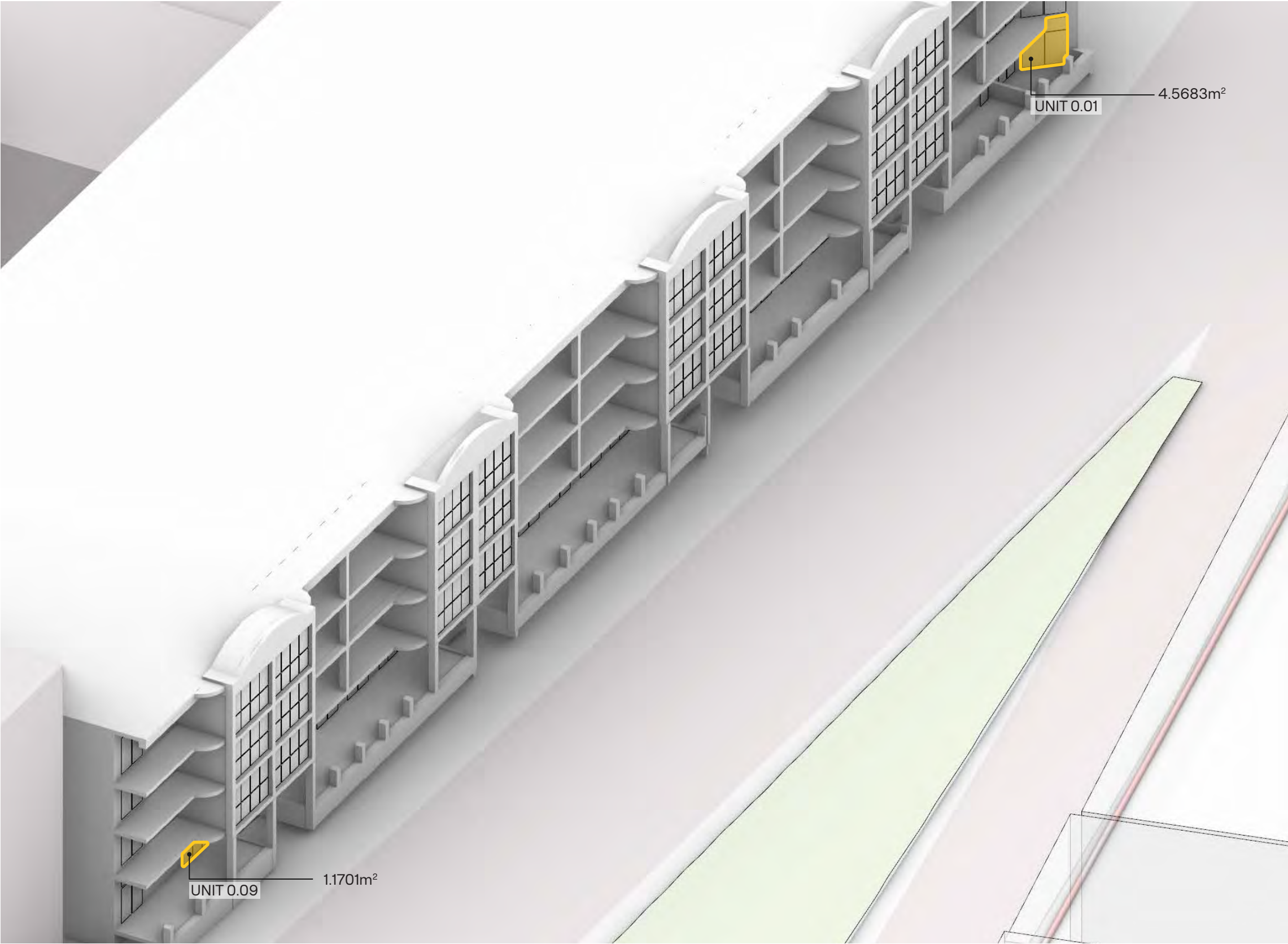
12:30pm

188

KEY

<1sqm

≥ 1sqm



KEY

<1sqm

≥ 1sqm



Existing conditions

1:00pm

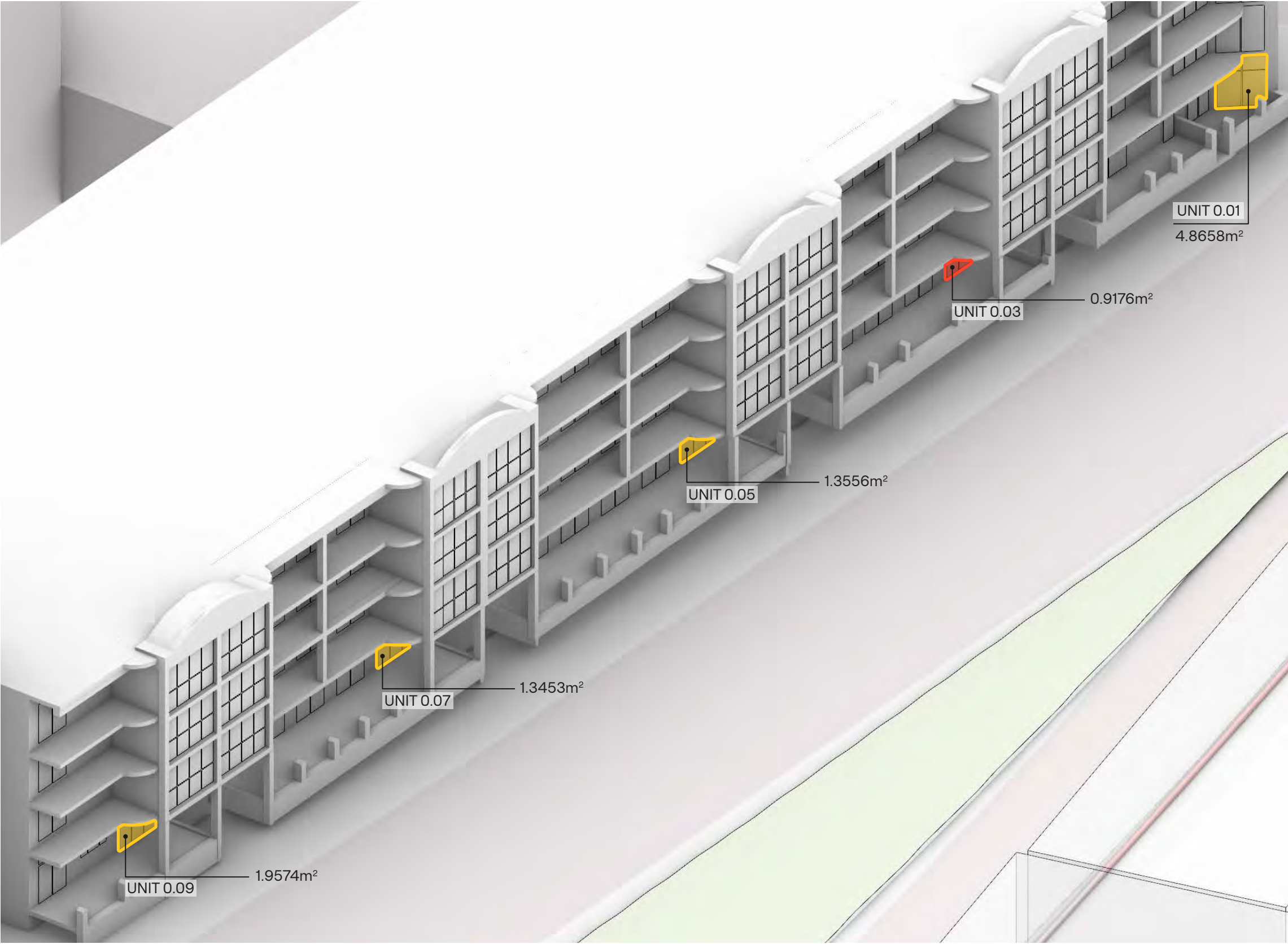
Apartments where 1 m² of glazing to the living area is not exposed to direct sunlight at 1:00 pm will not satisfy the ADG requirement for a minimum of two hours of solar access between 9:00 am and 3:00 pm.

Accordingly, Unit 0.03 does not fall within this category.

190

KEY

- <1sqm
- ≥ 1sqm

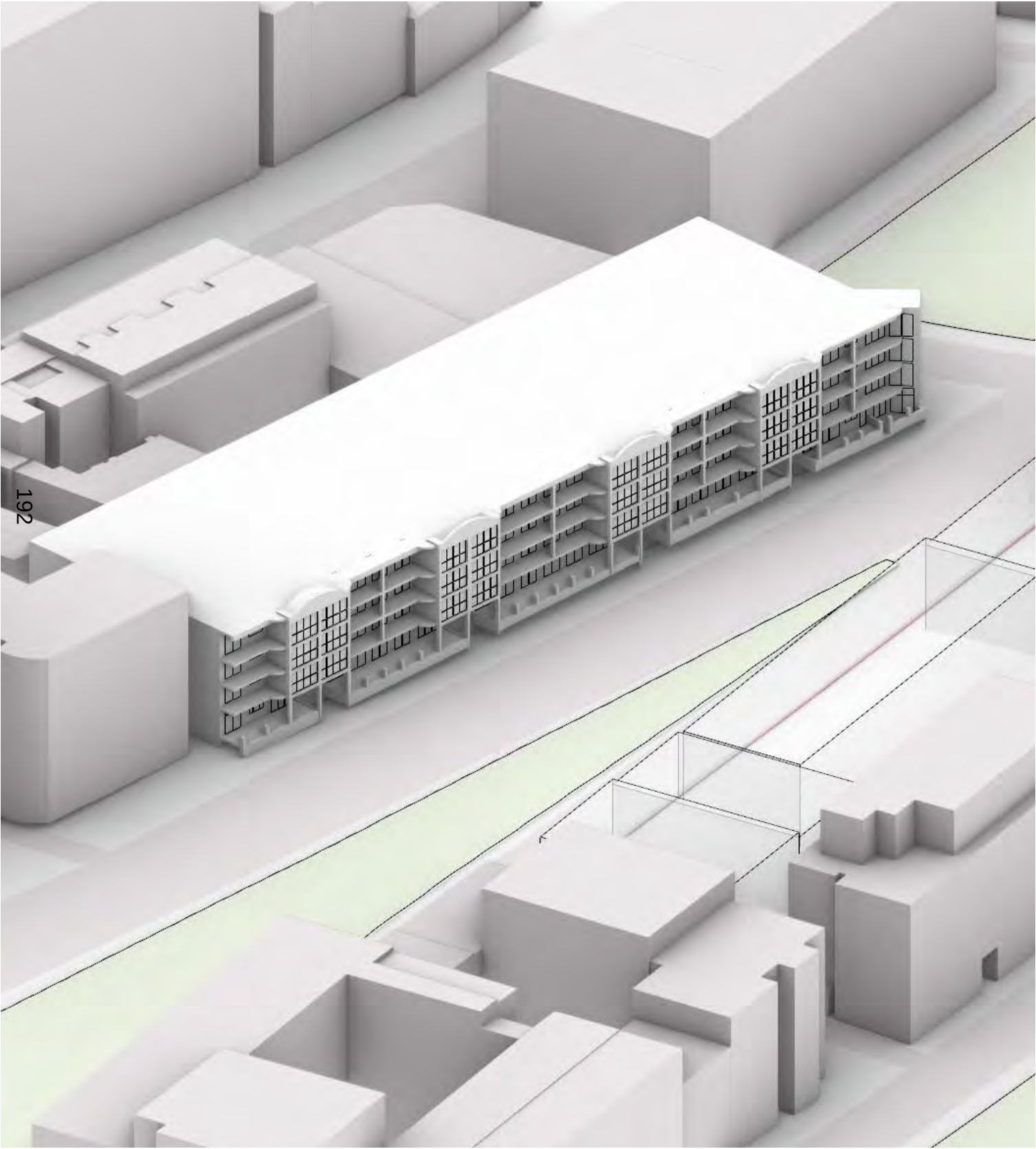


KEY

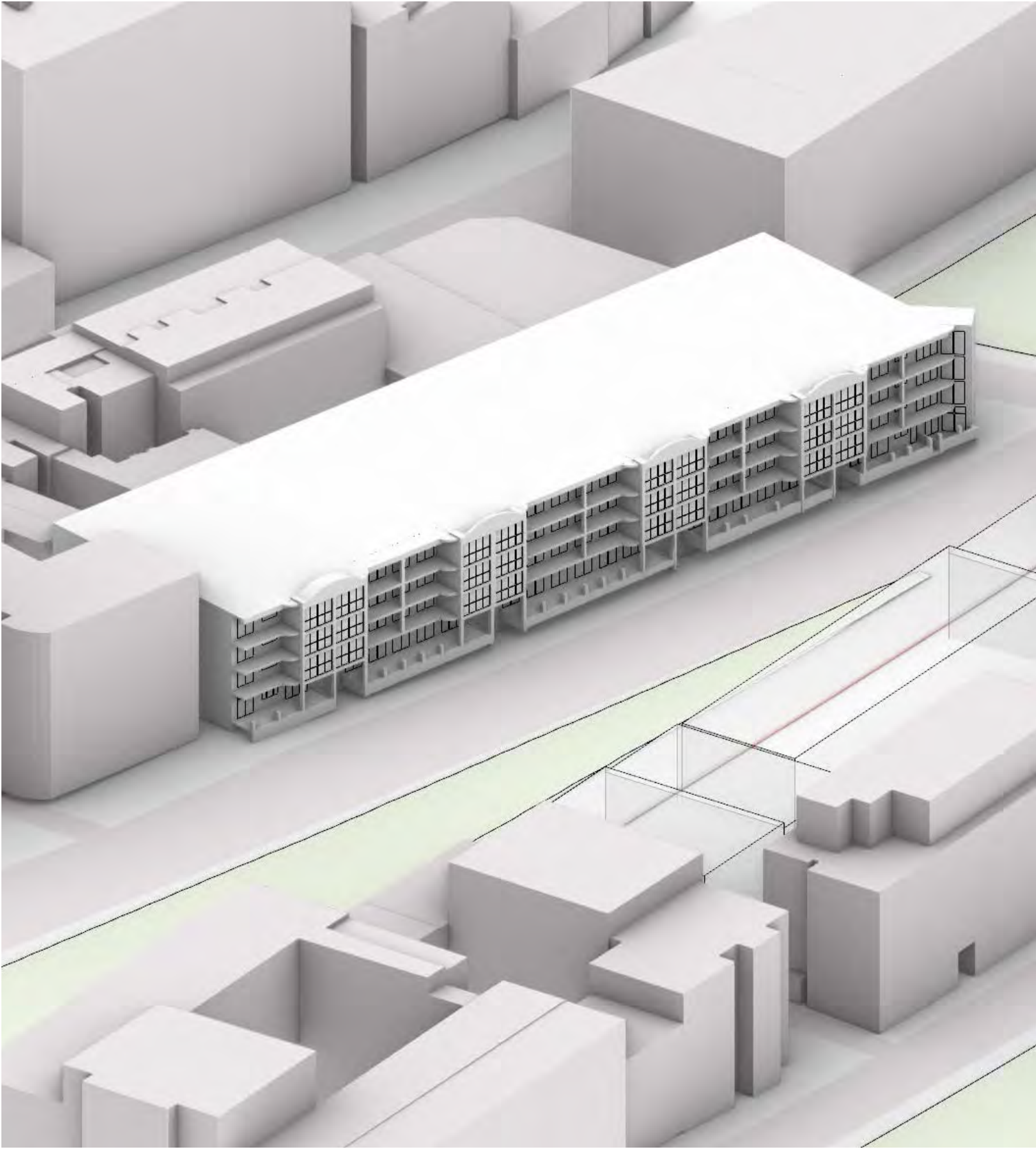
- <1sqm
- ≥ 1sqm



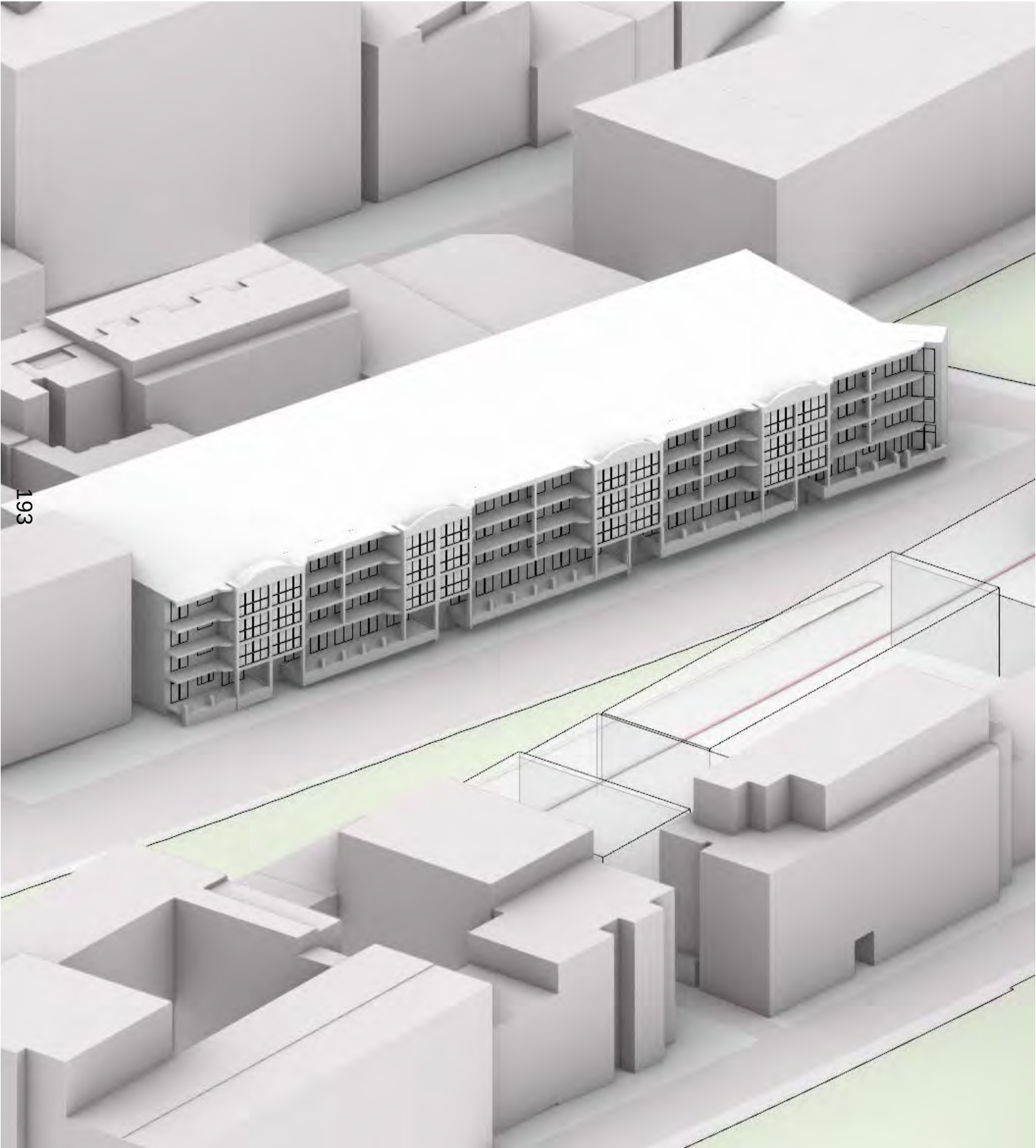
1:30pm



1:45pm



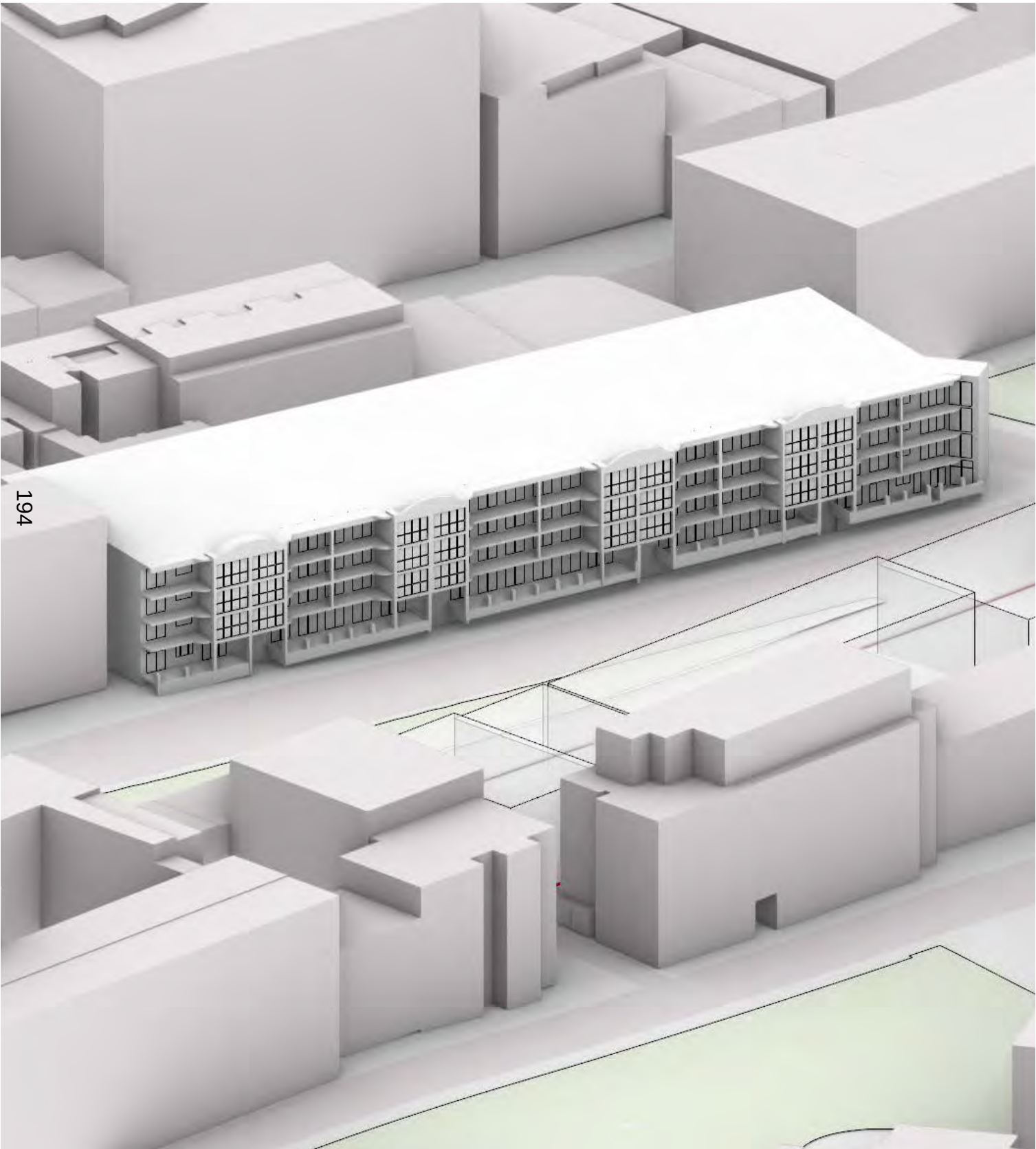
2pm



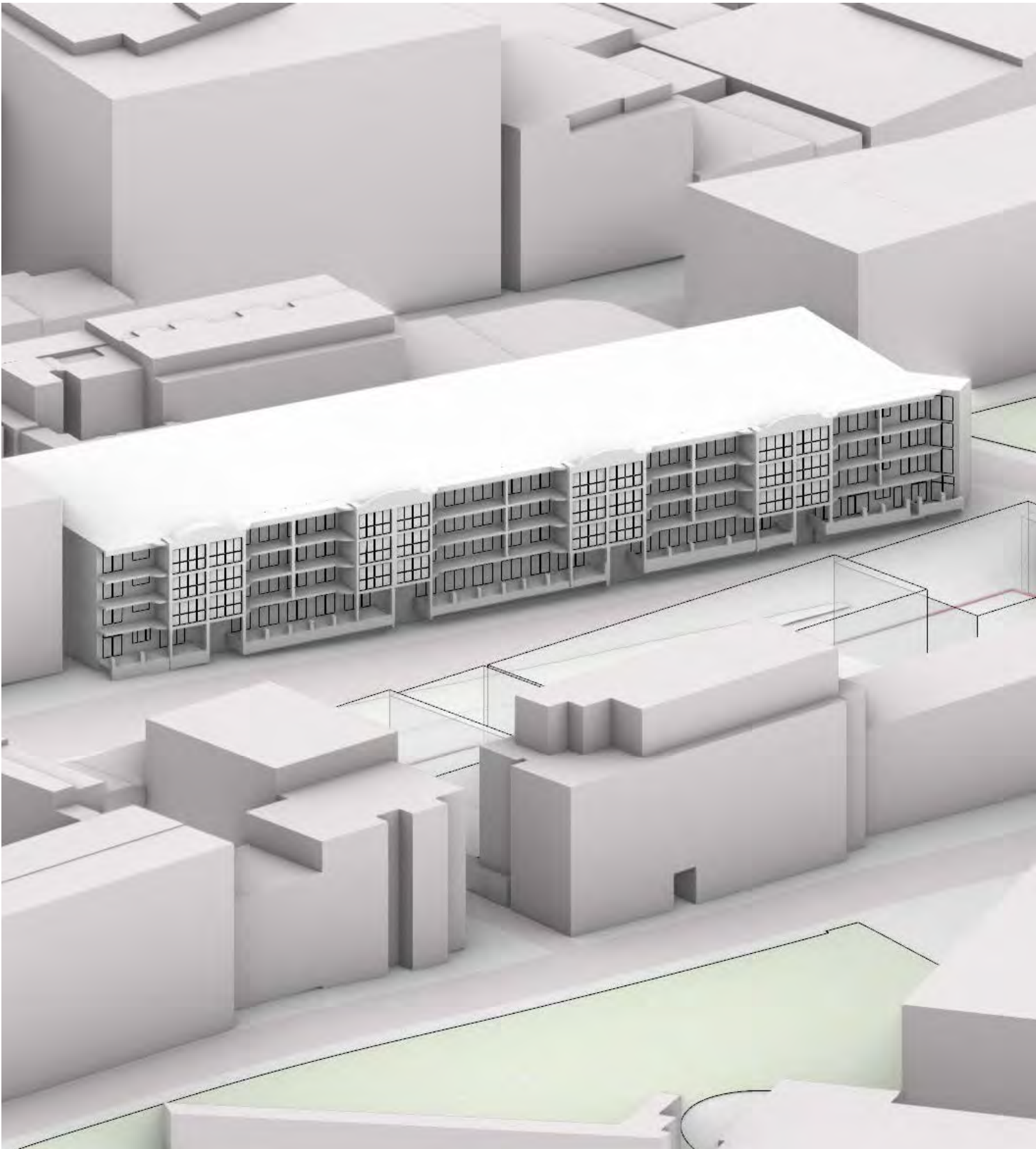
2:15pm

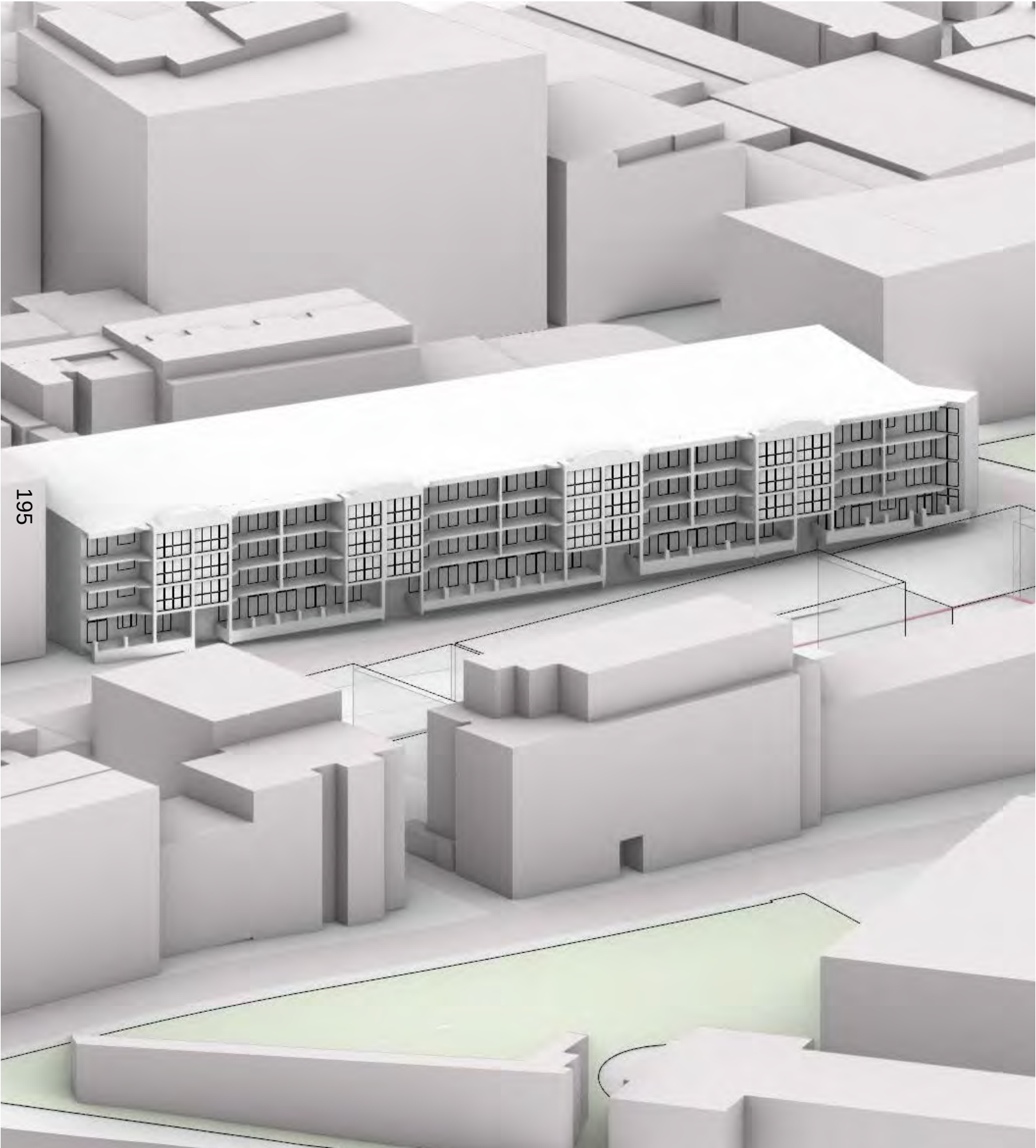


2:30pm



2:45pm

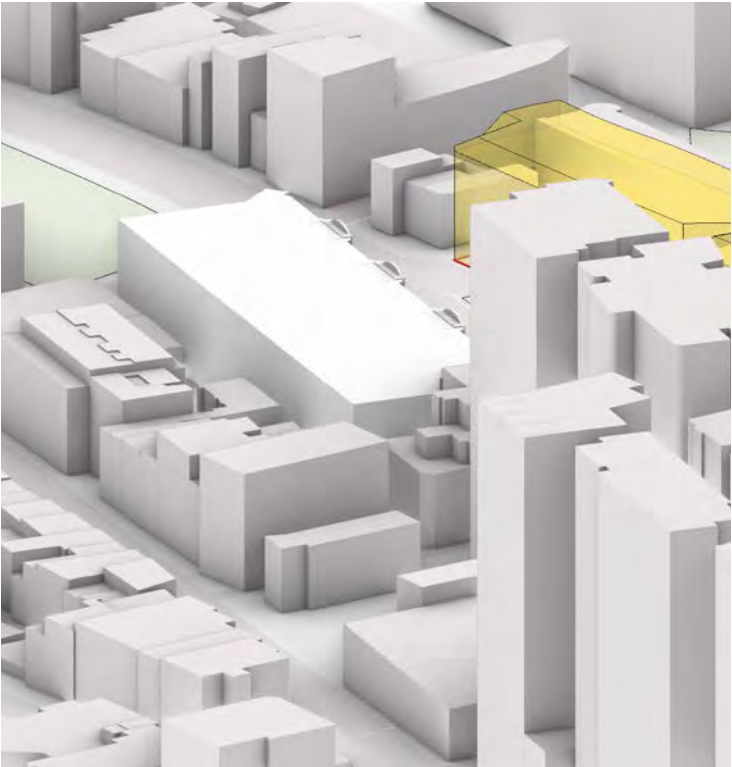




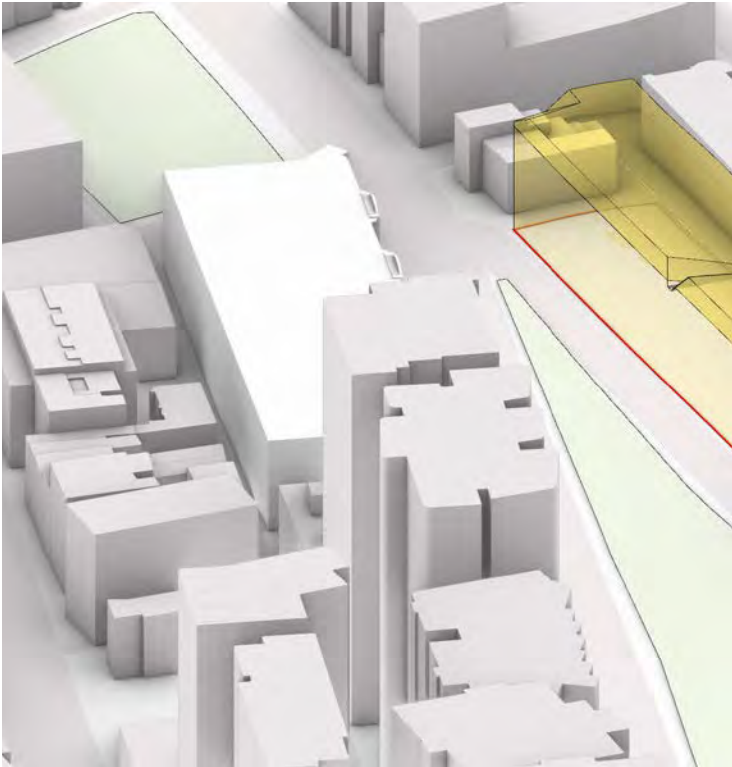
Eye of sun study

The eye of sun analysis for the proposed envelope indicates that overshadowing impacts occur after 1:00 pm. However, as discussed in Chapter 5 - Solar testing, these impacts remain compliant with the allowable reductions specified in the City of Sydney's 'Minimising Overshadowing of Neighbouring Apartments' guideline.

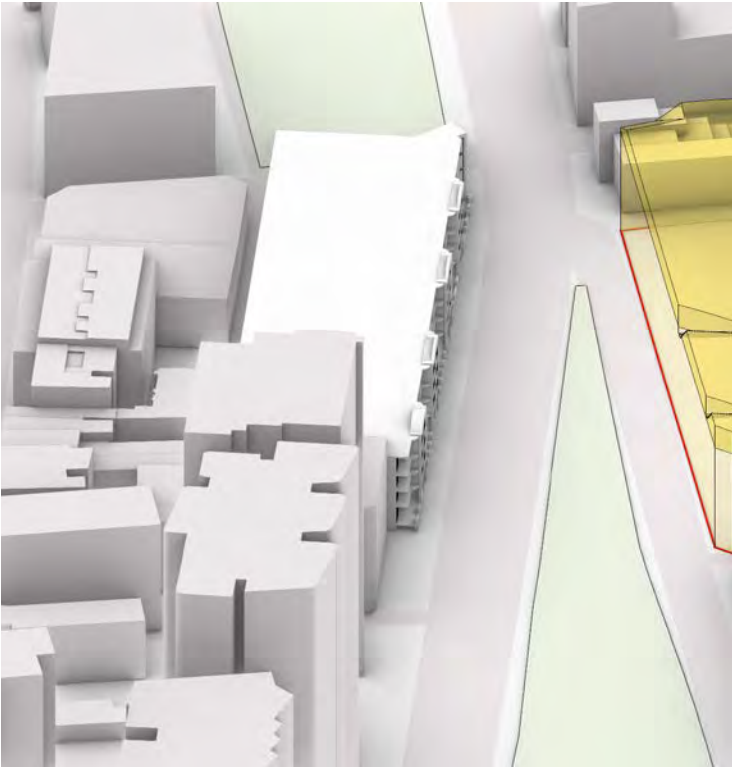
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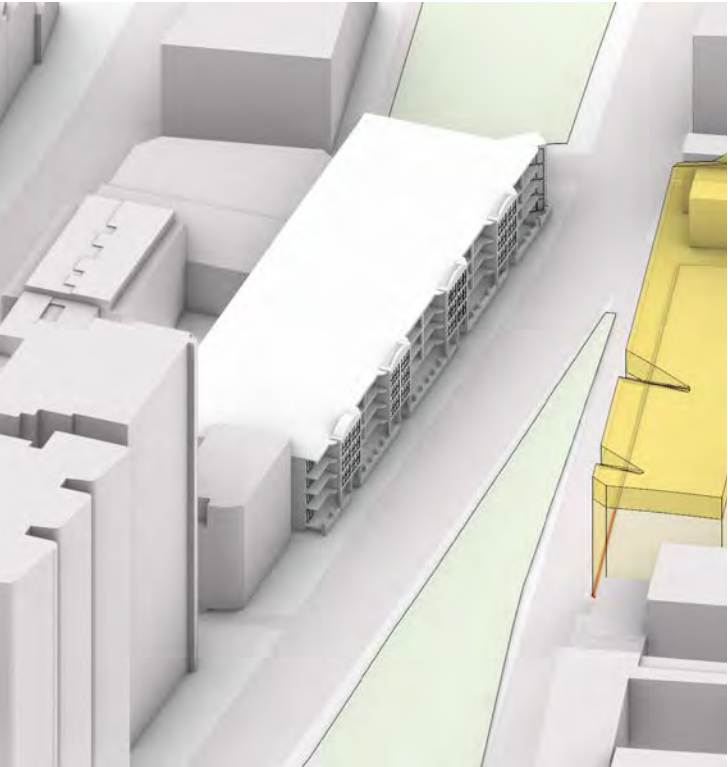
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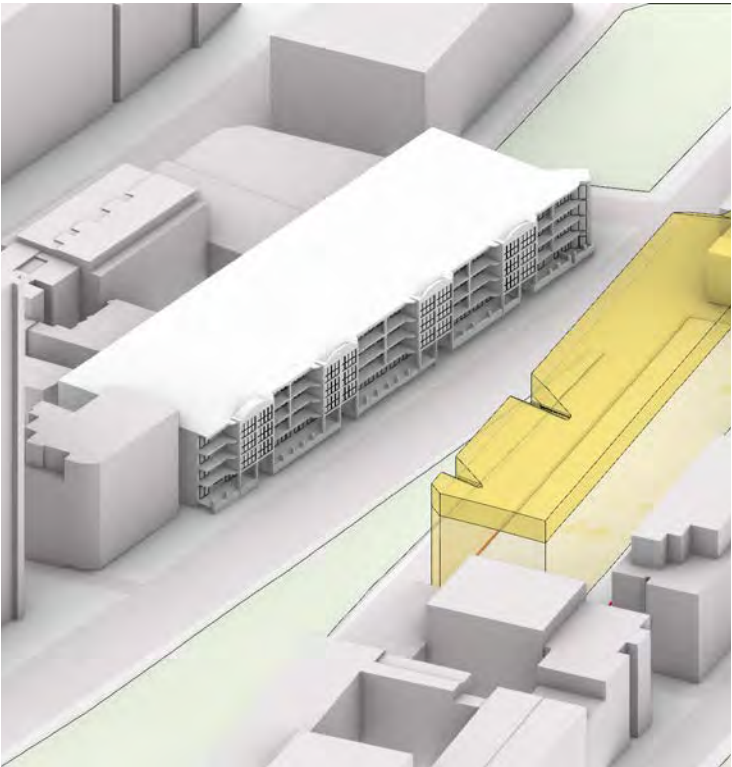
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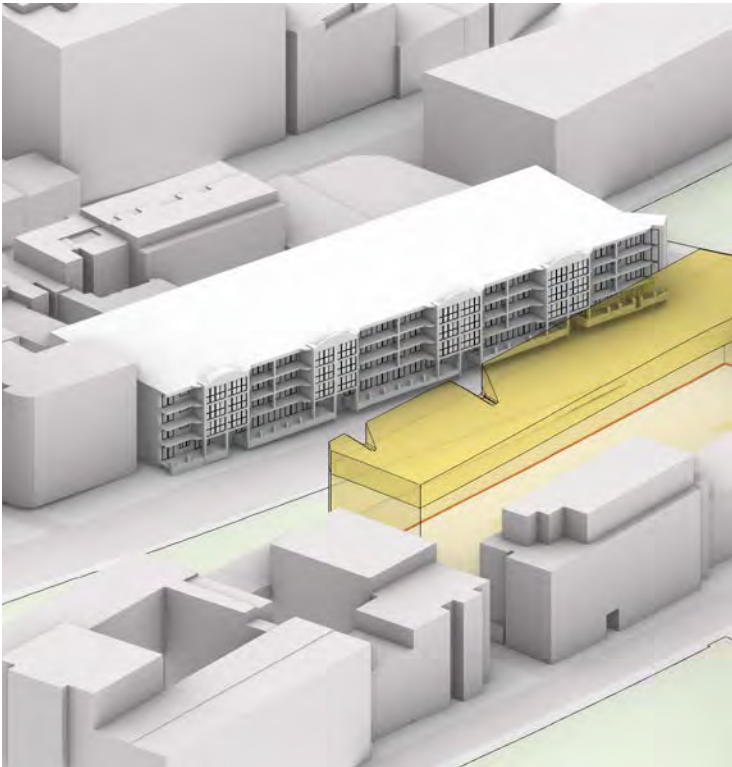
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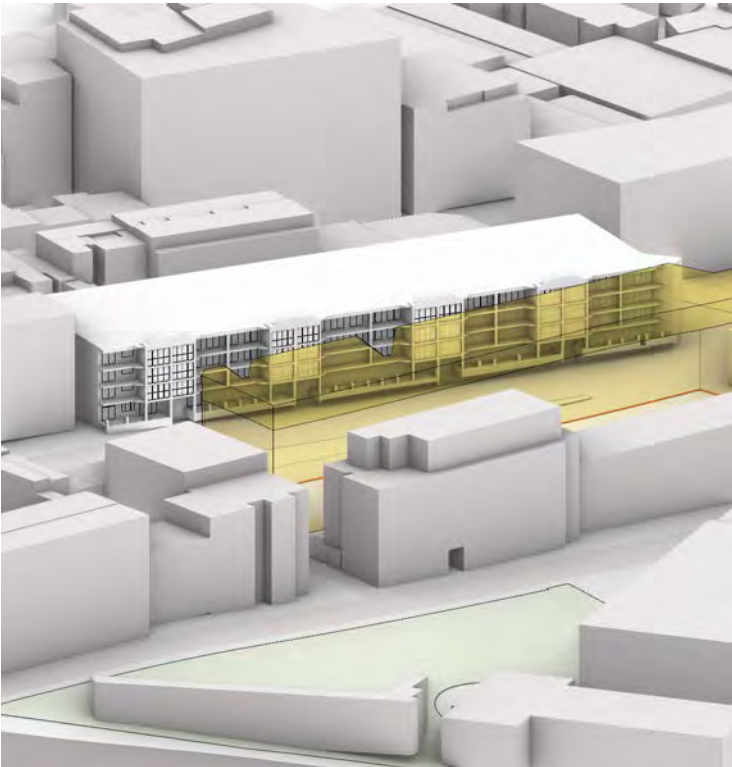
12:00 pm



1:00 pm

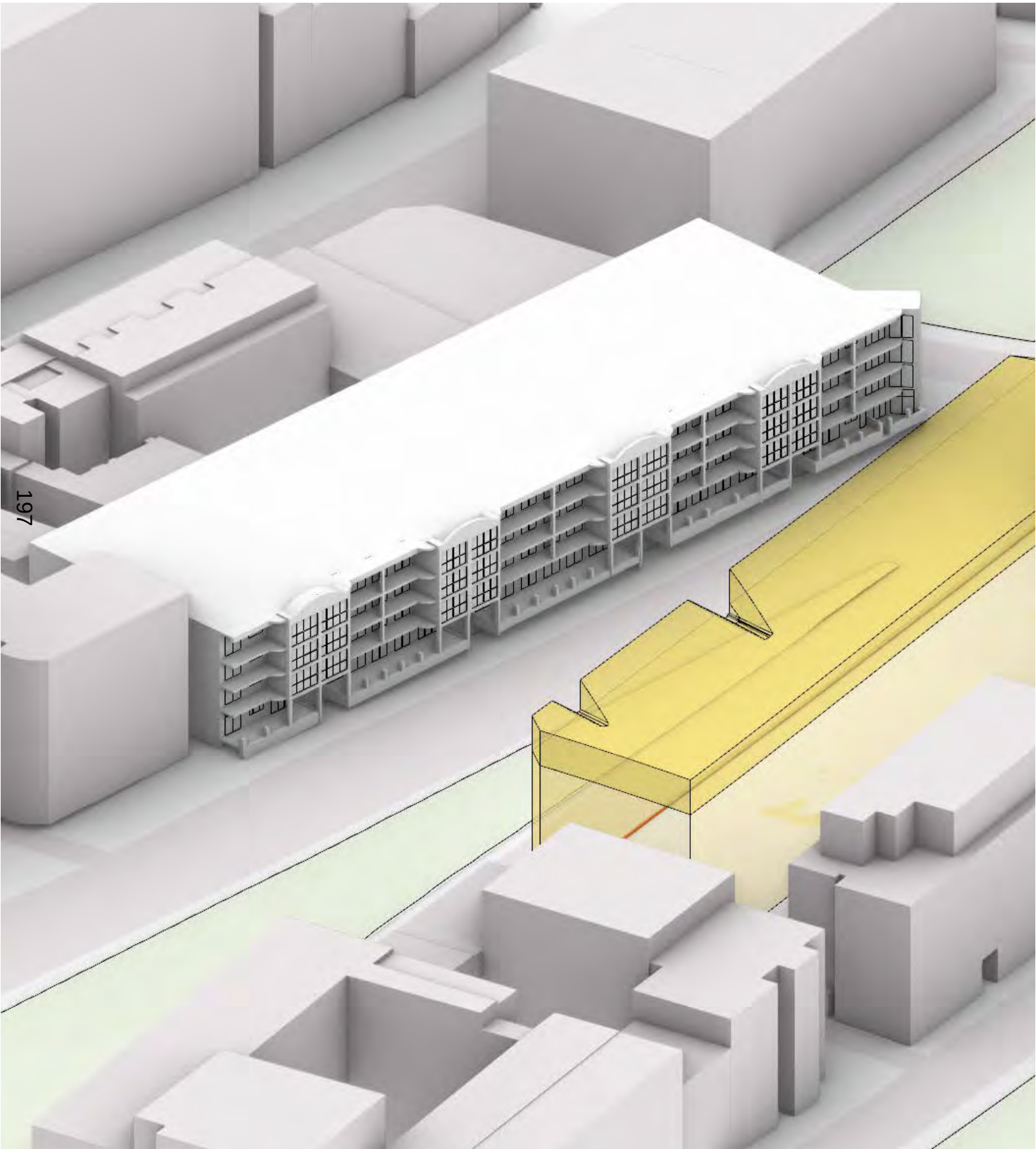


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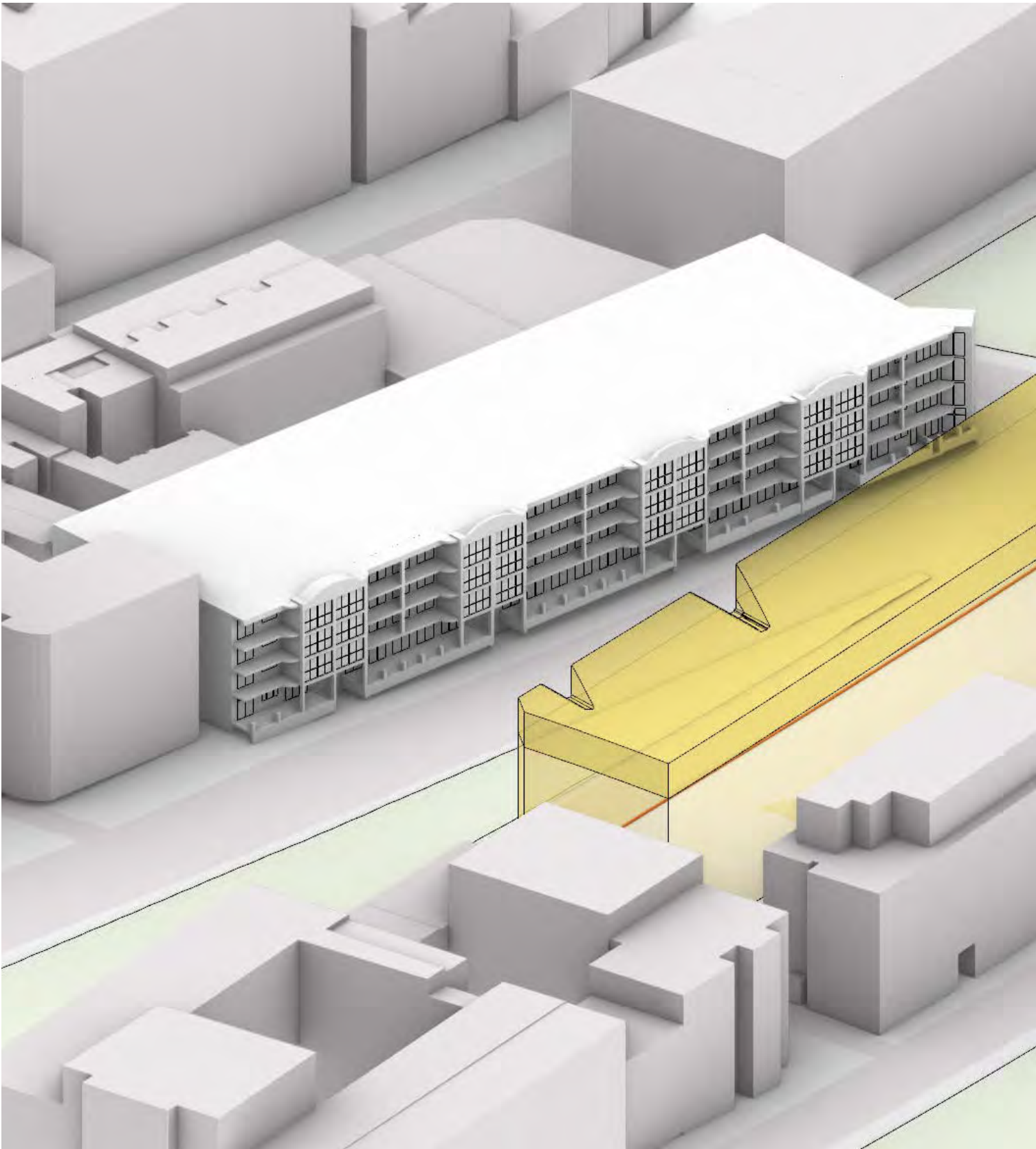


3:00 pm

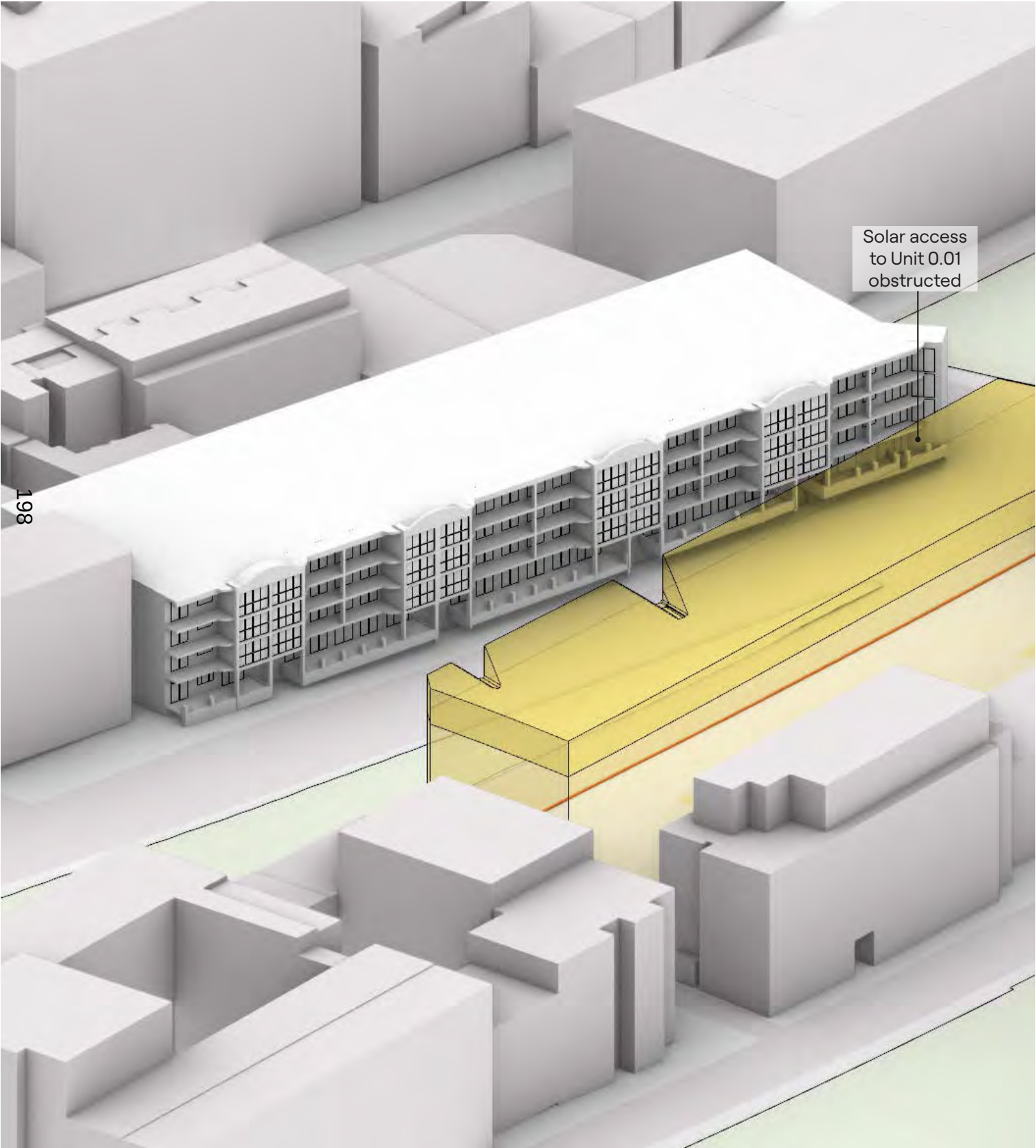
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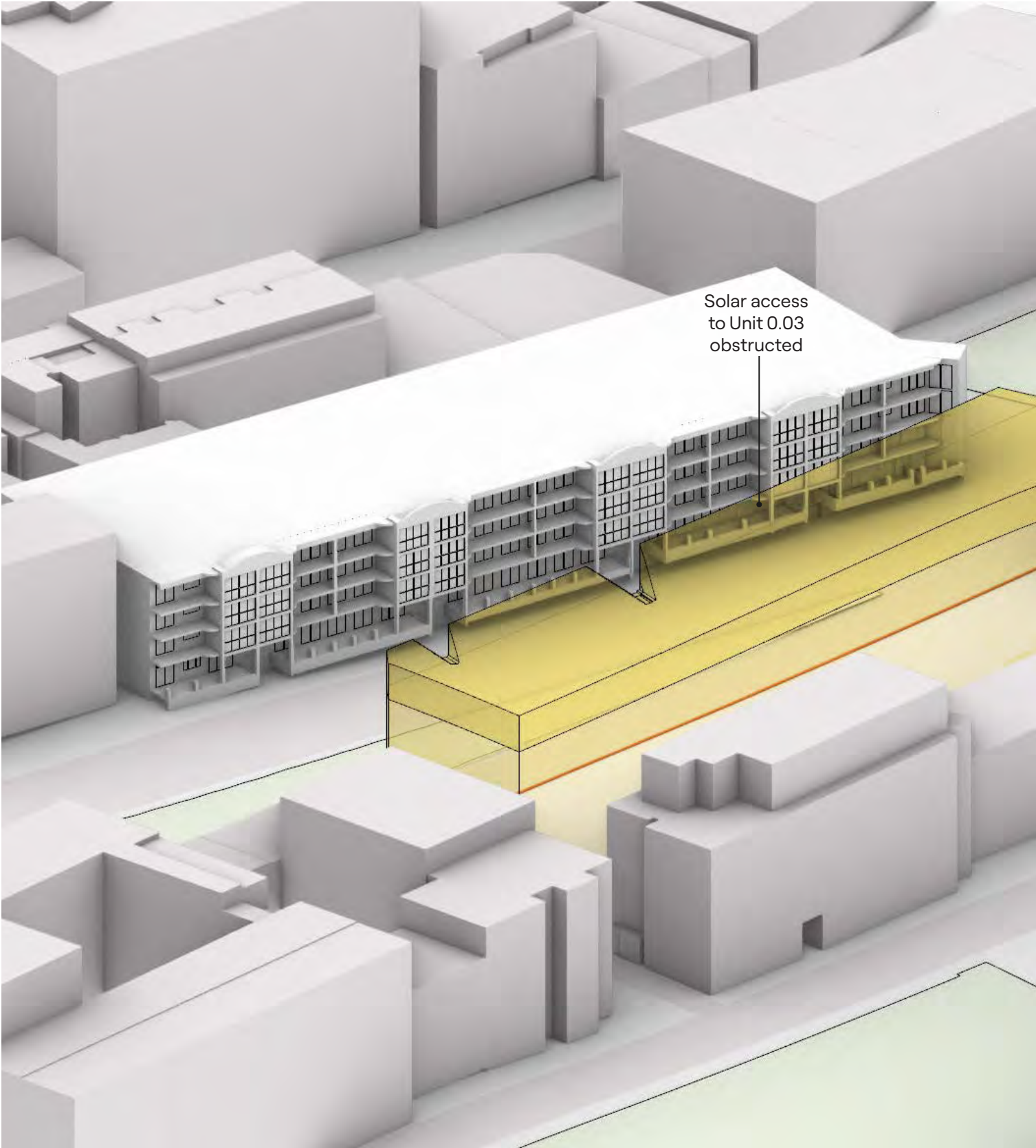
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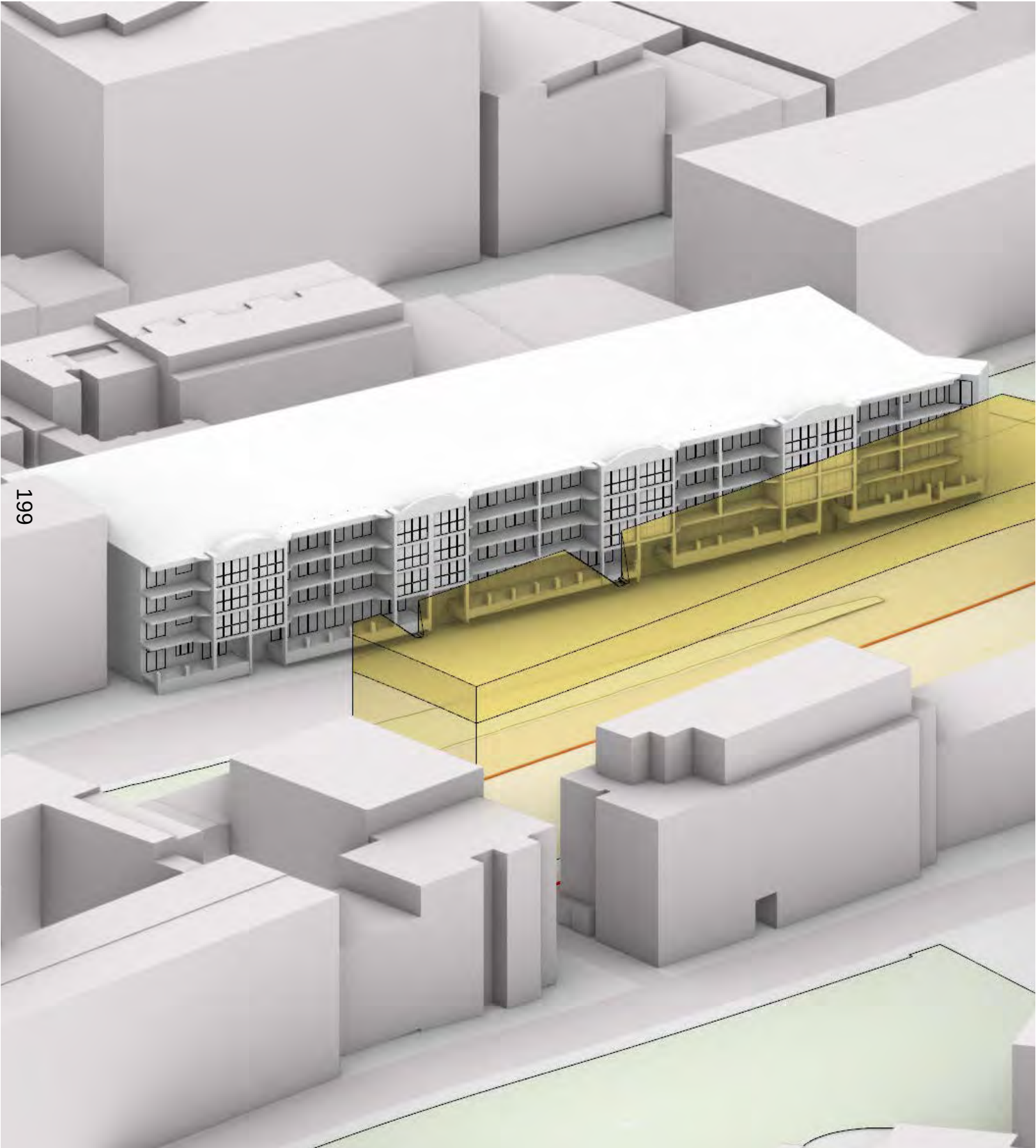
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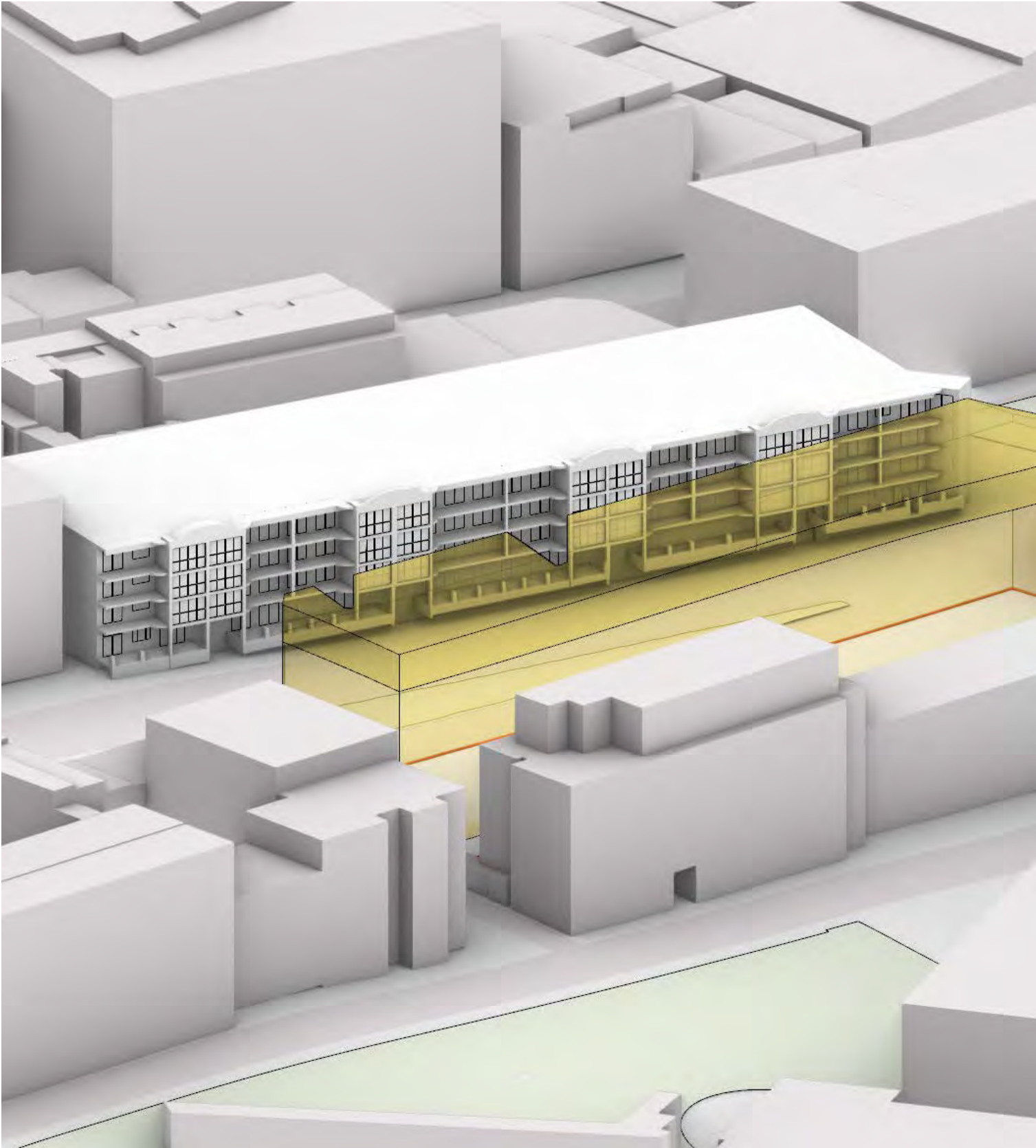
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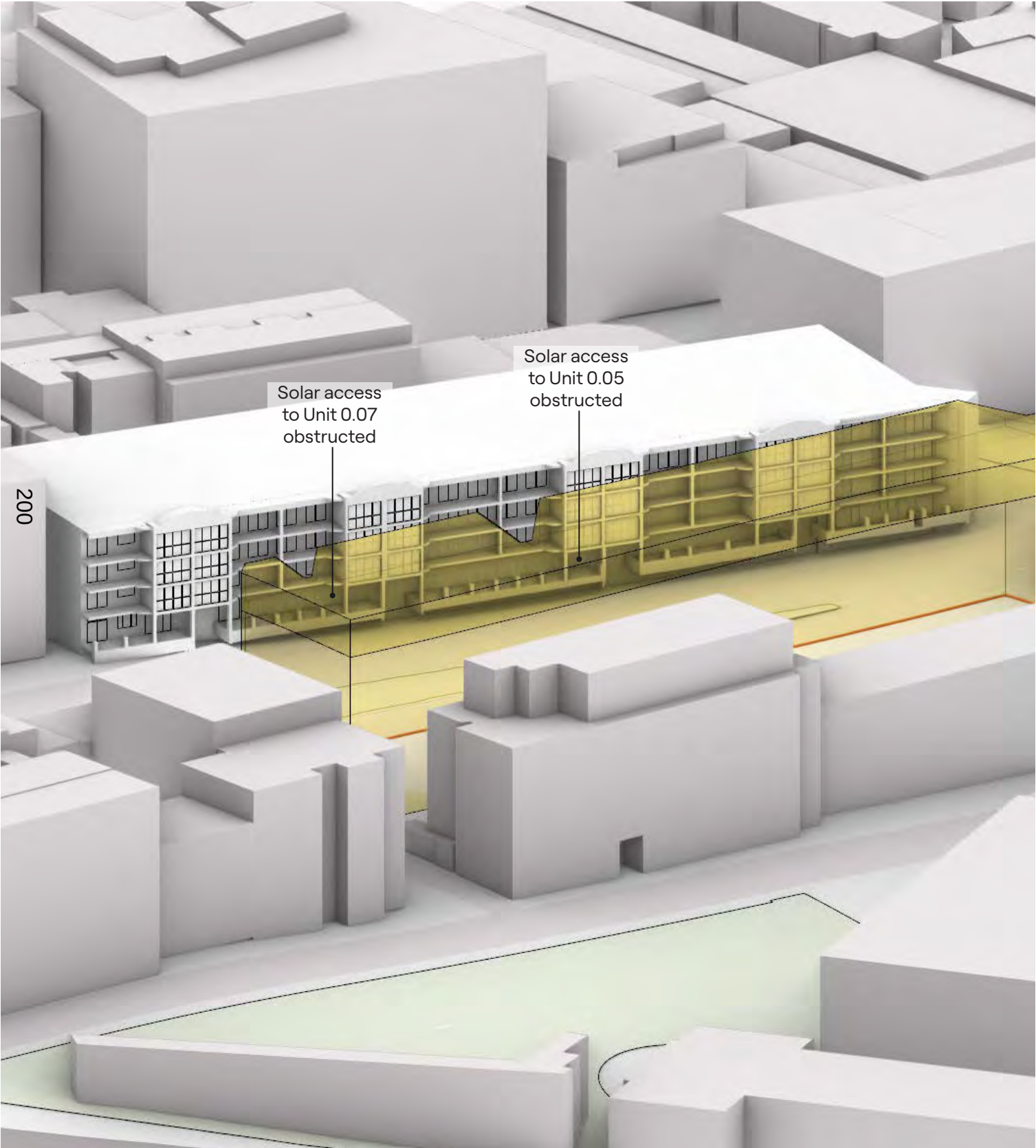


2:30pm



2:45pm





SJB is passionate about the possibilities of architecture, interiors, urban design and planning. Let's collaborate.



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Attachment A4

Proponent Planning Proposal Request – Traffic Report
--

44 - 78 Rosehill Street, Redfern **Transport Impact Assessment**

Prepared for: **Journal Student Living Pty Ltd**

6 November 2025

City of Sydney Council

6 November 2025

Dear Sir / Madam

44 - 78 Rosehill Street, Redfern– Transport Impact Assessment

1. Introduction

Background

JMT Consulting has prepared this document to support a Planning Proposal for the site at 44 - 78 Rosehill Street, Redfern. The Planning Proposal seeks to amend the Sydney Local Environmental Plan (LEP) 2012 controls, seeking an increase in FSR to enable the delivery of purpose-built student accommodation (PBSA) in a highly accessible and strategically significant location. The reference scheme developed by SJB for the site contemplates approximately 327 rooms, with this number to be confirmed at the time of the detailed development application for the site.

Site context and description

The subject site is located at 44-78 Rosehill Street, Redfern, within the City of Sydney Local Government Area (LGA). The site is currently occupied by light industrial and commercial uses operating within several two-storey, large-scale buildings. The site has frontage to both Rosehill Street and Margaret Street and is located approximately 300m south of Redfern Station and 600 metres north of the Waterloo Metro Station - therefore offering strong levels of connectivity to the surrounding public transport network.



Figure 1 Broader site context

Source: SJB



Figure 2 *Site aerial image*

Source: SJB

Report purpose

This transport assessment has been prepared in support of the Planning Proposal and considers the following items:

- Existing road network
- Potential waste collection arrangements
- Bicycle parking numbers
- Motorbike parking numbers
- Car parking numbers

2. Transport Impact Assessment

Public transport network

The site is highly accessible by public transport and benefits from having Redfern train station and Waterloo metro station within easy walking distance. Redfern train station is approximately 300m to the north of the site and provides access to the heavy rail network, with direct connections to key destinations such as Central, Town Hall and North Sydney. Waterloo metro station is approximately 600m to the south of the site and provides for high frequency metro services throughout the day, with services operating at intervals of four minutes during peak periods.

In addition to train and metro services the site also benefits from a number of bus stops providing access to a range of bus services. High frequency bus services run along Gibbons Street immediately adjacent to the site and include the following bus routes:

- Route 305 (Redfern <> Mascot)
- Route 306 (Redfern <> Mascot)
- Route 308 (Marrickville Metro <> Central Station)
- Route 309 (Port Botany <> Redfern)
- Route 310 (Botany <> Railway Square)
- Route 392 (Little Bay <> Redfern)

The public transport network surrounding the site is shown in the following figure.

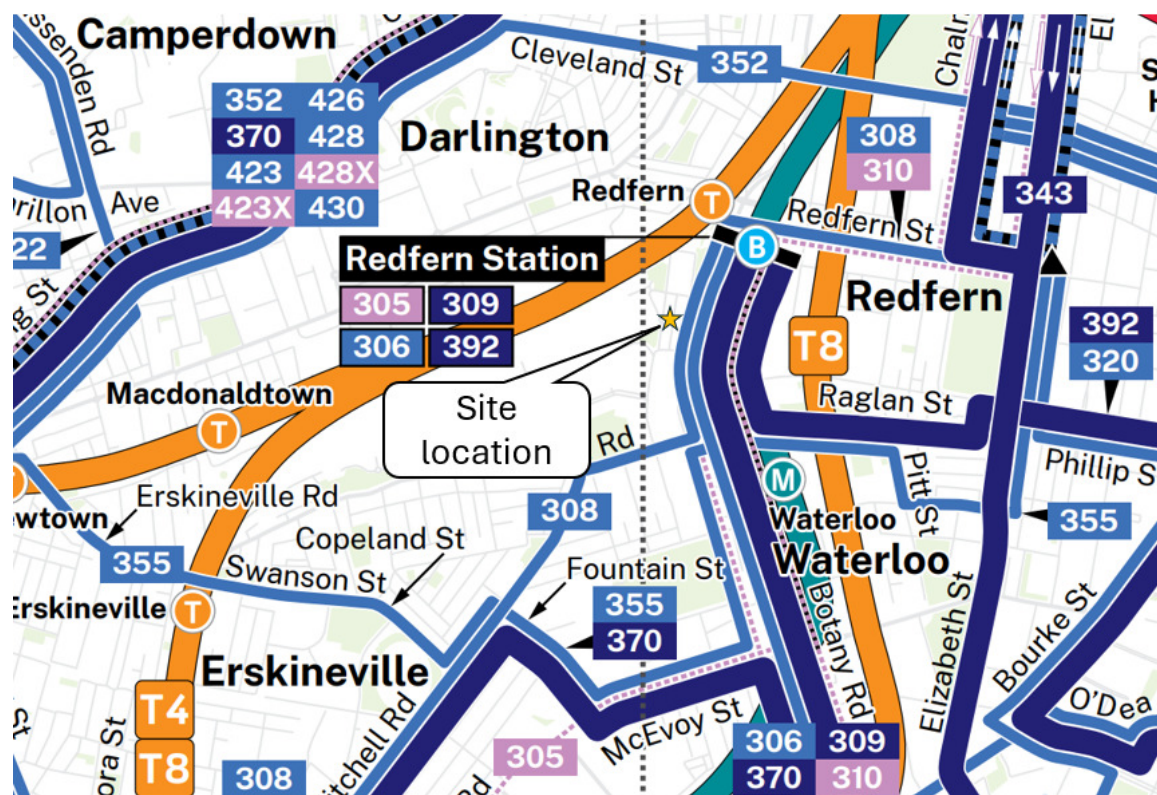


Figure 3 Existing public transport network

Existing road network

To manage the extensive network of roads for which councils are responsible under the Roads Act 1993, Transport for NSW (TfNSW) in partnership with local government established an administrative framework of State, Regional, and Local Road categories. State Roads are managed and financed by TfNSW and Regional and Local Roads are managed by Councils.

Both Rosehill Street and Margaret Street fronting the site are local roads under the control of City of Sydney Council. The nearest State classified roads are Gibbons Street and Regent Street.

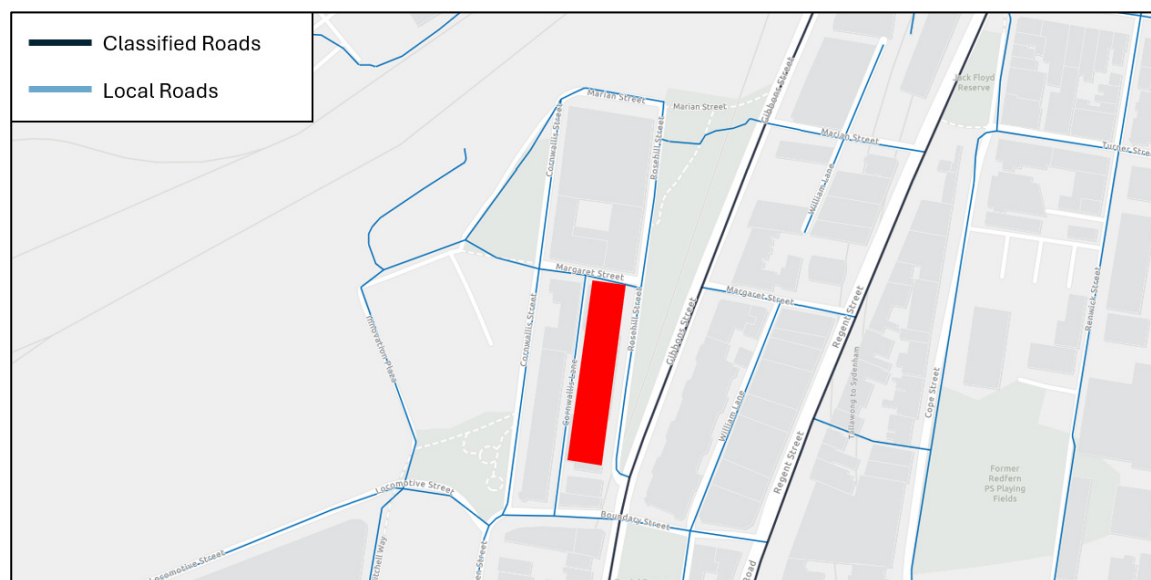


Figure 4 Existing road network surrounding the site

Car parking

The City of Sydney Local Environment Plan (LEP) provides for maximum car parking rates (with no minimums) for all land uses within the City of Sydney LGA. Given the site's proposed use as a student accommodation premises, and on the basis of the very strong public transport access provided, no car parking is proposed as part of a future development. This approach is consistent with recently approved student accommodation projects in the City of Sydney LGA, including:

- Iglu Central, 1 Regent Street Sydney
- Urbanest, Quay Street Sydney
- Urbanest, Cleveland Street Sydney
- Iglu Redfern
- Iglu Broadway
- Scape Abercrombie
- Urbanest Darling Harbour Stage 1 & Stage 2

Car Share

Car share schemes are a flexible, cost effective alternative to car ownership and is a convenient and reliable way for residents to use a car when they need one. Notably, the City of Sydney Council has reported that *"a single car share vehicle can replace up to 12 private vehicles that would otherwise compete for local parking"*.

There are numerous car share spaces, operated via different service providers, in close proximity of the site as indicated in Figure 5. These car share spaces could be utilised by residents of the subject site should they need to drive somewhere – negating the need for on-site car parking. Special privileges are also provided by certain car share operators such as GoGet for students, for example no application fee and reduced monthly fees.

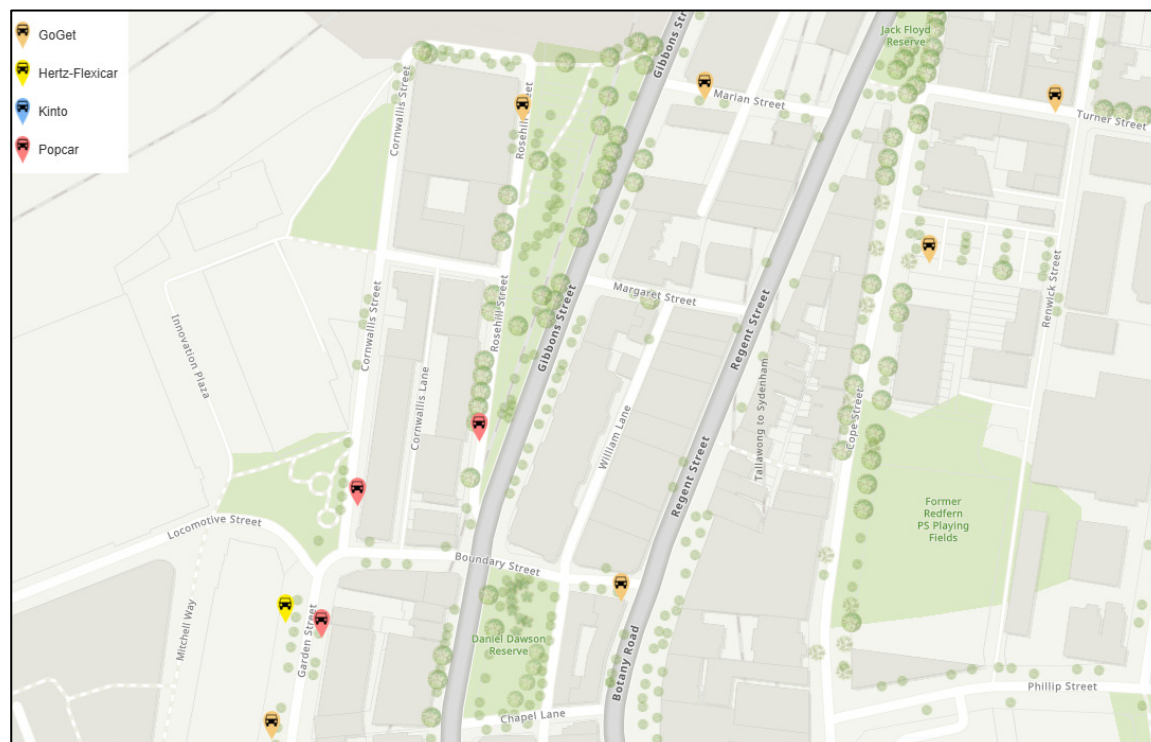


Figure 5 Nearby car share locations

Source: City of Sydney Council

Deliveries and waste collection

The reference scheme prepared for the Planning Proposal includes provision for on-site loading and waste collection, with access via Margaret Street. This includes access for a City of Sydney Council waste collection vehicle with dimensions of 10.6m long by 4.0m high. The loading dock has also been sized to concurrently accommodate a small delivery van.

The reference design makes provision for road widening along Margaret Street on the northern frontage of the site to accommodate the swept path manoeuvre of Council's waste truck from Rosehill Street. Waste vehicles would drive up Margaret Street and reverse back into a future site loading dock. Vehicles exiting the loading dock would do so in a forwards manner and then drive out back onto Rosehill Street.

Swept paths of this movement of waste collection vehicles is presented in Figure 6, noting the final design and swept paths will be subject to a subsequent detailed development application for the site. A more detailed image of the swept path is provided as Appendix A of this document.

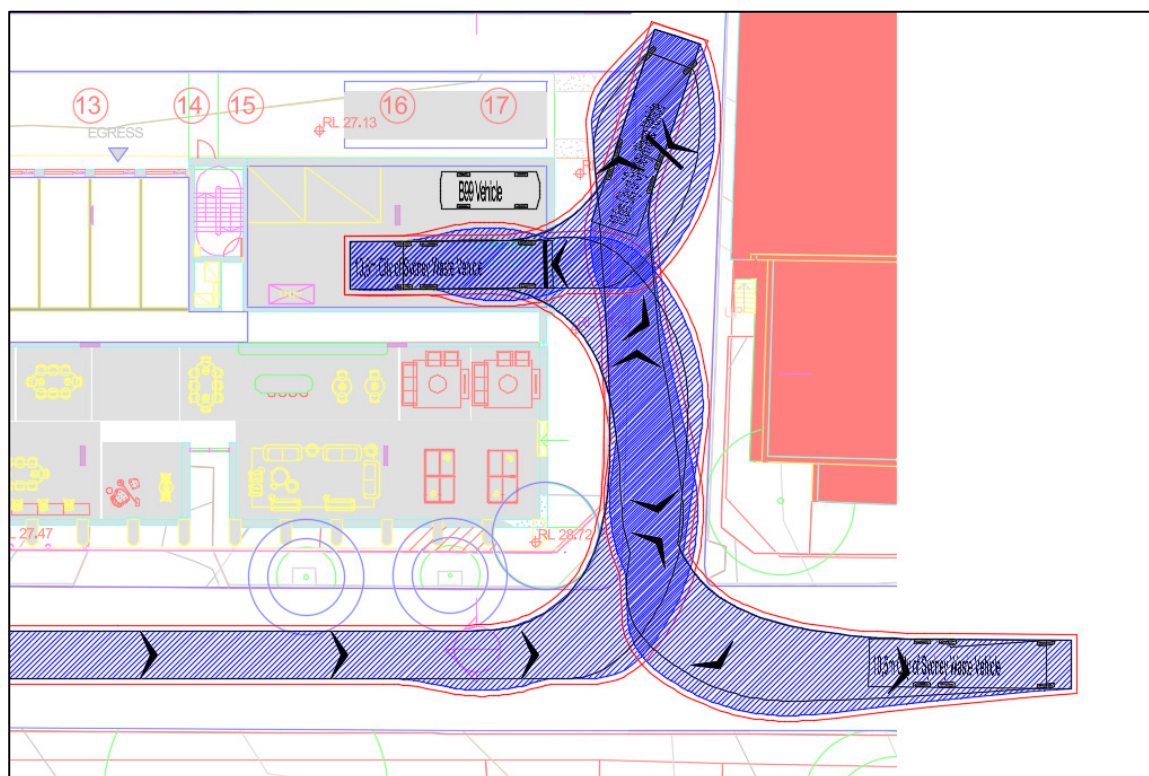


Figure 6 Waste collection arrangements – reference scheme

A reversing manoeuvre into the site loading dock via Margaret Street is considered acceptable given:

- Waste collection takes place relatively infrequently and typically in the early mornings prior to peak traffic and pedestrian periods; and
- Margaret Street is a very quiet laneway that does not carry high levels of pedestrian or vehicular traffic. It does not form a critical part of the surrounding road or footpath network and therefore any impacts of reversing vehicles into the loading dock would have very minor impacts.

Bicycle parking

Bicycle demand is likely to be moderate because of the walkability to the nearby adjacent public transport, shopping and potential employment. Residents are also likely to make use of various bike share operators that exist in the area.

It is noted that the current City of Sydney DCP does not prescribe a specific bicycle parking rate for student accommodation or co-living uses. The DCP recommends a rate of 1 space per dwelling for residential accommodation and 1 space per 10 beds for backpackers accommodation. A rate of 1 bicycle parking space per 10 rooms is also noted as being recommended for boarding houses in the NSW Planning Guidelines for Walking and Cycling document.

The reference scheme for the Planning Proposal includes provision of on-site bicycle parking at a rate of 1 space per 5 rooms – significantly exceeding the above requirements. The final quantum of bicycle parking, based on the final building design and expected user demands, will be confirmed at the time of the detailed development application for the site.

Motorcycle parking

The City of Sydney DCP only requires motorcycle parking to be provided at the rate of 1 space for every 12 car parking spaces. As no car parking is anticipated for the site then no motorcycle parking is considered required. The Housing SEPP 2021 does not prescribe a parking rate for motorcycles.

Traffic impacts

As the project does not provide for any on-site car parking, along with it's excellent location with respect to nearby public transport, traffic impacts arising from the development are considered to be negligible. Additional vehicles may comprise of ride-share or taxis however these will typically be out of commuter peak hours.

3. Summary

This transport assessment has been prepared in support of a Planning Proposal to City of Sydney Council for the site at 44 - 78 Rosehill Street, Redfern. Key findings arising from the assessment are as follows:

- The site is highly accessible by public transport, with Redfern train station, Waterloo metro station and a number of bus stops located within a short walk of the site. The highly accessible nature of the site makes it suitable for the proposed student accommodation use.
- No car parking would be provided on the site as part of the Planning Proposal, with this approach assisting in managing the traffic impacts of the proposal. Providing for zero car parking is also consistent with the maximum parking controls in place under the City of Sydney LEP.
- Multiple car share spaces are located within a short walk of the site which could be utilised by residents if required.
- The reference scheme supporting the Planning Proposal makes provision for an on-site loading area capable of accommodating a 10.6m long Council waste collection vehicle.
- Bicycle parking for building residents would be provided as part of any future detailed development application for the site.
- As the project does not provide for any on-site car parking, along with it's excellent location with respect to nearby public transport, traffic impacts arising from the development are considered to be negligible.

In the above context the traffic and transport impacts of the proposal are considered acceptable.

Regards

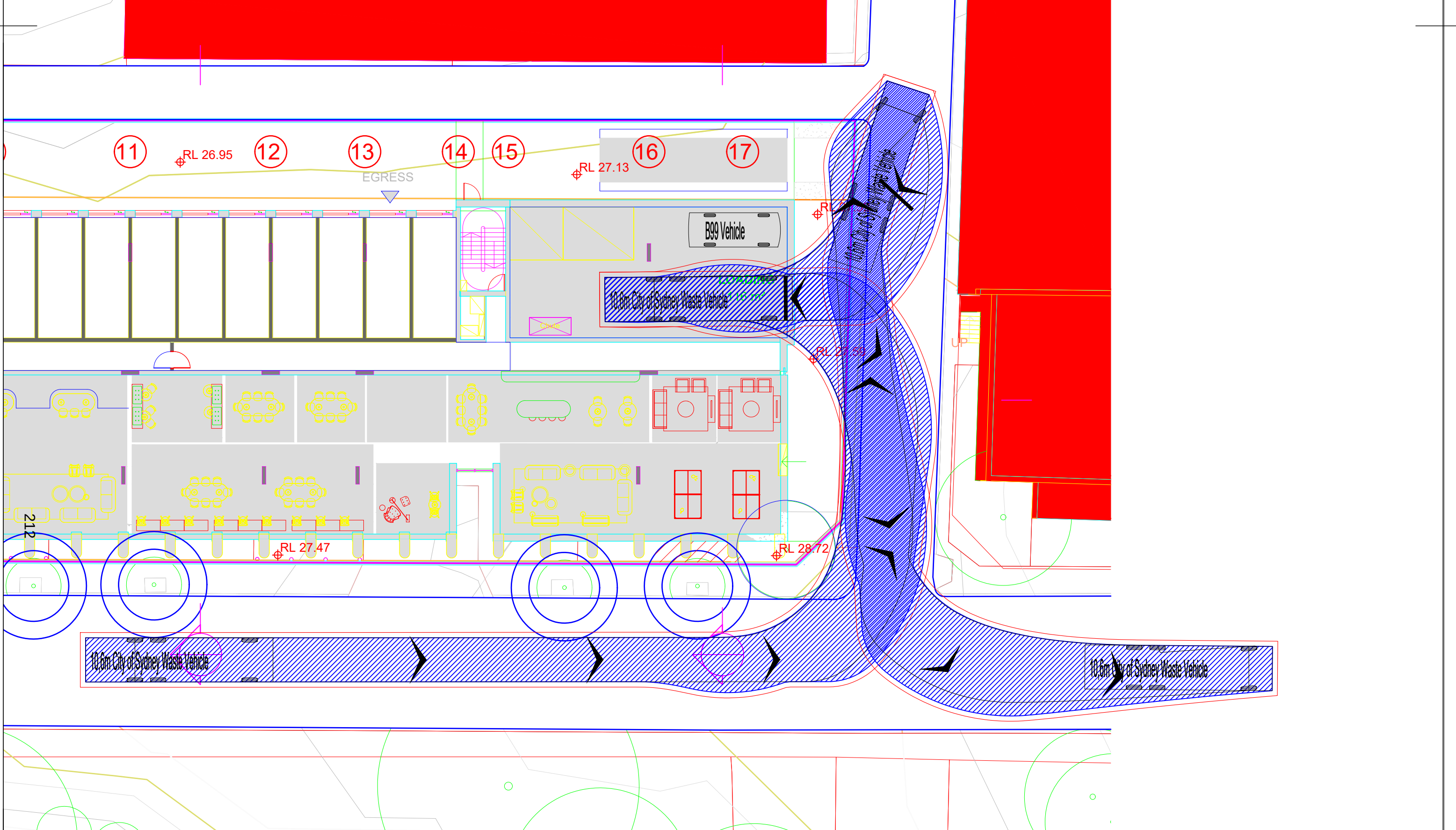


Josh Milston

Director | JMT Consulting

MIEAust CPEng

APPENDIX A – SWEPT PATH ANALYSIS



Job Title
44-78 Rosehill Street, Redfern

Client
Journal Student Living

JMT Consulting
ABN: 32 6358 30054
www.jmtconsulting.com.au
PO Box 199, Kingsford NSW 2032

Drawing Title
Turning Paths

Drawing No
2545_03

Date
29.10.25

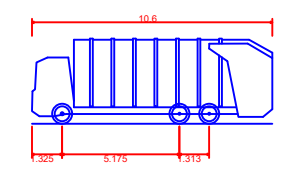
Legend

- Body Envelope
- 300mm Envelope
- Wheel Envelope

Job No
2545

Scale at A3
1:200

Vehicle type(s)



10.6m City of Sydney Waste Vehicle
Overall Length 10.600m
Overall Width 2.500m
Overall Body Height 3.800m
Min Body Ground Clearance 0.304m
Track Width 2.500m
Lock-to-lock time 4.00s
Curb to Curb Turning Radius 10.500m

Attachment A5

Proponent Planning Proposal Request – ESD Report
--

44-78 Rosehill Street

44-78 Rosehill St, Redfern

Prepared for Journal Student Living and
Brookfield Property Group Australia (BPGA)

Project No. SYD3749

Date 13 November 2025

Revision 3



Project	44-78 Rosehill Street
Location	44-78 Rosehill St, Redfern
Prepared by	ADP Consulting Pty Ltd 33 Erskine St Sydney NSW 2000
Project No	SYD3749
Revision	3
Date	13 November 2025

Rev	Date	Description	Author	Technical Review	Authorisation & QA
Draft	24/10/24	Draft for Review	Jacob Delailoa		Borris Boschman
01	06/11/24		Jacob Delailoa	Hoda Shah Nazari	Borris Boschman
02	12/11/24		Jacob Delailoa	Hoda Shah Nazari	Borris Boschman
03	13/11/24		Jacob Delailoa	Hoda Shah Nazari	Borris Boschman

Project Team	
Client / Principal	Journal Student Living and Brookfield Property Group Australia (BPGA)
Architect	SJB Architects
Town Planner	Mecone

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[1] Introduction

This ESD Opportunities Report has been prepared by ADP Consulting on behalf of Journal Student Living and Brookfield Property Group Australia (BPGA) (the applicant) for 44-78 Rosehill Street (the project) at 44-78 Rosehill St, Redfern (the site).

The proposed development will serve as *Co-living Space* and will be operated by Journal Student Living.

[1.1] Report Overview

Journal Student Living and Brookfield Property Group Australia (BPGA) have mandated a sustainability options/ESD opportunities report that outlines how the project can, and is planning to enhance environmental performance, reduce operational impacts, and align with relevant sustainability standards and best practice. One key way the project will do this is via pursuit of a **5-Star Greenstar Buildings** rating, a framework the project team has a proven track record in achieving, see section [1.6] - Case Studies.

The assessment considers site-specific conditions, regulatory requirements, and client objectives to ensure the project delivers long-term sustainability through energy efficiency, water conservation, and improved occupant wellbeing.

This report also details potential initiatives across key sustainability categories, outlining ways the project can support compliance, innovation, and resilience within the built environment.

Highlighting the projects aim to:

- Divert 90% of construction and demolition waste away from landfill,
- Source responsible materials with recognised product certification schemes (EPD's etc),
- Maximise internal planting,
- Support Urban Heat Island reduction through building and landscape design.
- Maximise deep soil planting,
- Maximise on-site generation (Solar PV)
- Implement sustainable transportation initiatives (Bike Share programs)
- Maximise occupant comfort through lighting and acoustic strategies

All these being in alignment with the Greenstar Buildings framework.

Following a more in-depth review of the project brief, site location and architectural drawings, ADP propose the key opportunities to be explored during the design, construction, and operation of the proposed development to be:

- **Façade design for thermal performance and occupant comfort**
- **Design for climate resilience and biodiversity**
- **Design for circular economy and modularity**
- **Designing for sustainable transport**

Subsection [1.5] - Key Opportunities outlines each of these areas in detail as well as highlights points of alignment with the Greenstar Buildings framework, noting again that Greenstar will form a major part of the project's sustainability pathway.

[1.2] Project Details

[1.2.1] Building Description

The proposed development involves the construction of a new 6-story Co-Living building (Class 3). The building contains 327 rooms. There will be a community spaces, study rooms, gym, entertainment areas etc. The building also includes lower ground stories with bike parking spaces.

[1.2.2] Building context

The site is located at 44-78 Rosehill St, Redfern. It is in the City of Sydney Local Government Area (LGA).



Figure 1: Proposed Development Site

[1.3] Relevant Policies and Guidelines

The following were used to guide the development of the ESD opportunities and recommendations for the proposed development:

- Sustainable Buildings State Environmental Planning Policy (SEPP) 2022 - NSW Department of Planning
- Section J provisions of the NCC 2022 Building (BCA) Code of Australia
- City of Sydney Development Control Plan (DCP) 2012
- City of Sydney Local Environmental Plan (LEP) 2012
- Greenstar Buildings Guidelines

[1.4] Greenstar Buildings

Green Star Buildings is seen as the latest standard in sustainability best practice, with its aim to meet international carbon emission reduction targets and deliver 'net-zero' building impact outcomes. It also provides a pathway for building owners to address carbon emissions over time. It has been developed to rate the design and construction of any building, and aims to:

- Deliver a new definition of a sustainable building
- Meet the Paris Agreement targets
- Respond to sustainability mega trends such as resilience and human health and wellbeing in buildings
- Drive opportunities for supply chain transformation
- Create clear expectations for new buildings

Green Star Buildings features eight new categories representing the issues that will define the next decade of the built environment. All Green Star buildings are required to meet the minimum expectations within each

category to achieve a Green Star rating. Green Star has also realigned its point scoring benchmarks to the following:

- 4-star – Best Practice – 15 points
- 5-star – Australian Excellence – 35 points
- 6-star – World Leadership – 70 points

This rating tool provides a much more holistic approach to sustainable development, not only raising the bar in expectations of energy and water efficiency but applying a much greater focus on social sustainability, through elements of placemaking and designing for inclusion.

[1.4.1] 5-star Green Star Commitment

Although any specific proposed pathway may change throughout the design process this project is commitment to a 5-star Green Star Buildings rating. This means that credits not mentioned within this report may be considered and implemented to increase a points buffer for the project, or to alleviate challenging credits.

[1.5] Key Opportunities

The following opportunities have been identified to be key areas of focus with the most potential upside considering the specific building context. ADP have identified 4 key opportunities as below:

- Façade design for thermal performance and occupant comfort
- Design for climate resilience and biodiversity
- Design for circular economy and modularity
- Designing for sustainable transport

We provide further detail with regard to these items in this section as well as noting points of alignment with the Greenstar Buildings framework as this will form a major part of the project's sustainability pathway.

[1.5.1] Façade design for thermal performance and occupant comfort

Building fabric design impacts the ability of a building to maintain temperature and humidity, maintain air quality, and improve occupant comfort.

Every building has a unique nature and design constraints which will mean design should focus on specific aspects when trying to optimise the thermal performance and occupant comfort. For 44-78 Rosehill Street these are:

- Large façades vs footprint (it's a skinny tall building as opposed to a large flat one)
- Sides with larger surface area are facing East and West respectively
- Many small rooms with reasonable window sizing

Environmental and surrounding factors include;

- Direct and low sun to East and west sides in the mornings and afternoons
- High sun to the north during mid day
- No large shading structures in the form of large buildings or trees nearby.

Ways the project will do this are as follows:

- Focus on Window and Wall thermal performance (vs roof performance) due to high façade to roof ratio.
- Focus on screen and vertical shading on East and West sides to shade from low morning and afternoon sun
- Focus on horizontal shading on the north to shade from high north midday sun
- Optimise window opening size for thermal performance and lighting



Figure 2: example for screens on an apartment building

The high façade to roof ratio means the most savings are generated when focusing on optimising the façade. The project can achieve this through:

- Reduce window-to-wall ratio (WWR)
 - Walls have superior thermal performance compared to windows; hence more wall area will reduce heat loss in winter and heat gain in summer.
- Selection of efficient glazing
 - Provision of high-performing window systems to help reduce heat loss in winter and heat gain in summer.
 - The provision of glazing with a low solar heat gain coefficient to reduce unwanted heat gain from the morning (east) and evening (west) sun, optimising the thermal comfort levels and reducing the energy required to cool the space.
- Select façade and roof materials for low solar absorptance (SA), low-maintenance and long life
 - Materials with low SA are lighter coloured; through this they reflect more solar radiation and absorb less heat, resulting in a cooler surface temperature and lower overall building temperature.
- Provision of high levels of insulation to the external walls, roof, and exposed floors that form part of the building envelope.

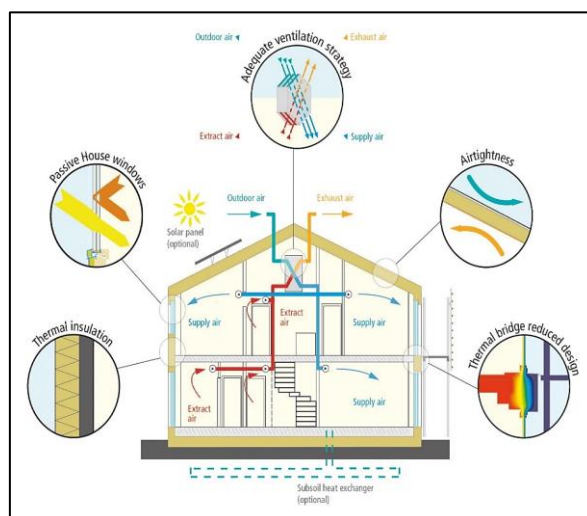


Figure 3: Passive design strategies for dwellings. Source: Passive House Institute

Designing in this way also heavily aligns with the Greenstar principles in the “Healthy” and “positive” categories:



Healthy

Promotes actions and solutions that improve the physical and mental health of occupants.



Positive

Encourages a positive contribution to key environmental issues of carbon, water, and the impact of materials.

Noting the project is targeting compliance with the Greenstar Energy Credit requiring reductions in emissions vs a baseline. This credit heavily relies on optimal thermal performance as described above.

[1.5.2] Design for circular economy and modularity

The proposed development presents an opportunity to embed circular economy principles and modularity into its design and construction. These strategies assist in reducing waste, optimising resource use, and extending the useful life of various building components, contributing to lower embodied carbon and improved adaptability over time.

One of the major reasons 44-78 Rosehill Street is so well suited to design towards this is the repetitive nature of its internal layout and proposed use case. Some of these key ways include:

- **Modular Construction**
The design will consider modular building systems for repetitive elements such as bathrooms, and in-built furniture. Modular components can be prefabricated off-site, reducing construction waste, improving efficiency of construction which reduced embodied carbon.
- **Material Selection with Circular Principle**
Prioritise materials with high recycled content and those certified under credible schemes. Where possible, select products that can be returned to manufacturers under “product-as-a-service” models, ensuring accountability for reuse and recycling, an example of this could be furniture in shared spaces. Lounges, pot plants, rugs etc.
- **Optimised Structural Design**
Design structural systems to allow flexibility for future adaptation, such as converting spaces for alternative uses without significant reconstruction. This supports long-term resilience and reduces the need for new materials later.
- **Waste Minimisation During Construction**
Implement a Construction Waste Management Plan that prioritises material segregation and recycling. Aim for a minimum 90% recovery of construction and demolition waste, in line with best practice guidelines and Greenstar Responsible Construction credit (Credit Achievement).

Designing in this way also heavily aligns with the Greenstar principles in the “Responsible” and “positive” categories.



Responsible

Recognises activities that ensure the building is designed, procured, built, and handed over in a responsible manner.



Positive

Encourages a positive contribution to key environmental issues of carbon, water, and the impact of materials.

Noting the project is targeting compliance with the Greenstar upfront carbon Credit requiring reductions in embodied carbon vs a baseline. This credit heavily relies on material selection and overall design for low embodied carbon as described above.

[1.5.3] Design for climate resilience and biodiversity

In response to a warming climate and future biodiversity loss, the project should aim to create a cooler and more resilient development while also benefiting the local biodiversity.

The project site is 3-6 degrees warmer than rural areas due to the Urban Heat Island Effect (UHIE). It is situated between larger heat islands in all directions, adding to the future heat stress residents will face.

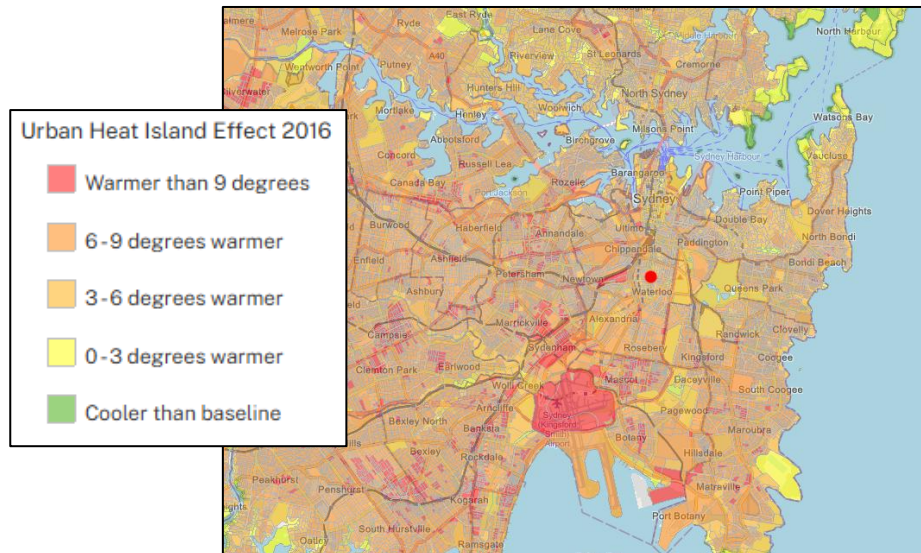


Figure 4: Sydney Urban Heat Island Map

However, the project site is also surrounded by areas which can be used for greenspace. The west side has a provision for deep soil planting, benefiting water retention and plant growth.

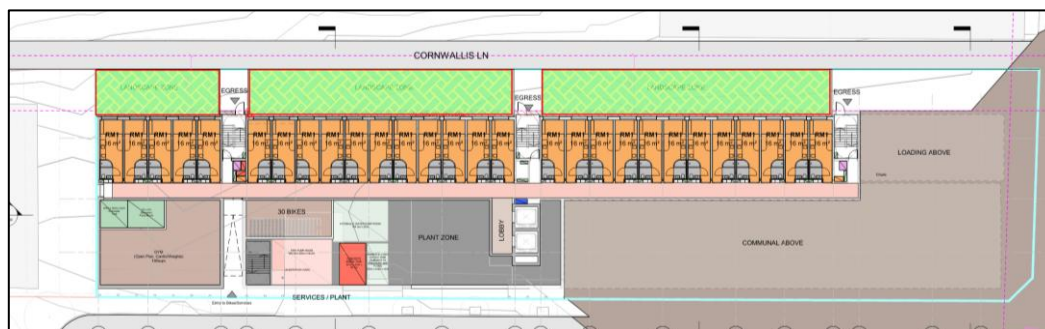


Figure 5: Ground level showing nominated deep soil planting area in Green

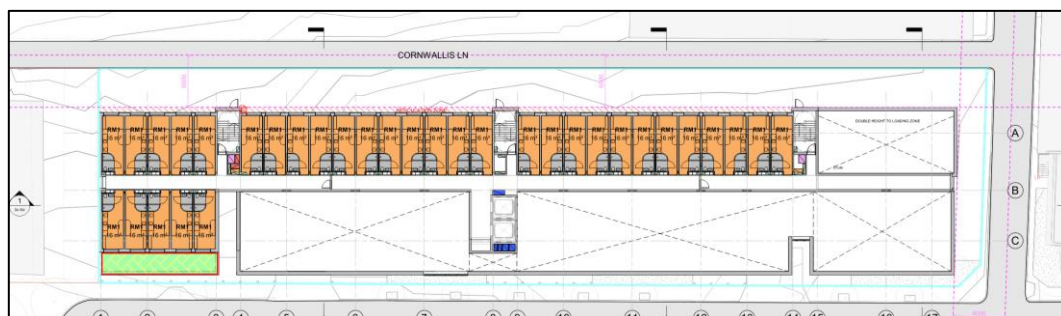


Figure 6: Level 2 showing nominated planting area in Green

This potential greenspace can be leveraged to achieve a more resilient development through the following strategies:

- Retaining healthy established and well-structured trees to provide canopy cover that will provide shade
- Landscape design to give preference to mixed planting of differently sized plants (groundcover, shrubs, trees) to provide a well-shaded and “vertically layered” greenspace.
 - Mixed and layered planting will provide three-dimensional shading to create a cool communal space for residents to seek refuge on a hot day.
 - Stratified or “vertically layered” planting will support animals living in each “layer”, creating more habitat and boosting biodiversity.
- Utilize landscape design with preference for native flora species of this bioregion, offering lower maintenance costs and water input.
- Reduce hardscape cover and utilize Water Sensitive Urban Design (WSUD):
 - Remove impermeable hardscape and where paving is necessary choose permeable options. This will reduce overland water flow, reducing burden on drainage systems & stormwater flow to neighbouring properties in heavy rainfall.
 - Water that’s absorbed into the deep soil zone charges groundwater levels, which means less watering is required for plants.
 - Less hardscape reduces upfront carbon emissions
- Retaining/implementing habitat features such as fallen logs, rocks and leaf litter within planted areas to provide habitat and source of forage for animals
- Implement green infrastructure such as bird baths to attract wildlife



Figure 7: Cooling & biodiverse landscape design

NSW is also at risk of half of all threatened species in the state going extinct by 2050. Hence, the development should aim to maximise biodiversity and provide habitat for future wildlife populations. Even in an urban area with little natural vegetation, landscaping design can boost local biodiversity, particularly in birds and invertebrates, which are both in decline.

Project will consider opportunities to mitigate heat and climate risks through use of low-SRI roofing and hardscape materials, along with vegetation on the east and west facades where possible which can assist in mitigating urban heat island effects.

Use of landscaping in this way also supplements the key objective of “Façade design for thermal performance and occupant comfort” as it will provide natural shading elements and helps reduce high temperate extremes in the vicinity of the building.

Designing in this way also heavily aligns with the Greenstar principles in the “Nature”, “Healthy”, “positive”, “Resilient” and “Places” categories.



Nature

Encourages active connections between people and nature and rewards creating biodiverse green spaces in cities.



Positive

Encourages a positive contribution to key environmental issues of carbon, water, and the impact of materials.



Healthy

Promotes actions and solutions that improve the physical and mental health of occupants.



Resilient

Encourages solutions that address the capacity of the building to bounce back from short-term shocks and long-term stresses



Places

Supports the creation of safe, enjoyable, integrated, and comfortable places.

[1.5.4] Designing for sustainable transport

A large part of the environmental impact of a building is how people interact with that building once complete, with a large portion of that being how people come and go from the building. It is also important to consider the end user demographic, likely preferred transportation method and affordability.

For 44-78 Rosehill Street, it is very well-connected given the proximity to community amenities and the walkable distance between public transport options. Thus, the development should focus on optimising for use of these sustainable transport options by the future occupants.

The project will explore this by:

- Implementing secure bicycle storage/parking for the building visitors
- Other bicycle infrastructure, like paths, ramps etc into projects walkways
- Infrastructure for micromobility (accessibility), like room for mobility aids like scooters
- Implementing recommended social initiatives (e.g. universal design principles)
- Appropriate signage guiding occupants to appropriate public transport options
- Design to encourage more social traction, for example through appropriate entry/exits
- The project should motivate transport options that are also affordable.

Encouraging transportation of this type is beneficial also as they are cheap and affordable for most, while being an active form of transport that allows residents to exercise. These initiatives are also in line with the City of Sydney Development Control Plan (DCP) 2012, contributing to a positive domain for residents.

The project is well-suited for this because of the train station located within 2 minute walk of the project site.

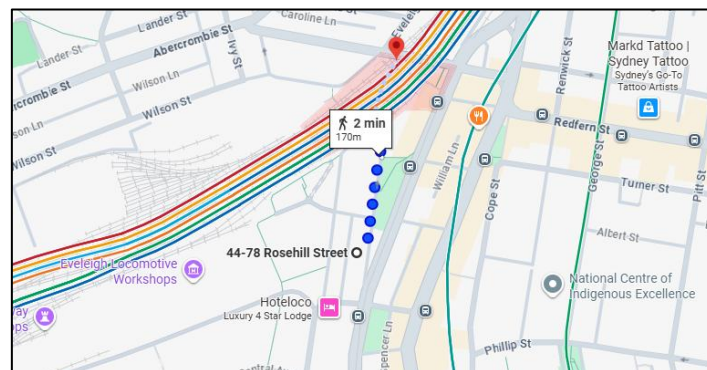


Figure 8: Google Earth Image – Project Site to closest Train Station

Additionally, bike storage areas are already within the design of the project.

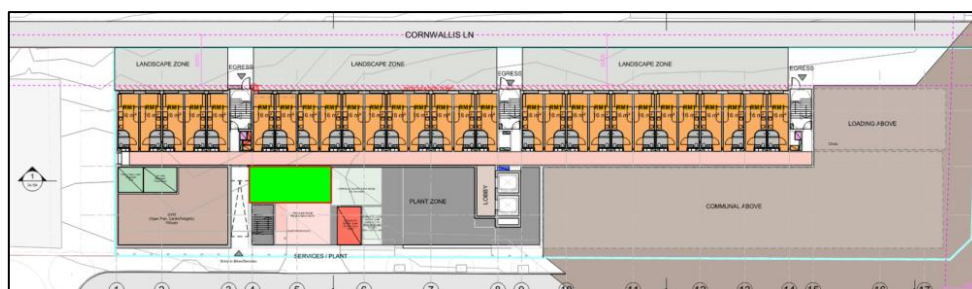


Figure 9 Proposed Bike Store highlighted in green

Implementing these design features also heavily aligns with the Greenstar principles in the “Healthy” and “places” categories.



Healthy

Promotes actions and solutions that improve the physical and mental health of occupants.



Places

Supports the creation of safe, enjoyable, integrated, and comfortable places.

Noting the project, with the inclusion of these amenities will be able to target compliance with the Greenstar Movement and Place Credit and Amenity and Comfort credit.

[1.6] Case Studies

With a proven track record of delivering a 5-Star Green Star buildings:

- 5-Stars – Journal Campus House - 172 Bouverie Street, Carlton (**Complete**)
- 5-Stars – Journal Garden Place - 240 Margaret Street, Brisbane (Under Construction)
- 5-Stars – Journal Market Way - 100 Franklin Street, Melbourne (Under Construction)

Having opened in Melbourne in July this year, 172 Bouverie Street, Carlton – Journal Campus House has recently been awarded the 5-Star rating and successfully delivered the following points:

- **Recycling:** of 90% construction and demolition waste from the construction of the building.
- **Responsible finishes and structure:** 50% of all structural materials and 60% of all internal building finishes have been sourced with recognised product certification schemes, which ensures the manufacturer has considered the climate, environmental and health impacts of their products.
- **Outdoor air:** Non-residential spaces are providing a 50% improvement of outdoor air required by AS 1668.2:2012.
- **Daylight amenity:** Daylight modelling has been undertaken to demonstrate high levels of natural daylight in bedrooms - 97% of bedrooms are meeting GS daylight standards.
- **Acoustic:** acoustic comfort strategy has been developed to reduce maximum internal noise levels, impact noise transfer and provide acoustic separation.
- **Low VOC products:** paints, adhesives, sealants and carpets and engineered wood products are low in TVOC/non-toxic.
- **Indoor planting:** indoor planting has been provided to foster a connection to nature for building occupants.
- **Urban heat island reduction:** the external finishes have been selected with high solar reflectance (SRI) to reduce heat island effect.
- **Upfront carbon emissions:** building materials (finishes and structural materials) have been prioritised to demonstrate a 13% reduction in upfront carbon emissions.
- **Energy efficient building:** the building has been modelled against a standard practise, NCC compliant building to demonstrate a 38% reduction in energy use.
- **Reduced potable water use:** efficient fittings have been selected to demonstrate a 21% reduction in potable water use compared to standard practise building.
- **Bike facilities:** bike facilities have been included to reduce private vehicle use and associated emissions.

44-78 Rosehill St, Redfern will aim to deliver in line with the precedent set on these other Journal Student Living projects. Leveraging the experience gained from their ongoing and successful completion to deliver a sustainable development and achieving a Greenstar Buildings rating.

[2] Environmentally Sustainable Design Opportunities

[2.1] General

This section outlines Environmentally Sustainable Design (ESD) measures outside of the above Key opportunities that are still in line with requirements outlined in the introduction. Many measures are already embedded into the design, others are additional opportunities that can be considered during the detailed design stage of the project to support sustainability ambitions and targets.

Initiatives below will address external drivers such as the sustainable buildings SEPP and internal and Council sustainability ambitions.

Following a review of these requirements, site location and architectural drawings, we propose the following areas of sustainability to be explored during the design, construction, and operation of the proposed development:

- Energy & Greenhouse Gas Emissions
- Net Zero Operational Carbon Emissions
- Water Efficiency & Conservation
- Low Carbon Materials
- Waste Management Practice
- Healthy Indoor Environment Quality
- Recommended Social Initiatives
- Biodiversity
- Sustainable Transport
- Sustainable Management Practices

[2.2] Energy efficiency and Compliance

The proposed will be designed in line with the NCC 2022 Section J Energy Efficiency provisions and will consider energy efficient building services and optimised façade performance.

In addition to this, the heating, ventilation, and air-conditioning systems will be developed with a view to minimise the operational energy consumption of the proposed development, whilst providing the building occupants with a thermally comfortable space.

Compliance will be achieved in line with the minimum Deemed-to-Satisfy (DTS) provisions as follows:

- All window and insulation selections will meet DTS compliance with Parts J1 to J3, establishing the minimum performance requirements for the building fabric.
- All building services will meet DTS compliance Parts J5 to J8 and establish the minimum performance for mechanical and electrical systems (including fan and pump efficiency), lighting and ancillaries.

[2.3] Energy & Greenhouse Gas Emissions Reduction

The project team are exploring opportunities to reduce the buildings greenhouse gas emissions impact, through the development of energy saving or energy generating design measures. The following section discusses design aspects of the building that are focused on energy efficiency in operation.

[2.3.1] Heating, Ventilation, & Air Conditioning (HVAC) Design

The HVAC design affects mainly the ongoing energy use and air quality of the building, the below items outline how the project will make the HVAC system more efficient.

- Allow for operable windows for apartments and other spaces that are occupied by people to reduce the need for mechanical ventilation and air conditioning. Install ceiling fans in residential apartments, helping to offset/supplement AC system usage and improve ventilation.
- Select high-efficiency HVAC systems for conditioned spaces:
 - Individual heating and cooling systems (1-phase air-conditioning) with an EER/COP of 3.0-3.5
 - a. Air conditioning systems to be day-night zoned

[2.3.2] Lighting Design

Along with HVAC design, lighting design is one of the main ongoing energy users in a building. Ensuring the underlying design has considered efficiency is important for the ongoing operational costs of the project, the initiatives below are being implemented in the design phase:

- Building orientation and form to be optimized for passive design (cooling in the summer and passive heating in the winter) and natural lighting. Reduce the need for artificial lighting by introducing sunlight through sufficiently size glazed windows and clerestory windows where applicable.
- Select high-efficiency LED lights to provide adequate lighting levels and colour rendering with minimal energy expenditure.
- Consider impacts such as maintenance costs and access for easy maintenance in practice may also be considered.
- Lighting controls are customised to occupancy patterns

[2.3.3] Domestic Hot Water

An area which affects both energy usage as well as water usage, the project will consider the below:

- Provide hot water via a central electric heat pump (air-sourced) with high efficiency i.e., $3.5 < \text{COP} \leq 4.0$
- Insulate pipes to reduce heat loss as the hot water is distributed, ensuring less energy for heating water is required.

[2.3.4] Facilities

To reduce the energy consumption and corresponding greenhouse gas emissions, the project will be designed to be all-electric with the initiatives below:

- Induction cooktops and electric ovens
- Central electric hot water system

[2.3.5] Onsite Renewables

On-site solar photovoltaic (PV) generation will be explored to enable greater reductions in greenhouse gas emissions, reduce the demand from the electricity grid, and to offset associated operational greenhouse emissions. The project will consider:

- Photovoltaic (PV) cells and system to be installed on the roof. The current output of the PV system is TBC, pending receipt of the frozen architectural set.
- We will consider a combination of different options, layouts, and orientations to optimise performance whilst considering the constrained space, orientation, maintenance, and aesthetics of the project.



Figure 10 **Example of rooftop solar installation**

[2.3.6] Metering & Monitoring

An important aspect for any new development, metering, and monitoring allow building owners to measure and quantify operational efficiency metrics, as well as a feedback mechanism on sustainability initiatives. The project can consider:

- Energy and water monitoring at the distribution level to identify main consumption factors and any building components that are associated with leakage/wastage.
- The metering strategy will aim to monitor the following major systems:
 - Incoming electrical and water mains supply
 - Electrical supply and thermal meters to distinct areas and uses
 - Metering for energy and water for individual dwelling units
 - Common area lighting systems

[2.4] Net Zero Operational Carbon Emissions

In line with the NSW Net Zero Plan by 2050, the project has the opportunity to reduce its greenhouse gas emissions generated by its operational energy use. The following strategy has been proposed as a pathway for the development to achieve net zero:

Measure: At a minimum, annual review of the building monitoring system and services efficiencies.

Reduce: ESD initiatives explored in Section 2 – reduce operational energy and water consumption, encourage behaviour changes to reduce operational waste

Generate: Generating energy on-site will decarbonise the project and supply carbon-neutral electricity in the long-term

Offset: Future Consideration

Certify: Future Consideration

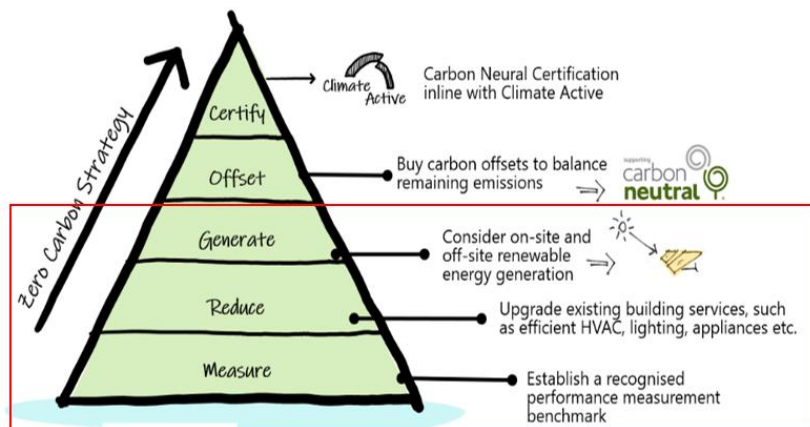


Figure 11 Net-zero Pathway – the biggest impacts are in the bottom three rungs

[2.5] Water Efficiency & Conservation

The project will explore opportunities to reduce water consumption and optimise reuse.

- To reduce potable water use, the project can consider installing highly efficient WELS rated fittings and fixtures, and appliances.
 - All within 1 star of highest available WELS rating

[2.6] Low Carbon Materials

The project has considered reducing its environmental impact through the following responsible materials initiatives:

- Design the building and consider construction methodologies for optimum reuse and recyclability of building components.
- Select materials for low-maintenance and long life to minimise compounding material impacts through repairs and refurbishments over the building's lifetime.
- Ensure the buildings structure, envelope, systems, and finishes are comprised of responsibly sourced products.
- Optimise design for most efficient use of materials to lower upfront carbon impacts.

[2.7] Waste Management Practice

The project will develop waste management strategies that prioritise avoiding or reducing waste production and providing options to divert waste from landfill as shown in the waste hierarchy below:



Figure 12 Waste Hierarchy – prioritising strategies from the top of the pyramid.

The project will be supported by two waste management plans developed with best practice guidelines, as follows:

- A Construction & Demolition Waste Management Plan to reduce the total amount of waste being sent to landfill when compared against a typical building of its type.
- An Operational Waste Management Plan to reduce operational/occupancy waste, including:
 - Identifying the waste streams relevant to the different operational components of the building, and the individual roles responsible for implementation.
 - Methods for encouraging the separation of waste streams, such as bins, storage areas, or recycling facilities in public areas as required.
 - Identifying storage areas for all waste streams and outline best practice safety and access requirements for their collection.
 - Identifying safe methods for vehicle access and transfer of waste.

[2.8] Healthy Indoor Environmental Quality

The project team will consider design initiatives that support the provision of a healthy, activated, and comfortable indoor environments that focus on improving the health and wellbeing of its occupants many of these are related to consideration around HVAC and building fabric design. The design will explore:

- Façade configurations that provide optimal levels of natural daylight
- Glazing selections that allow for high levels of Visual Light Transmission (VLT), flooding spaces with useful daylight levels throughout the day
- Glare mitigation measures through optimising the design for fixed or operable shading devices (including blinds) appropriate to the space.
- The HVAC system will be designed to mitigate the entry of outdoor pollutants and will provide access points for ease of maintenance and cleaning. The project will ensure that all relevant vents/diffusers will be cleaned prior to occupation and use.
- Responsible material selections will be considered to minimise exposure to harmful indoor pollutants such as Volatile Organic Compounds (VOC's), formaldehyde from engineered wood and PVC.

[2.9] Recommended Social Initiatives

As part of an ongoing sustainability vision, it is important to also consider social sustainability initiatives. Initiatives that are being embedding into the project are:

- Engagement with Traditional Custodians to consider Designing with Country and possible interpretation sites within the project

Additionally, the project can consider:

- Responsible and inclusive contractors, with understood and ethical supply chains – e.g., responsible procurement and modern slavery requirements.

[2.10] Sustainable Management Practices

The project team has considered initiatives to deliver best practice environmental management across the design and construction of the project. Initiatives that are being embedded into the project are:

- Design and implementation of Crime Prevention Through Environmental Design (CPTED) principles to increase the safety of occupants and visitors.

Additionally, the project can consider:

- Opportunities to set environmental targets, such as energy, water, waste, or indoor environmental quality.
- Development of a best practice Construction Environmental Management Plan (CEMP) for the demolition and construction phases of the project.

Appendices

Appendix A – City of Sydney Design for Environmental Performance Template

Advanced plans will be required to complete this form

Many of the design elements referenced within the form need to be illustrated on the accompanying architect's drawings, civil engineering drawings, or landscape plans.

The form does not prevent applicants from submitting supporting environmental design documentation if you are proposing novel or innovative design or technology.

Topics covered in this form

The form contains questions on familiar environmental design themes. These cover energy efficiency, greenhouse gas emissions abatement, design for building envelope thermal performance, renewable energy opportunity, design for resilience to climate change, water conservation, stormwater quality, sustainable transport, circular economy, embodied emissions, waste avoidance and resource recovery, and city greening.

Where applicable, the questions direct you to sections of the City of Sydney's planning policies.

Section 2 - General information about the development application and person completing the form

Site address*	44 - 78 Rosehill Street, Redfern
Postcode*	2016
Is this the first version of the form submitted for this development proposal?*	Yes
Development type*	Boarding House/Student Accommodation (4 storey or greater)
If the development involves alterations, enlargement or extension of existing for any of the development types selected above, does development have a capital investment value of \$10million or more?	Yes
Is the subject application associated with a previously approved site-specific development control plan (DCP) and/or concept approval?	No
If your application relates to either a site-specific development control plan (DCP) and/or previous concept approval, please provide the relevant section number and name within the Sydney Development Control Plan and/or concept approval reference number. Response – For example D / 2018 / 999 Ashmore estate site specific DCP, Section 5.5 of the Sydney DCP*	N/A
Summarise the environmental performance targets/technologies that must be met by the controls or consents listed above. *	N/A

Section 3 – BASIX

Is this application BASIX affected development?*	No
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Section 4 - Energy efficiency and greenhouse gas emissions abatement

Does the application propose a NABERS Energy Commitment Agreement?*	No
Does the application propose an industrial use?*	No
Briefly describe the predominant artificial light technology that will be installed within buildings, outdoors, and for specific significant areas. For example, basement car parking or public domain.*	TBC
Briefly describe the predominant HVAC technology/technologies that will be installed *	TBC
Briefly describe all water heating technologies that will be installed *	TBC
Briefly describe how the design choices have considered a reduction in peak demand for electricity, including use of energy efficient technology, and how the development will minimise the consumption of onsite fossil fuels.	TBC
Briefly describe any metering or sub-metering strategy that will enable end-use metering and monitoring of energy consumption. Including the design and implementation of any Building Management Control System (BMCS).*	TBC

Section 5 - Passive design for thermal performance -building envelope design

Is this application subject to NatHERS?*	No
Briefly describe how the proposal has incorporated passive design to avoid high dependence on mechanical HVAC for internal comfort and reduced the reliance on artificial lighting technology.*	TBC

Section 6 - On site renewable energy generation and storage

Please specify all renewable energy generation and/or energy storage technologies included in the application. Any renewable energy solutions not included in the table below should be described in Section 14 of this form.*	
Photovoltaic systems*	Yes
Solar thermal systems for domestic hot water*	No
Heat pump systems for domestic hot water*	No
Battery storage linked to onsite renewable energy generation*	No
Each renewable energy generation/storage technology nominated 'Yes' above is identified on the architectural plans*	Yes
Please indicate the combined Kilowatt Peak Capacity (kWp) of any photovoltaic systems shown on plans, and reference relevant plan sheet(s).*	TBC

Section 7 - Design for resilience to climate change

Please identify whether any specific design responses to address climate change resilience and/or a dedicated climate change plan or statement is provided?

An action plan or resilience plan has been developed as part of a registered Green Star Rating process	Yes
An action plan, strategy or resilience plan has been developed but is not Green Star-driven	No
Elements of the action plan, strategy, resilience plan or implementation reporting are reflected in the architectural plans	Yes
No action plan, strategy or resilience plan but some specific design/technology inclusions responses to climate change are within the design and reflected in the plans	No
No overt design elements (above base compliance) to address climate change resilience are included in this proposal	Yes
Briefly describe specific designs/technology elements identified in the plans that address resilience to climate change and reference relevant plan sheet(s).*	TBC

Section 8 - Design for mains potable water savings and water efficiency

Confirm which of the following water recycling/water efficiency measures are included in the design. *	
Does the development connect to a precinct-scale recycled water scheme? (Currently Green Square town centre only) *	No
Is dual plumbing supplied to 1 or more in-building end-uses – for example cooling towers, toilet, laundry? If 'Yes' must be shown on plans. *	No
Rain/stormwater capture, storage (water tanks) and re-use onsite is provided, but only for 'outdoor' purposes: irrigation, car-washing and/or wash down of paved areas and is shown on plans. *	Yes
Rain/stormwater capture, storage (water tanks) and reuse onsite is provided, for at least 1 outdoor use and for 1 or more in-building end-uses, for example cooling towers, toilet, laundry, and is shown on plans. *	No
Does the development provide efficiency strategies for water consumption for testing of fireprotection systems? *	Yes
Is a building management control system for water efficiency provided? *	No
Is sub-metering of major water end-uses (such as pools, cooling towers, irrigation) provided? *	Yes
All water supply fixtures (taps, showerheads, toilet flushing systems) are within 1 star of highest WELS Star rating commercially available*	Yes
Please indicate any on-site rainwater and/or stormwater storage capacity (retention only, excluding detention volumes) in the application, and reference on which plans rain/storm water retention infrastructure is shown.*	TBC

Section 9 - Stormwater quality

Which of the following stormwater quality design elements / technologies, if any, are proposed for this development? *	
Complies with the water quality treatment targets set in clause 3.7.3 of the SDCP*	Yes

Underground detention and/or retention tank(s) *	No
Above-ground detention and/or retention tank(s) *	No
Buffer strips *	No
Constructed wetland, raingardens, detention pond(s) *	Yes
Swales/bioretention swales *	No
Infiltration trenches *	No
On site gross pollutant traps *	No
In-pit litter capture 'baskets' *	No
Filter / treatment cartridges *	No
Green roofs *	No
Pervious pavement *	No
Other WSUD design solutions *	No
Briefly describe specific designs/technology elements identified above that address stormwater quality. Description should include the size/depth of any design elements identified above, along with the type, brand and model of any technologies installed.	TBC

Section 10 - City greening

Does the development provide deep soil zones in line with: *	
For industrial development: Section 5.8.2.5.1 of the SDCP 2012? *	N/A
For all development except industrial: Section 4.2.3.6 of the SDCP 2012? *	Yes
For residential apartment development: NSW Government Apartment Design Guide: Objective 3E-1? *	N/A
Does the landscape plan demonstrate that development will provide at least 15% canopy coverage of the site within 10 years of completion of the development? Evidence of compliance with tree canopy cover must be illustrated on the landscape plans. Make reference to specific page / plan sheet numbers of landscape plans. *	No
Please identify the number of trees (greater than 5 metres in height) proposed to be retained within the site boundary. *	0
Please identify the number of trees (greater than 5 metres in height) proposed to be removed from within the site boundary. *	1
Please identify the number of trees (greater than 5 metres in height at maturity) proposed to be added within the site boundary. *	0 (7 to public domain)
Identify the number of street trees proposed to be removed from the public domain. *	0
Does the application provide a green roof or green wall? (Green roofs are defined as covering 30% or more of the roof area of any single building) *	No

Section 11 - Promoting active transport and reducing transport emissions

Please indicate whether the development complies with the City of Sydney's sustainable transport controls.*		
	Required under DCP	Provided
Number of bike parking spaces *	28	30
Number of visitor bike parking spaces*		
Number of bike lockers*		
Number of showers*		
Number of car parking spaces*		
Number of car share spaces*		
Number of electric vehicle charging spaces provided*		
Number of service vehicles spaces / loading docks*		

Section 12 - Materials, embodied carbon and circularity

Which of the following sustainable materials practices apply to this development proposal? *	
Existing building(s)/parts of building(s) will be retained for re-use as part of the (re) development*	No
A circular economy framework or similar commitment has been developed as part of this (re) development*	No
Circular principles been considered in building design and/or materials selection. Examples: selection of materials with high recycled content; materials substitution; building elements designed for easy disassembly and re use; procuring products as a service; and other circular design strategies as described in the NSW government's Circular design guidelines for the built environment.*	Yes
A waste management plan addresses the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials*	Yes
Embodied emissions of development building(s) have been measured and quantified*	No
Steps have been taken to reduce embodied emissions, as compared to reference building(s) *	Yes
Some construction materials used in the development are certified under a credible Environmental Certification and/or Environmental Product Disclosure scheme*	No
Briefly describe specific design considerations identified in supporting documents that address the minimisation of waste from associated demolition and construction, including building retention, material choices and reuse of building materials. *	TBC
Briefly describe specific design considerations identified in plans or supporting documentation that address embodied emissions, circular principles and/or material certifications.*	TBC

Section 13 - Waste management and resource recovery

Which of the following waste management and resource recovery elements apply to this development proposal?	
A commitment and associated waste management plan is in place to achieve 90% recovery of construction and demolition waste	Yes
An operational waste management plan been prepared by a suitably qualified waste consultant.	Yes
All predicted operational waste streams have been identified and adequate space has been allocated for source separated management, storage and collection.	Yes
The development will incorporate infrastructure or facilities that enable building occupants to reduce resource consumption. Examples: Return and earn machine, shared dishwashing facilities for food courts or developments with food and beverage premises, public recycling, designated space for re-use and share economy initiatives.	No
Briefly describe specific design considerations identified in plans or supporting documentation that address best practice waste management and seek to maximise resource recovery.	TBC

Section 14 - Third party certification and design, construction or technology innovations

If applicable, state any third party certification (whole building) that this development proposal is committed to achieving other than NABERS Energy rating	
	Third party certification
NABERS Water	No
NABERS Waste	No
Green Star Buildings	Yes - 5 Star (Buildings)
Green Star Performance	No
Living Building Challenge	No
WELL Building Standard	No
Earth check (hotels/tourism)	No
Other, please specify	No
Are any innovative design, construction and/or technology elements included in this proposal that will deliver environmental performance gains.	TBC

Attachment A6

**Proponent Planning Proposal Request – Site
Specific DCP**

Site-Specific Development Control Plan (DCP) – 44-78 Rosehill Street, Redfern

1. The Purpose of this Development Control Plan

The purpose of this plan is to amend *Sydney Development Control Plan 2012* to provide objectives and provisions to inform future development on 44-78 Rosehill Street, Redfern.

This Plan is to be read in conjunction with draft Planning Proposal: 44-78 Rosehill Street, Redfern.

2. Citation

This plan may be referred to as the 44-78 Rosehill Street, Redfern Amendment.

3. Land covered by this plan

This plan applies to land identified as 44-78 Rosehill Street, Redfern – which is legally described as Lot 1/DP792628 as specified in this document.

4. Relationship of this plan to Sydney Development Control Plan 2012

This plan amends *Sydney Development Control Plan 2012* in the manner set out below.

Amendment to Sydney Development Control Plan 2012 – Section 6 – Specific Sites

[1] Figure 6.1

Amend Figure 6.1: Specific Sites Map to include 44-78 Rosehill Street, Redfern.

Amend Height in Storeys Map Sheet 010 to enable building height up to 6 storeys.

[2] Section 6.3 Specific site controls prepared for the Planning Proposal

The following objectives and provisions apply to any Development Application for co-living development at 44-78 Rosehill Street, Redfern – as shown in Figure 6.1 Specific Sites map.

Objectives

- (a) Facilitate redevelopment of the site to achieve high quality-built form that achieves an acceptable relationship with other buildings.
- (b) Protect the amenity of existing residential development with regard to solar access and privacy.
- (c) To prioritise pedestrian movements and reduce points of conflict between pedestrians and vehicles

1. Provisions

- (1) Building massing, height, footprint and setbacks are to be generally consistent with Figure 1 for 44-78 Rosehill Street, Redfern.
- (2) Development must not exceed the building envelope height expressed in RLs in Figure 1.
- (3) Notwithstanding (2), communal open space (including awning structure), landscaping, lifts and service plant located on the roof may exceed the building envelope, however, must not exceed the green rooftop access and articulation zone shown in Figure 1.
- (4) Waste and loading dock may be provided off Margaret Street via reversing manoeuvre, subject to development confirming adequate swept path for 10.6m Council waste vehicle.
- (5) Notwithstanding provision 4.4.1.4(5), the provision of private open space for co-living units is not applicable subject to the site providing at least 20% communal open space of site area.
- (6) Bike parking spaces are to be provided at a rate of at least 1 space per 5 beds, unless otherwise justified by traffic report that a lower parking rate is suitable for the site, supported by survey data of other comparable developments.

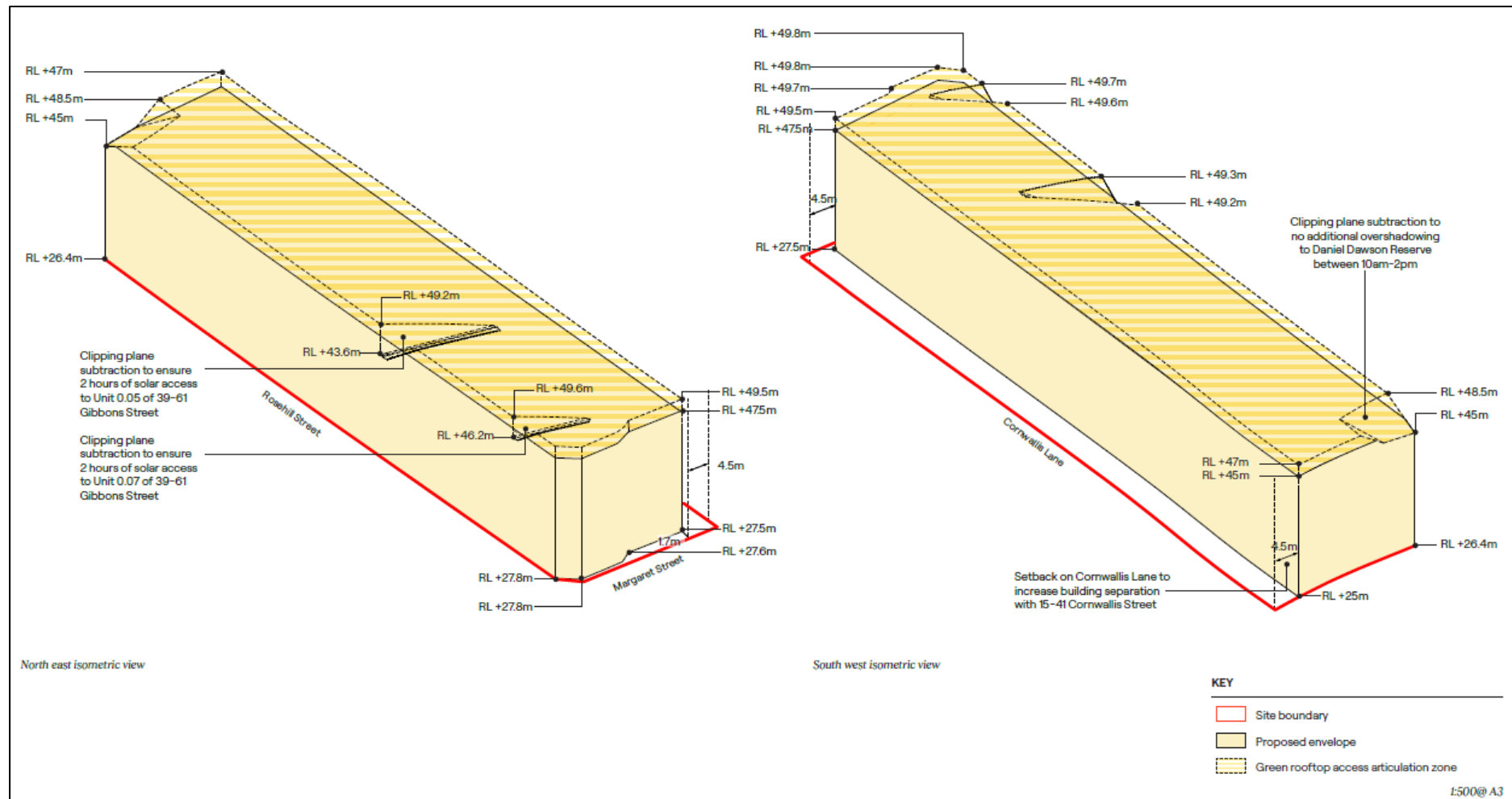


Figure 1 – Building Envelope – 44-78 Rosehill Street, Sydney

Attachment A7

**Proponent Planning Proposal Request –
Proposed Maps**



 Site outline
 1.75:1
 2:1
 2.5:1
 3.5:1
 7:1





	Site outline
	6 m
	9 m
	15 m
	17 m, 18 m
	20 m
	22 m
	28 m
	50 m
	Existing



0 20 40 60 m



Attachment B

**Development Control Plan – 44-78 Rosehill
Street, Redfern**

Development Control Plan – 44-78 Rosehill Street, Redfern



Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides site-specific objectives and provisions to guide the future development at 44-78 Rosehill Street, Redfern.

This plan is to be read in conjunction with draft Planning Proposal – 44-78 Rosehill Street, Redfern

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 44-78 Rosehill Street, Redfern*

Land covered by this plan

This amendment applies to land identified as 44-78 Rosehill Street, Redfern - Lot 1 in DP 792628.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the *Sydney Development Control Plan 2012* by inserting site-specific objectives and development controls to guide redevelopment of land at 44–78 Rosehill Street, Redfern.

Amendment to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific maps to include 44-78 Rosehill Street, Redfern
2. Inserting a new section 6.3.X 44-78 Rosehill Street, Redfern
3. Updating figure numbers as required.

Amendment to Section 6

Amend Figure 6.1: Specific sites map to include 44-78 Rosehill Street, Redfern.

Amendment to Section 6.3

Insert a new section after Section 6.3.# with the following text:

6.3.# 44-78 Rosehill Street, Redfern

If a development at 44-78 Rosehill Street, Redfern (as shown in Figure 6.1 Specific sites map) seeks to utilise additional floor space ratio permitted by clause 6.## of the LEP, then the provisions in this section also apply to the proposed development and override other provisions in the DCP where there is an inconsistency.

Objectives

- a. Ensure building setbacks and separation are sufficient to provide acceptable levels of solar access to adjoining public and private open spaces and minimise overlooking of neighbouring dwellings.
- b. Ensure articulation and breaks in massing reduce perceived bulk and provide a clear transition in scale to surrounding development.
- c. Provide urban tree canopy with deep-soil landscaping, green roofs and well-designed ground-level interfaces.
- d. Ensure servicing, loading and waste management can be safely accommodated on site without adverse impacts on pedestrian movement, the public domain or adjoining residential properties.

Provisions

6.3.X.1 Built form and setbacks

1. Building footprint and setbacks are to be consistent with 'Figure 6.xx 44-78 Rosehill Street, Redfern – setbacks and height in storeys. The 6-metre setback along the western boundary to Cornwallis Lane is to be provided as deep soil.
2. Notwithstanding (1), at ground level only, at the northern end of the site, a reduced setback is permitted solely to accommodate loading functions. No dwellings, habitable rooms, communal spaces or other occupied uses are permitted within this area.
3. The western façade of the building is to be designed to minimise direct overlooking of existing residential dwellings to the west, including the use of building breaks, window placement, screening or other suitable privacy-protection measures.
4. Provide a minimum 2.4m setback on the Rosehill Street frontage above level 2 and on the Margaret Street frontages above level 4 as shown in 'Figure 6.xx – 44-78 Rosehill Street,

Development Control Plan –44-78 Rosehill Street, Redfern

Redfern – setbacks and height in storeys' to reduce bulk and improve the massing relationship to existing neighbouring development.

5. Building articulation and breaks in apparent bulk and massing are to reflect the grain of the surrounding streetscape and provided on both the eastern and western frontages, consistent with 'Figure 7.xx: Rosehill Street, Redfern – articulation'. This is intended to reduce perceived building length when viewed from Rosehill Street, Margaret Street and Cornwallis Lane and to avoid the appearance of a continuous built form.
6. The south-eastern part of the site is to be designed to ensure solar access is provided to Daniel Dawson Reserve and the neighbouring houses to the south.



Figure 6.xx 44-78 Rosehill Street, Redfern – setbacks and height in storeys

Development Control Plan –44-78 Rosehill Street, Redfern

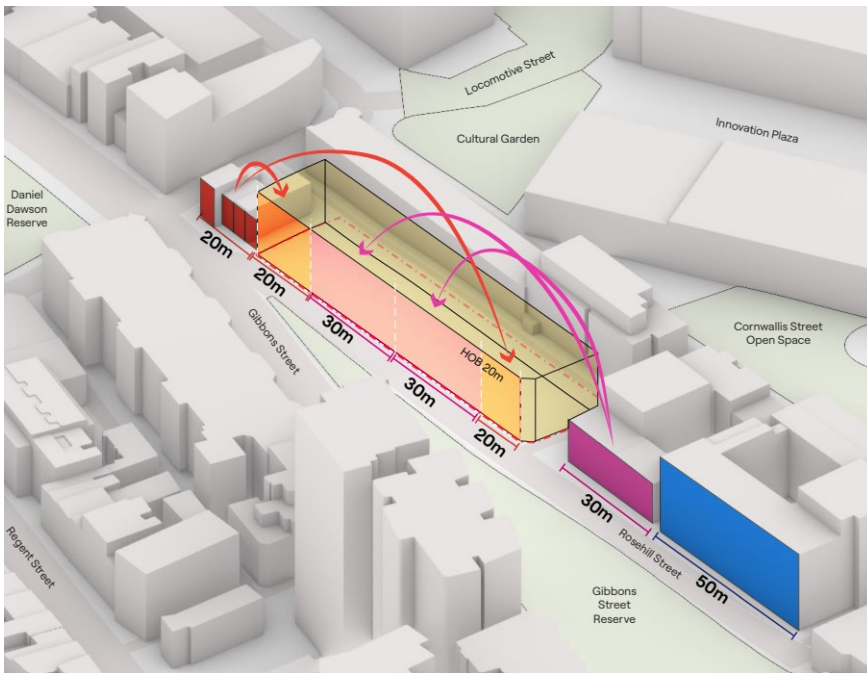


Figure 7.xx 44-78 Rosehill Street, Redfern – articulation

6.3.X.2 Access and waste

1. Site servicing, loading and delivery is to be as follows:
 - a. no private vehicle parking is to be provided due to the site's high level of accessibility by public transport services and active transport.
 - b. waste collection is to be located on site, with access from Margaret Street subject to demonstrating an adequate swept path for a 10.6 metre Council waste vehicle, supported by land dedication and road widening to prevent encroachment on the footpath or adjoining properties.
 - c. waste storage and servicing are to accommodate the required bin volume within a dedicated, enclosed waste room – separate from the loading dock, bicycle parking and other service functions – without impeding the manoeuvring of the 10.6 metre Council waste vehicle.

6.3.X.3 Sustainability

1. Development is to be designed to achieve 5 Star or higher Green Star Design & As Built certification.

Attachment C

Development Control Plan – Student Accommodation
--

Development Control Plan – Student Accommodation



Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment introduces new general provisions applying to co-living housing used for student accommodation across the City of Sydney local government area, to better reflect the distinct operational model and resident profile of student housing.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 –Student Accommodation*

Land covered by this plan

This amendment applies to land within the City of Sydney local government area.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the *Sydney Development Control Plan 2012* to insert new provisions applying to co-living housing used for student accommodation across the City of Sydney local government area. It also refines general private room amenity standards to enhance clarity and ensure controls operate as intended.

These amendments are to operate once the imminent Policy and Housekeeping amendments to the Sydney Development Control Plan 2012 take effect, providing more tailored guidance where student accommodation is proposed.

Amendments to the existing DCP sections as exhibited are shown with deletions in ~~striketrough~~ and replacement or new text in underline.

Amendment to Sydney Development Control Plan 2012

Amend section 4.4.1 of Sydney Development Control Plan 2012 with text to be inserted shown as underlined and text to be deleted shown as strikethrough.

4.4.1 Boarding houses and co-living housing

Boarding houses contain rooms which provide affordable housing and are managed by a registered community housing provider.

Co-living housing as defined in the Sydney LEP comprises 6 or more private rooms. Co-living can also include purpose-built student accommodation. ~~and may also be used as student accommodation.~~

Both housing types have shared facilities and provide a principal place of residence for at least 3 months in a boarding or private room.

State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) includes requirements for boarding houses and co-living housing.

This section applies to all boarding house and co-living development. It applies Housing SEPP standards to areas of the City of Sydney where the Housing SEPP does not apply (see clause 1.9 Sydney LEP 2012). It also provides minimum standards that apply throughout the City of Sydney.

Definitions

Private room means a boarding room in a boarding house or a private room in a co-living housing development.

Purpose built student accommodation is a form of co-living housing and refers to development built exclusively for the purpose of providing accommodation for students.

Student room means a private room provided in purpose-built student accommodation.

Note: A student room is a type of private room. Except where this section provides a specific alternative standard for student rooms, all provisions applying to private rooms also apply to student rooms.

4.4.1.2 Private rooms

Objectives

- (a) Ensure private rooms are of sufficient size and proportion to enable a good level of amenity and liveability.
- (b) Ensure private rooms receive adequate access to daylight.
- (c) Ensure private rooms achieve adequate protection from noise.
- (d) Ensure any personal facilities provided in private rooms do not reduce the functionality and enjoyment of the liveable space.
- (e) Ensure private rooms can achieve natural light, ventilation and cooling without reliance on artificial lighting, mechanical ventilation or air conditioning.
- (f) Ensure private rooms are sized appropriately to fit furnishings and allow circulation.
- (g) Ensure student rooms are supported by adequate communal spaces.

Provisions

- (1) No private room is to be occupied by more than 2 adult residents.
- (2) Private rooms are to be located away from significant noise sources or incorporate adequate sound insulation to insulate from external noise sources.

(3) No private room, excluding any area used for the purposes of private kitchen (including circulation) or bathroom, is to have a gross internal floor area exceeding 25 square metres or less than:

- (a) 12 square metres for a room intended to be used by a single resident, or
- (b) 16 square metres in all other circumstances.

(4) If a bathroom, kitchen or laundry is provided in a private room, they are to meet or exceed the following minimum clear dimensions:

- (a) for any kitchen: 2.9 square metres including a minimum 600 millimetres clear space in front of the kitchen bench provided for circulation space.
- (b) for any bathroom: 2.1 square metres (including 0.8 square metres for a shower).
- (c) for any laundry: 1.1 square metres.

(5) If a kitchen is provided in a student room, the dimensions set out in (4) may be reduced where adequate kitchen spaces are provided.

(6) The minimum dimension of a private room is to be 3.5 metres.

(7) Despite the requirement set out in (6), the minimum dimension of a student room may be 2.4 metres.

(8) Furniture layouts in private rooms must demonstrate unimpeded clear internal circulation.

~~(9) Wardrobe space of at least 1.5 square metres is to be provided in addition to the minimum required private room area~~ is to be provided as follows:

- (a) private rooms: a minimum of 1.5 square metres in addition to the minimum required private room area
- (b) student rooms: a minimum of 0.8 linear metres

(10) Each private room is to have sufficient space to provide a bed, sofa and a chair and table with at least 600 millimetres clearance between furniture.

(11) Any student room ~~or living private room being used as off-campus student accommodation~~ is to provide sufficient space for a workspace, including chair and desk.

(12) Kitchens included in private rooms are to be provided with a refrigerator, cooktop, microwave, cupboards and shelves as a minimum. This may not be required in a student room where adequate communal kitchen appliances and storage is provided.

~~(13) Bathrooms included in private rooms are to be provided with a shower, hand basin and toilet as a minimum.~~ Where a bathroom is provided within a private room, it must include a shower, toilet and hand basin, all located within the bathroom.

(14) Laundries included in private rooms are to be provided with a wash tub and washing machine.

(15) Each private room is to have access to natural light from windows with a minimum aggregate area of 10 per cent of the floor area of the room. Skylights are not to be the sole source of natural light.

(16) A window in an external wall is to be visible from every point in a private room excluding bathrooms.

(17) All private rooms are to be naturally ventilated. Natural ventilation is to be by windows with operable sashes on an external wall not facing a common circulation area. Windows are to include insect screens. The effective openable area of window openings is to be equal to at least 5 per cent of the floor area of the room.

(18) Private rooms are to be provided with one ceiling fan per room.

(19) Private rooms are to have a minimum floor-to-ceiling height of 2.7 metres, excluding bathrooms.

(18) 30 percent of all private rooms are to have access to private open space with a minimum area of 4 square metres in the form of a balcony or terrace area. ~~This requirement may be waived if the provision of balconies or private open space conflicts with the retention of a heritage item.~~

(19) The requirement set out in (18) for access of private rooms to private open space may be reduced or waived where:

(a) the provision of balconies or private open space has an unacceptable impact on the significance of a heritage item; or

(b) for purpose-built student accommodation where a sufficient quantum of high quality communal open space is provided.

(20) In boarding houses classified as Class 3 by the Building Code of Australia, each private room is to meet the fire safety standards of a sole occupancy unit under the Building Code, whether or not it is intended to be a sole occupancy.

Amend section 3.11.3 of Sydney Development Control Plan 2012 with text to be inserted shown as underlined and text to be deleted shown as strikethrough.

3.11.3 Bike parking and associated facilities

Objectives

- (a) Support active transport as a sustainable and efficient transport mode.
- (b) Ensure development provides cycling access arrangements, bike parking facilities and amenities that are of sufficient quantity to meet demand, are convenient and meet the needs of all users.

Provisions

- (1) All bike parking facilities are to be designed in accordance with Austroads Research Report AP-R527-16 'Bike Parking Facilities: Guidelines for Design and Installation' and Australian Standard AS2890.3:2015 'Part 3: Bicycle parking'. Where there is an inconsistency between the two documents, the Austroads Research Report prevails.
- (2) New development must provide bike parking in accordance with the minimum rates by land use and bike parking type in Table 6.
- (3) Bike parking for residents or staff is to be provided in bicycle parking facilities designed according to Level B parking in Austroads and Class B in the Australian Standard. Class B bicycle parking facilities are to include power supply for charging electric bicycles.
- (4) Bike parking for short term visitors is to be provided as bicycle racks outside cages, designed according to Level C parking in Austroads and Class C in the Australian Standard. Class C bicycle racks are to be provided in an accessible on-grade location near the primary pedestrian entrance to the building.
- (5) For mixed-use development, Class B bicycle parking facilities for residential dwellings and non-residential uses are to be provided separately. Facilities for multiple different non-residential uses may be combined if appropriate.
- (6) Class B bicycle parking facilities are to be provided in an area that provides easy access to the street, primary lifts or stairs to residences or workplaces, and to any cycling-related facilities such as lockers and showers.
- (7) Cycling access to Class B bicycle parking facilities is to be provided by a well signposted, minimum 1.8m wide path with no steps, sharp corners or other obstructions.
- (8) Where a proposed use is not listed, the amount of bike parking provided for staff and visitors must be capable of supporting mode share targets for trips by bicycle in the latest City of Sydney cycling strategy, with reference to anticipated staff and visitor numbers of the land use.
- (9) Where the number calculated in accordance with Table 6 is not a whole number, the number is to be rounded to the nearest whole number.

1. Minimum bike parking requirements by land use

Land use	Residents or staff (Class B bike parking)	Short term visitors (Class C bike parking)
Residential accommodation or serviced apartments (including co-living and boarding houses)	1 per dwelling	1 per 10 dwellings
<u>Co-living used for student accommodation</u>	<u>1 per 5 student rooms</u>	<u>1 per 50 student rooms</u>
Tourist and visitor accommodation (excluding serviced apartments)	1 per 1,000 sqm GFA	1 per 20 rooms or 1 per 10 beds, whichever is greater
Office premises or business premises	1 per 150 sqm GFA	1 per 400 sqm GFA
Specialised retail premises	1 per 600 sqm GFA	1 per 1,000 sqm GFA
Retail premises (excluding food and drink premises)	1 per 500 sqm GFA	Lot area 650 sqm or more: 1 per 90 sqm GFA
Food and drink premises or artisan food and drink industry	1 per 250 sqm GFA	Lot area under 650 sqm: No requirement
Entertainment facility or place of public worship	1 per 1,000 sqm GFA	1 per 40 sqm GFA
Industry or warehouse or distribution centre (excluding artisan food and drink industry)	1 per 1,000 sqm GFA	No requirement
Child care centre	1 per 400 sqm GFA	1 per 100 sqm GFA
Health services facility	1 per 400 sqm GFA	
Information and education facility	1 per 1,000 sqm GFA	1 per 200 sqm GFA
Recreation facility (indoor)	1 per 400 sqm GFA	
Outdoor swimming pool	1 per 1,000 sqm GFA	1 per 10 sqm of pool area
Supported and short-term emergency housing	On merit	No requirement

Note: For serviced apartments, “dwelling” may refer to a serviced apartment and “resident” may refer to guests of the serviced apartments.

Note: The bicycle parking rate for co-living used for student accommodation applies only where the site is within LUTI Category A or B under the Sydney LEP 2012. Developments outside LUTI Categories A and B are to provide bicycle parking at the rate applying to co-living.

(10) For non-residential uses, lockers and facilities are to be provided at the following rates of staff bike parking provision, as a minimum:

- (a) 1.25 personal lockers for each staff bike parking space
- (b) 1 shower and change cubicle per 10 staff bike parking spaces

(11) In existing developments car parking spaces may be converted to up to three bicycle parking spaces by following B6 'Car park space conversion' in AS 2890.3-:2015.

Note: Installation of a bicycle parking device (a bike rack, rail or locker) is exempt development under schedule 2 of the LEP.

(12) Short term visitor parking for child care centres is to be designed to accommodate larger bikes and side access, allowing at least 2 metres between adjacent bike racks and spaces at least 2.75 metres long.

Attachment D

**Public Benefit Offer – 44-78 Rosehill Street,
Redfern**

12th November 2025

Monica Barone
Chief Executive Officer
City of Sydney
GPO Box 1591
Sydney NSW 2000

Journal Student Living Pty Ltd
Level 1A, 54 Wellington Street
Collingwood 3066
Australia
+61 3 9001 0675
journalstudentliving.com.au

ATTN: Tamara Bruckshaw

Dear Ms Barone

44-78 ROSEHILL STREET, REDFERN – PLANNING AGREEMENT LETTER OF OFFER

Journal Student Living Pty Ltd acts as Development Manager on behalf of Kyanite Rosehill Landowner Pty Ltd as trustee for Kyanite Rosehill Landowning Trust (**proponent**) in relation to the proposed future redevelopment of the 44-78 Rosehill Street, Redfern (**the site**) for co-living housing which is made in connection with:

- a) A planning proposal to amend the Floor Space Ratio (**FSR**) and height of building development standards applicable to the site from 2:1 to 3.5:1 and 18m to 20m respectively; and
- b) A future development application for a co-living housing development.

In accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**), we are committed to entering into a Planning Agreement with the City of Sydney Council (**Council**) as detailed in Table 1 and summarised below:

- Construction and dedication of approximately 27.27m² of land to enable the widening of Margaret Street; and
- 17% affordable housing monetary contribution - applicable to new residential floor space achieved through the planning proposal.

Please note that the intention of this letter of offer is *not* to exclude the operation of Section 61 of *City of Sydney Act 1988* and Section 7.12 of the EP&A Act, which requires monetary contributions towards local infrastructure. These will be considered as part of the future development application for the site.

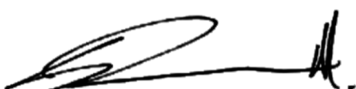
Additionally, it is recognised that monetary contributions in accordance with Clause 7.13 of the *Sydney Local Environmental Plan 2012* will also be payable for the total gross floor area as part of the future development application.

Please do not hesitate to contact Jack Rixon for further information and details on 0431 332 495 or via jrixon@mecone.com.au.

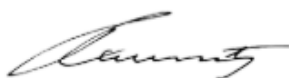
Yours sincerely,

Journal Student Living Pty Ltd

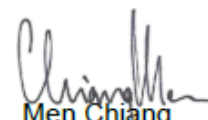
Kyanite Rosehill Landowner Pty Ltd



Saul Davidoff
Director



Ruban Kaneshamoorthy
Director

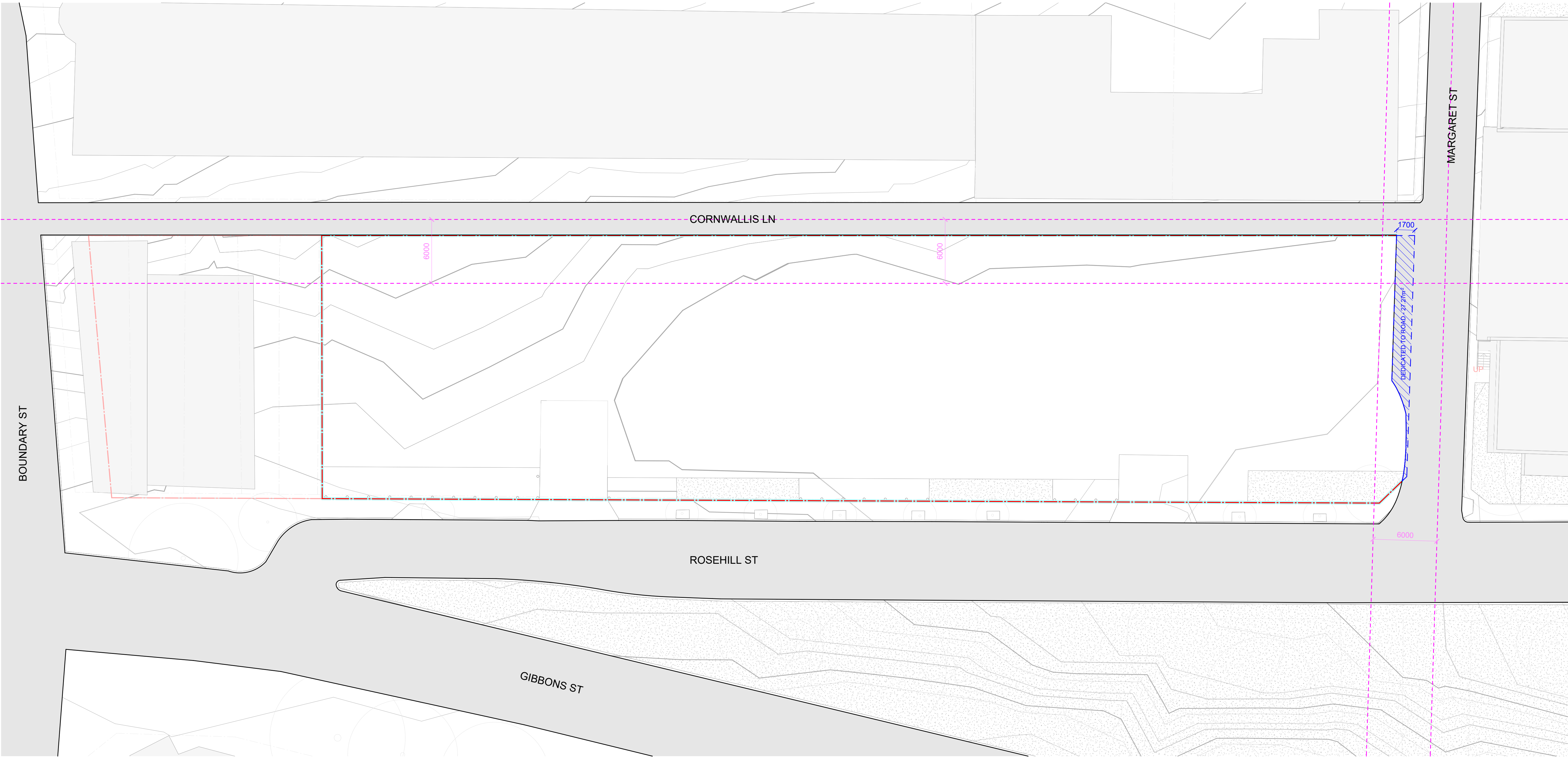


Men Chiang
Director / Secretary

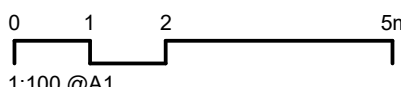
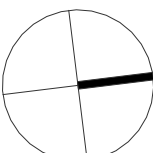
Table 1 – Letter of Offer Terms

Item	Terms
Parties	City of Sydney Council, and Kyanite Rosehill Landowner Pty Ltd as trustee for Kyanite Rosehill Landowning Trust as proponent. See landowner consent annexed.
Land	Lot 1 in Deposited Plan 792628 known as 44-78 Rosehill Street, Redfern
Planning Proposal / Development Application	Co-living housing development comprising approximately 327 rooms.
Monetary Contribution	Monetary contribution applicable to 17% of new residential floor space achieved through the planning proposal. Equivalent Monetary Contribution Amount will be that which applies at the time payment in accordance with the City of Sydney Affordable Housing Program. Monetary contribution to occur prior to the issue of the first Construction Certificate for the Development.
Land Dedication	Construction and dedication of approximately 27.27m ² for Margaret Street road widening works as indicatively shown in drawing DA-8009, provided in Appendix 1. All existing poles or lighting infrastructure impacted by the proposed road widening will be removed and/or relocated as required by public authorities, including any associated costs. Works and dedication of land to occur prior to final occupation certificate.

Appendix 1 – Proposed Road Dedication Drawing



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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Rev	Date	Revision	By	Chk.
1	07.11.2025	FOR INFORMATION	MM	SH

Client

CITIPLAN
PROPERTY

Project

Student Accomodation
44-78 Rosehill Street, Redfern NSW 2016

Drawing Name

COMPLIANCE DRAWINGS - ROAD DEDICATION

Date	Scale	Sheet Size
07.11.2025	1 : 200	A1
Drawn	Chk.	Job No.
MM	SH	6911
Drawing No.	Revision	
DA-8009	/ 1	

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NOT FOR CONSTRUCTION

**ASIC**

Australian Securities & Investments Commission

Forms Manager

Registered Agents

Company: KYANITE ROSEHILL LANDOWNER PTY LTD ACN 691 447 337**Company details**

Date company registered 30-09-2025
Company next review date 30-09-2026
Company type Australian Proprietary Company
Company status Registered
Home unit company No
Superannuation trustee company No
Non profit company No

Registered office

'BROOKFIELD PLACE' LEVEL 19 , 10 CARRINGTON STREET , SYDNEY NSW 2000

Principal place of business

'BROOKFIELD PLACE' LEVEL 19 , 10 CARRINGTON STREET , SYDNEY NSW 2000

Ultimate holding company

BROOKFIELD CORPORATION

691447346

Incorporated in CANADA

Officeholders

HOLLOWAY, SCOTT ALAN

Born 22-04-1987 at GOSFORD NSW

UNIT 76 , 41 ROCKLANDS ROAD , WOLLSTONECRAFT NSW 2065

Office(s) held: Director, appointed 30-09-2025

CHIANG, MEN

Born 27-09-1968 at BEIJING CHINA

140 CORNELIA ROAD , TOONGABBIE NSW 2146

Office(s) held: Secretary, appointed 30-09-2025

KANESHAMOORTHY, RUBAN

Born 24-03-1983 at HONG KONG HONG KONG

4 PEARL BAY AVENUE , MOSMAN NSW 2088

Office(s) held: Director, appointed 30-09-2025

Company share structure

Share class	Share description	Number issued		Total amount paid	Total amount unpaid
ORD	ORDINARY	270	10	10.00	0.00

Members

BROOKFIELD AUSTRALIA INVESTMENTS 'BROOKFIELD PLACE' LEVEL 19 , 10 CARRINGTON STREET ,
PTY LTD ACN 008 687 063 SYDNEY NSW 2000

Share class	Total number held	Fully paid	Beneficially held
ORD	10	Yes	Yes

Document history

These are the documents most recently received by ASIC from this organisation.

Received	Number	Form Description	Status
30-09-2025	6EKG1875	201 APPLICATION FOR INCORPORATION (DIVN 1)	Processed and imaged

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Item 6.

Public Exhibition - Planning Proposal - 103-109 George Street, Redfern - Sydney Local Environmental Plan 2012 Amendment

File No: X129829

Summary

A planning proposal has been prepared for 103-109 George Street, Redfern, following a request by the proponent to amend the planning controls for the site. The proponent is Colliers Urban Planning (formerly Ethos Urban) on behalf of Telstra Corporation Limited (Telstra) the owner of the subject site.

The proposal seeks to amend Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP 2012) and the accompanying heritage map (HER_016) to remove the heritage listing (Item No. I1318) currently on the subject site. The existing listing has been applied based on a former and larger land parcel that once included both 103-109 George Street and the adjoining property at 117A Redfern Street – the original Redfern Telephone Exchange. The heritage item is currently mapped across both properties.

The buildings at 103-109 George Street are concrete framed telephone exchange buildings; one is 7-storeys constructed in 1957 and the other is 3-storeys and completed c1974. These were built to supplement and later supersede the original 1913 building. A heritage assessment has found that these later buildings do not meet the threshold for heritage listing.

This report recommends approval of the planning proposal for submission to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination, followed by public exhibition and referral to government agencies for comment. After this consultation, the planning proposal and any issues raised in submissions will be reported back to Council and the Central Sydney Planning Committee.

Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 103-109 George Street, Redfern, shown at Attachment A to the subject report, for submission to the Department of Planning, Housing and Infrastructure with a request for a gateway determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - 103-109 George Street, Redfern as shown at Attachment A for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 20 April 2026 that Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 103-109 George Street, Redfern; and
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - 103-109 George Street, Redfern to correct any drafting errors or to ensure consistency with the gateway determination.

Attachments

- | | |
|----------------------|---|
| Attachment A. | Planning Proposal - 103-109 George Street, Redfern - Sydney Local Environmental Plan 2012 Amendment |
| Attachment B. | Design 5 Architects - Redfern Telephone Exchange - 103-109 George Street, Redfern - Modification of Heritage Listing – Item No. 11318 |
| Attachment C. | Brunskill McClenahan and Associates Pty Ltd - Plan of Proposed Subdivision Lot 2 DP 776807 (Approved 24 May 2013) |

Background

1. Colliers Urban Planning on behalf of Telstra have submitted a request for a planning proposal to remove the heritage listing of the property at 103-109 George Street, Redfern (the subject site).
2. The NSW Department of Planning, Housing and Infrastructure have advised that a planning proposal was necessary rather than an expedited minor amendment, given the extent of the required mapping change and the need to publicly exhibit a heritage report confirming the appropriateness of this proposed change.
3. This report includes a planning proposal to amend Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP 2012) and the accompanying heritage map (HER_016) to remove the heritage listing (Item No. I1318) currently on 103-109 George Street, Redfern.
4. Currently, both 103-109 George Street and 117A Redfern Street are included as Item No. I1318 in Schedule 5 of SLEP 2012, described as *Redfern Telephone Exchange including interior*.



Figure 1: 103 (left) – 109 (right) George Street, Redfern. Source: <https://www.commercialrealestate.com.au/news/redfern-telephone-exchange-inner-sydney-redevelopment-potential-as-telstra-moves-on-1350901/>



Figure 2: 117A Redfern Street, Redfern. Source: <https://www.facebook.com>



Figure 3: Extract from Heritage map in the SLEP 2012 Item No. I1318. The boundary of the heritage item (comprising the two separate properties) is outlined in red. The separate lots are divided by the green line with 117A Redfern Street to the north, and 103-109 George Street to the south.

5. The subject site is part of a larger site that prior to 1988 comprised the Redfern Post Office and the 3 buildings that comprised the telephone exchange. This entire site was owned by the Commonwealth of Australia.
6. On 5 August 1988, the site was subdivided into 2 lots by the registration of DP 776807. Lot 1 contained the Redfern Post Office and Lot 2 contained the telephone exchange buildings.
7. On 24 April 2013, Lot 2 was subdivided again into 2 lots – Lots 201 and 202 DP 1186468, as shown at Attachment C.
8. Lot 201 DP 1186468 has frontages to George and Turner Streets and contains the 3 storey and 7 storey exchange buildings, retained for telecommunication uses by Telstra. Lot 201 is known as 103-109 George Street, Redfern.
9. Lot 202 has a frontage to Redfern Street and contains the small historic 2 storey exchange building, which was the original Redfern Telephone Exchange. This site was subsequently disposed by Telstra and is now owned and used by the Aboriginal Medical Service Co-Operative Ltd and known as 117A Redfern Street, Redfern.
10. A heritage assessment by Design 5 Architects of the combined sites (103-109 George Street and 117A Redfern Street) attached at Attachment B concluded that Item I1318 should be revised to exclude the property at 103 -109 George Street, Redfern (Lot 201), as the extant buildings on Lot 201 do not meet the threshold for local listing.
11. This assessment confirms that the former telephone exchange at 117A Redfern Street, Redfern (Lot 202) continues to meet the threshold for local listing.
12. The City concurs with the conclusions of Design 5 Architects' heritage assessment. The site and building at 103-109 George Street do not meet the threshold for local listing and therefore the existing heritage listing should be removed. These buildings are already listed as detracting buildings within the heritage conservation area, and as such an amendment to their contribution status in Sydney DCP 2012 is not required.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - revising the existing heritage listing is responsible governance.

Risks

14. Proceeding with changes to Schedule 5 of the SLEP 2012 to revise existing heritage items is within the City's risk appetite. The proposal is within the City's risk appetite. The risk appetite statement says we have minimal appetite for change that detrimentally impacts on the cultural or heritage properties of significant items, structures or buildings. A heritage assessment has been prepared and reviewed by staff which finds that the removal of the listing will not affect significant heritage fabric.

Relevant Legislation

15. Environmental Planning and Assessment Act 1979
16. Environmental Planning and Assessment Regulation 2021

Public Consultation

17. Should the planning proposal at Attachment A be approved, it will be forwarded to the Department of Planning, Housing and Infrastructure with a request for a gateway determination to allow public exhibition.
18. The public consultation process for the planning proposal will be subject to the conditions of the gateway determination issued by the Department of Planning, Housing and Infrastructure. Exhibition documents will be made available to the public for viewing and comment on the City's Have Your Say website.

GRAHAM JAHN AM

Chief Planner / Executive Director, City Planning Development and Transport

Matt Devine, Senior Specialist Planner Heritage

Attachment A

**Planning Proposal – 103-109 George Street,
Redfern – Sydney Local Environmental
Plan 2012 Amendment**

Planning Proposal – 103-109 George Street, Redfern



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Cover image: <https://www.commercialrealestate.com.au/news/redfern-telephone-exchange-inner-sydney-redevelopment-potential-as-telstra-moves-on-1350901/>

Executive summary

The City of Sydney (the City) has prepared this planning proposal for 103-109 George Street, Redfern (the site) in response to a request from Colliers Urban Planning (formerly Ethos Urban) on behalf of Telstra Corporation Limited (Telstra) for the City to prepare a planning proposal for the site.

The proposal seeks to amend Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP 2012) and the accompanying heritage map (HER_016) to remove the heritage listing (Item No. I1318) currently on the subject site. The existing listing boundary is based on a former and larger land parcel that once included both 103-109 George Street and the adjoining property at 117A Redfern Street – the original Redfern Telephone Exchange. The heritage item is currently mapped across both properties.

The buildings at 103-109 George Street are concrete framed telephone exchange buildings; one is 7-storeys constructed in 1957 and the other is 3-storeys and completed c1974. These were built to supplement and later supersede the original 1913 building. A heritage assessment has found that these later buildings do not meet the threshold for heritage listing.

This planning proposal explains the intent and justification for the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This planning proposal has been prepared by the City in accordance with clause 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Housing and Infrastructure's 'Local Environmental Plan Making Guideline'.

1. Background

1.1 History

Colliers Urban Planning on behalf of Telstra have submitted a request for a planning proposal to remove the heritage listing of the property at 103-109 George Street, Redfern (the subject site).

The NSW Department of Planning, Housing and Infrastructure, have advised that a planning proposal, was necessary, rather than an expedited minor amendment, given the extent of the required mapping change and the need to publicly exhibit a heritage report confirming the appropriateness of that change.

This report includes a planning proposal to amend Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP 2012) and the accompanying heritage map (HER_016) to remove the heritage listing (Item No. I1318) currently on 103-109 George Street, Redfern.

Currently, both 103-109 George Street and 117A Redfern Street are included as Item No. I1318 in Schedule 5 of SLEP 2012, described as *Redfern Telephone Exchange including interior*.

The subject site is part of a larger site that prior to 1988 comprised the Redfern Post Office and the 3 buildings that comprised the telephone exchange. This entire site was owned by the Commonwealth of Australia.

On 5 August 1988, the site was subdivided into 2 lots by the registration of DP 776807. Lot 1 contained the Redfern Post Office and Lot 2 contained the telephone exchange buildings.

On 24 April 2013, Lot 2 was subdivided again into 2 lots – Lots 201 and 202 DP 1186468, as shown at Attachment C.

Lot 201 DP 1186468 has frontages to George and Turner Streets and contains the 3 storey and 7 storey exchange buildings, retained for telecommunication uses by Telstra. Lot 201 is known as 103-109 George Street, Redfern.

Lot 202 has a frontage to Redfern Street and contains the small historic 2 storey exchange building, which was the original Redfern Telephone Exchange. This site was subsequently disposed by Telstra and is now owned and used by the Aboriginal Medical Service Co-Operative Ltd and known as 117A Redfern Street, Redfern.

A heritage assessment by Design 5 Architects of the combined sites (103-109 George Street and 117A Redfern Street) attached at Appendix B concluded that Item I1318 should be revised to exclude the property at 103-109 George Street, Redfern (Lot 201), as the extant buildings on Lot 201 do not meet the threshold for local listing.

This assessment confirms that the former telephone exchange at 117A Redfern Street, Redfern (Lot 202) continues to meet the threshold for local listing.

1.2 Site identification

This planning proposal relates to the following land and structures:

- 103-109 George Street, Redfern - Lot 201 DP 1186468
- 117A Redfern Street, Redfern - Lot 202 DP 1186468

The



Location of Lot 201, 103-109 George Street, Redfern. (Source: Six Maps)



Location of Lot 202 117A Redfern Street, Redfern. (Source: Six Maps)

Figure 1. Locations of Lots 201 and 202 DP 1186468. Source: Design 5 Heritage Assessment.

103-109 George Street, Redfern – Redfern Telephone Exchange

The relevant structures, Lot and DP boundaries subject to this planning proposal are detailed in Figures 1, 2 and 3.

The property at 103-109 George Street contains 2 exchange buildings. Facing George Street and adjacent to the former Redfern Post Office is a 7-storey brick and concrete building dating from 1957. This was originally clad in pebblecrete panels, but was reclad in 2021 with fire-safe, compliant, non-combustible mineral-core aluminium panels in a champagne-coloured metallic finish. On the corner of George and Turner Streets is a 3-storey brick and concrete structure with dark brown brick facades and strip windows, built in 1974.

The City concurs with the conclusions of Design 5 Architects heritage assessment that these buildings do not meet the threshold for local listing. These buildings are already listed as detracting buildings within the heritage conservation area, and as such an amendment to their contribution status in Sydney DCP 2012 is not required.



Figure 2. 103 (left) – 109 (right) George Street, Redfern. Source: <https://www.commercialrealestate.com.au/news/redfern-telephone-exchange-inner-sydney-redevelopment-potential-as-telstra-moves-on-1350901/>

117A Redfern Street, Redfern – Redfern Telephone Exchange

The building at 117A Redfern Street is a two-storey building in the Victorian Italianate style, dating from 1913, built to replace a small exchange in the adjacent post office. It was decommissioned after 1974 when the third exchange building was added to the site. It was subdivided from the rest of the Redfern Exchange site in 2013 and subsequently sold.

The City concurs with the conclusions of Design 5 Architects heritage assessment that this building continues to meet the threshold for local listing and as such the existing heritage listing is proposed to be retained.



Figure 3. 117A Redfern Street, Redfern.
Source: <https://www.facebook.com>

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Figure 5. Extract from Heritage map in the SLEP 2012 Item No. I1318. The boundary of the heritage item (comprising the two separate properties) is outlined in red. The separate lots are divided by the green line with 117A Redfern Street to the north, and 103-109 George Street to the south.

Review of heritage significance

In late 2024, Colliers Urban Planning on behalf of Telstra commissioned a review of the heritage significance of the subject site from Design 5 Architects. (Refer to Appendix B).

This review inspected all buildings that comprise Item No. I1318 - both 103-109 George Street and 117A Redfern Street, Redfern and recommended that:

*“the heritage listing **Item no. I1318** be modified to include only **Lot 202, at 117A Redfern Street, Redfern.**”*

City staff have reviewed the Design 5 report and agree with this recommendation, noting that the buildings on 103-109 George Street do not meet the threshold for local listing and that the former telephone exchange at 117A Redfern Street, Redfern (Lot 202) continues to meet the threshold for local listing.

3. Objectives & intended outcomes

The objectives of this planning proposal are to recognise that the heritage significance of 103-109 George Street does not meet the threshold for local heritage listing and that only 117A Redfern Street should be included as the Item No. I1318 in Schedule 5 of SLEP 2012.

4. Explanation of provisions

To achieve the proposed outcomes, this planning proposal includes amendments to the SLEP 2012.

4.1 SLEP 2012 Heritage Schedule Amendments

The planning proposal seeks to amend the SLEP 2012, Schedule 5, Part 1 by inserting the following items as shown below in **Table 1**.

Text to be deleted is shown ~~crossed-out~~.

Text to insert is shown as **bold underline**.

Table 1: Proposed amendments to Schedule 5, Environmental heritage, Part 1, Heritage items.

Locality	Item Name	Address	Property Description	Significance	Item no.
Redfern	Redfern Telephone Exchange including interior	103-109 George Street <u>117A Redfern Street</u>	Lot 2, DP 776807 <u>Lot 202 DP 1186468</u>	Local	11318

The buildings at 103-109 George Street, Redfern are already listed as detracting buildings within the heritage conservation area, and as such an amendment to their contribution status in Sydney DCP 2012 is not required.

5. Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of any strategic study or report?

Yes.

The planning proposal is a result of a review of the heritage significance of the subject site by Design 5 Architects (attached at Appendix B).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes.

Regular reviews of heritage listings are appropriate, particularly after subdivision and sale of parts of a site. This planning proposal is the appropriate way to achieve the intended outcomes.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes.

See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the Eastern Harbour City.

This planning proposal is consistent with the Plan's high-level directions and objectives and addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By reviewing the existing heritage item and recommending an appropriate change on the SLEP 2012, this planning proposal will fulfill this objective.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20-year plan to manage growth in the context of economic, social and environmental matters. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage Action 26 - Identify, conserve and enhance environmental heritage by:

(a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place

(b) applying adaptive re-use and interpreting heritage to foster distinctive local places

(c) managing and monitoring the cumulative impact of development on the heritage values and character of places.

The review of the existing heritage item ensures the retention of physical, social, cultural and historic values that may have significance to the community. The removal of the listing for 103-109 George Street strengthens the existing listing as it applies to 117A Redfern Street. The merit-based heritage provisions that will continue to apply in Council's LEP and DCP provide capacity for Council and any proponent to appropriately consider heritage and other matters when and if development is proposed.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes.

Sustainable Sydney 2030 – 2050 Community Strategic Plan

The City of Sydney's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'

Local strategic planning statement

The City Plan 2036 Local Strategic Planning Statement was completed in March 2020. This statement is the 20-year vision for land use planning in the city.

The review of the existing heritage item ensures the retention of physical, social, cultural and historic values that may have significance to the community.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 2 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict or hinder the application of the relevant state environmental planning policy.

Table 2: Consistency with State Environmental Planning Policies.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent - amendments in this planning proposal will continue to support the biodiversity and conservation in the local government area
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.

SEPP (Precincts–Central River City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Eastern Harbour City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Regional) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Precincts–Western Parkland City) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Primary Production) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resilience and Hazards) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP No 65 - Design Quality of Residential Flat Development	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent - no amendments in this proposal will hinder the application of this SEPP.
SEPP (Housing) Amendment (Transport Oriented Development) 2024	Consistent - no amendments in this proposal will hinder the application of this SEPP.

Q6. Is the planning proposal consistent with applicable ministerial directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 3.

Table 3: Consistency of the planning proposal with ministerial directions.

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. No amendments in this proposal will hinder the implementation of Regional Plans
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. No amendment includes concurrence, consultation or referral provisions or identify any designated development.
1.4 Site Specific Provisions	Consistent – see discussion below.

Ministerial Direction	Comment
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude a development standard from variation under clause 4.6

Focus area 1: Planning Systems – Place-based

1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
Focus area 2: Design and Place	No directions in place

Focus area 3: Biodiversity and Conservation

3.1 Conservation Zones	Consistent. Amendments in this planning proposal will continue to support the protection and
------------------------	--

Ministerial Direction	Comment
	conservation of environmentally sensitive areas in the local government area
3.2 Heritage Conservation	Consistent. Amendments in this planning proposal will continue to conserve the significant fabric at 117A George Street, Redfern.
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.2 Coastal Management	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.3 Planning for Bushfire Protection	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.4 Remediation of Contaminated Land	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
4.5 Acid Sulfate Soils	Consistent. Amendments in this planning proposal are proposed for land classified as Class 5 and will not hinder the implementation of this local planning direction
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.2 Reserving Land for Public Purposes	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable

Ministerial Direction	Comment
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Consistent. This planning proposal supports and aligns with this local planning direction, particularly objectives (a) and (b).
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent. No amendments in this proposal will hinder the implementation of this local planning direction
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

It is unlikely that the proposed amendments to Schedule 5, Part 1 of SLEP 2012 will result in development creating any environmental effects that cannot be readily controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

The review of the existing heritage item ensures the retention of physical, social, cultural and historic values that may have significance to the community. No changes to current zoning controls are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to consider these matters when development is proposed.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes.

The SLEP 2012 amendment will not generate demand for infrastructure.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

If required by the Gateway Determination, the Heritage Council of NSW will be consulted during the public exhibition period. The review of this heritage item is consistent with Heritage Council of NSW standards.

6. Mapping

The Heritage Map tile HER_016 will be updated to reflect the revised heritage item as shown in Figure 6 below. The area marked blue is proposed to be removed from Item No. I1318

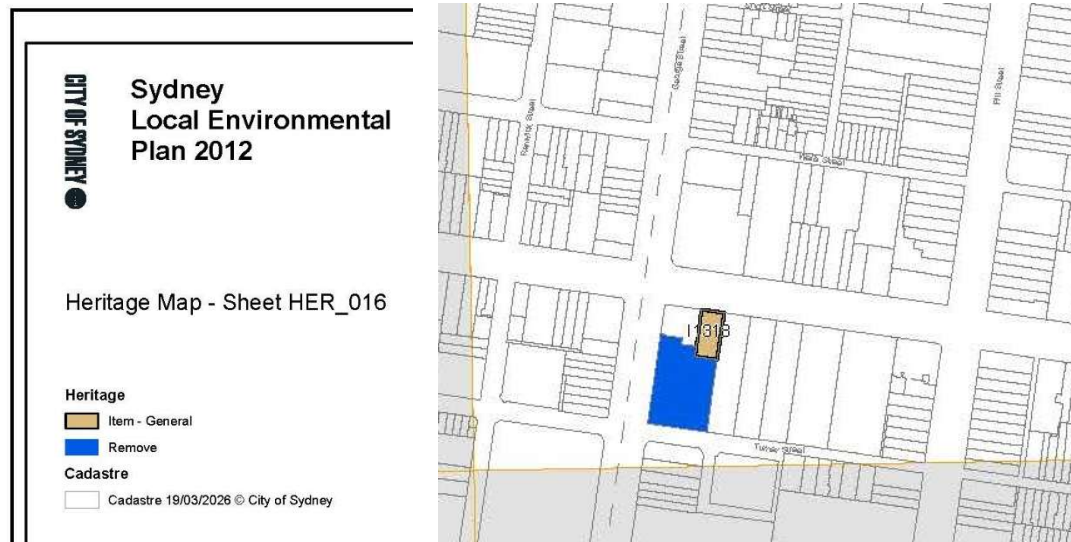


Figure 6: Detail from SLEP Heritage Map – Sheet HER_016 showing proposed removal of part of Item No. I1318.

7. Community consultation

5.1 Public Exhibition

This planning proposal shall be exhibited in accordance with the requirements of gateway determination once issued by the Department of Planning, Housing and Infrastructure.

The public exhibition of the documents will be on the City of Sydney website and carried out in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the Gateway Determination.

8. Project timeline

The anticipated timeline for the completion of the planning proposal is as follows:

Stage	Timeframe
Gateway request	April 2026
Public exhibition & government agency consultation	June 2026
Consideration of submissions	September 2026
Post exhibition consideration of proposal	October 2026
Draft and finalise LEP	December 2026

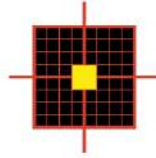
Appendices

- Appendix B** **Design 5 Architects, Redfern Telephone Exchange, 103 – 109 George Street, Redfern, Modification of Heritage Listing – Item No. I1318**
- Appendix C** **Brunskill McClenahan & Associates Pty Ltd, Plan of Proposed Subdivision Lot 2 DP 776807 (Approved 24 May 2013)**



Attachment B

**Design 5 Architects - Redfern Telephone
Exchange, 103 – 109 George Street,
Redfern: Modification of Heritage Listing –
Item No. I1318**



DESIGN 5

A R C H I T E C T S

Yvette Carr
Ethos Urban
Director – Planning

21 November 2024

ycarr@ethosurban.com

Dear Yvette

**REDFERN TELEPHONE EXCHANGE
103 – 109 GEORGE STREET, REDFERN**

MODIFICATION OF HERITAGE LISTING – ITEM NO. I1318

Further to our recent correspondence, we write to provide formal heritage advice with regard to the current local heritage listing for 103-109 George Street, Redfern (subject property). We recommend that the subject property be removed from the heritage listing on the Local Environmental Plan.

As you are aware, the property at 103–109 George Street (subject site) is listed on Schedule 5, Part 1 of the City of Sydney Local Environmental Plan 2012 as follows:

- **Redfern Telephone Exchange, including interior, 103–109 George Street, Redfern. Lot 2 DP 776807. Item no. I1318**

As per the above, the relevant listing (I1318) applies to Lot 2 DP 776807, which was the former reference for Lots 201 (103-109 George Street, Redfern) and 202 (117A Redfern Street, Redfern) before the site was subdivided in 2013 (D/2012/1946).

Design 5 Architects inspected the subject property and the neighbouring site at 117A Redfern Street on 11 November 2024.

It is my assessment as a suitably qualified heritage architect that the modification of the LEP heritage listing I1318 to exclude the property at 103-109 George Street, Redfern (Lot 202) can be supported.

We refer to the following brief report setting out reasons and evidence to modify the listing.

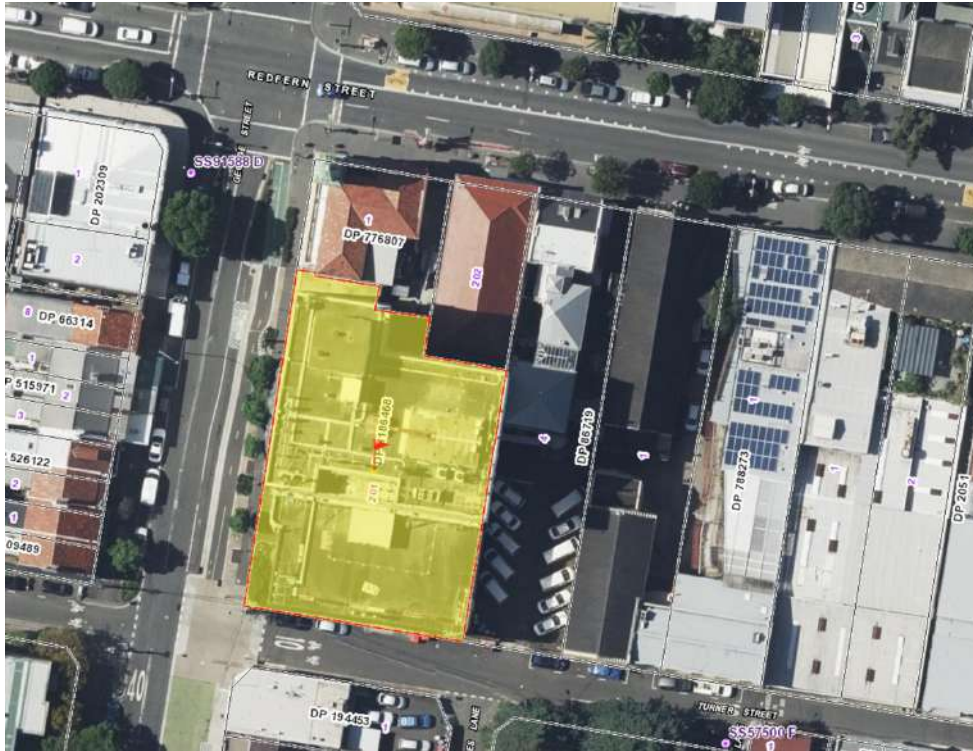
Please do not hesitate to contact me should you require additional information.

Yours sincerely,

Robert Gasparini
for DESIGN 5 - Architects Pty Ltd

HERITAGE REVIEW

The subject site includes Lot 201 (103-109 George Street, Redfern) and Lot 202 (117A Redfern Street, Redfern), to which the LEP heritage listing (I1318) applies. The location of these properties is shown on the aerials below:



HERITAGE REVIEW
PAGE 2 OF 5

Lot 201 comprises an area of 1260m² with frontages to George Street and Turner Street. It contains two telephone exchange buildings – a seven-storey brick and concrete building facing George Street, constructed in 1957, and a three-storey brick and concrete building on the corner of George and Turner Streets, built in c1974. Both buildings are currently still in operation for telecommunication uses. These buildings have no known heritage significance.

Lot 202 comprises an area of 277m² with a frontage to Redfern Street. It contains the original two-storey brick telephone exchange building built in 1913 which stands alone. The building was decommissioned with the opening of the third exchange building in 1974. This building does have heritage significance.

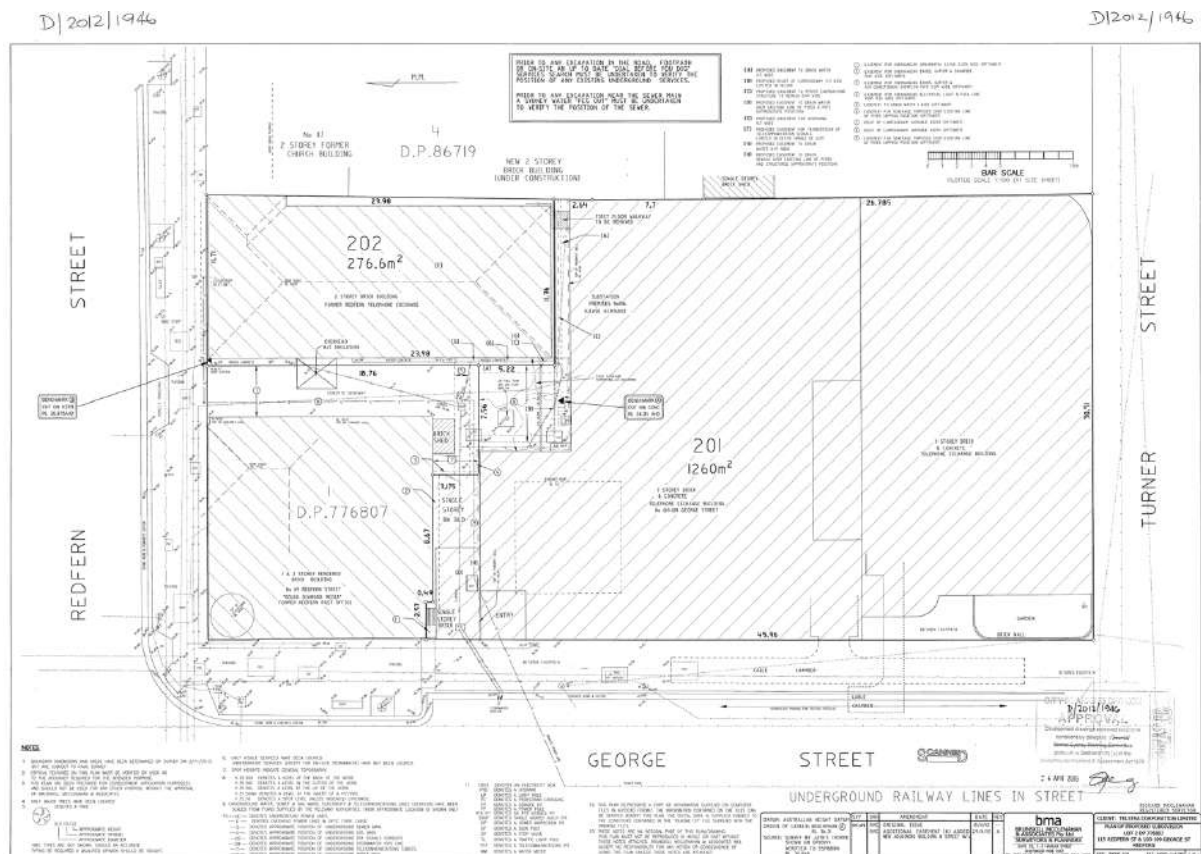


Figure 3: Survey included in the 2013 DA to subdivide the subject site into two lots. (Source: City of Sydney DA Tracker)



Figure 4: Photo taken from the corner of George and Turner Street showing the 1957 telephone exchange building on the left and the 1974 building on the right.



Figure 5: Photo taken from Turner Street showing the 1974 telephone exchange building and the neighbouring St Vincents church building to the right rear.



Figure 6: Photo taken from Redfern Street showing the original 1913 telephone exchange building in the centre, the neighbouring St Vincents Church building to the left and the Redfern Post Office building on the right.



Figure 7: Photo taken from the corner of Redfern and George Street showing the Redfern Post Office building in the centre, the original 1913 telephone exchange building on the left and the 1957 telephone exchange building on the right.

2. HERITAGE LISTING

The subject site is a listed item of local significance in the City of Sydney LEP heritage register – I1318. The listing applies to Lot 2 DP 776807 – the former reference for Lots 201 (103-109 George Street, Redfern) and 202 (117A Redfern Street, Redfern) before the site was subdivided in 2013 (D/2012/1946).

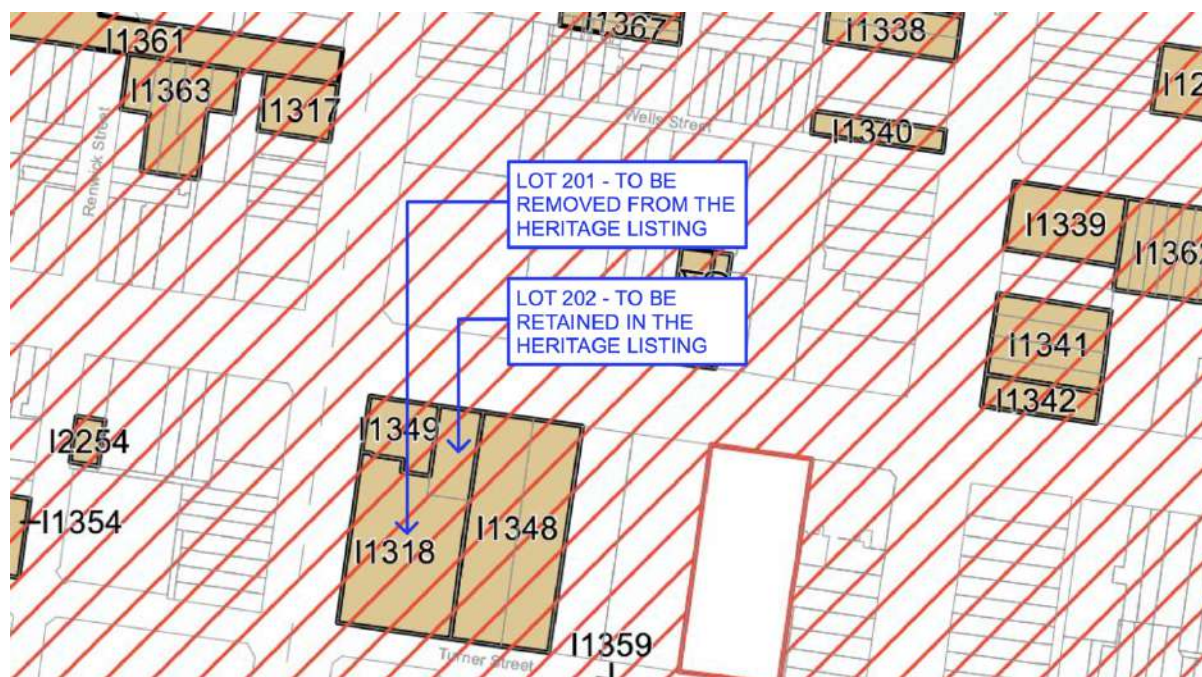


Figure 8: Extract of the City of Sydney LEP (2012) showing the area the heritage listing covers.

The cultural significance of the site has been assessed in the heritage register as follows:

Statement of Significance

The former Redfern Telephone Exchange building is significant for its historic association with telecommunications as well as its individual aesthetic qualities and contribution to an important civic group. Completed in 1913, it was one of the earliest of eight main exchanges in Sydney and was the centre of communications for the local community for over sixty years. It continued the exchange services initially provided by the Redfern Post Office. It provides an insight into the development of telecommunications throughout NSW. It also provides an insight into the development of Redfern and the Sydney area and evokes a sense of place for the community. The former Redfern Telephone Exchange is a fine example of public architecture designed in the Italianate architectural style during the late Federation period to complement and visually link to the adjacent Post Office. It is a prominent building in an important civic group which includes the Redfern Post Office (identified as having State

heritage significance), the adjacent St Vincent de Paul Catholic Church group and the Court House. It is representative of the work by the NSW Government Architect, Walter Liberty Vernon.

The historical narrative of the telephone exchange in Redfern begins with the Redfern Post Office, constructed in 1883, which was modified to include a new telephone exchange room in 1904. The small exchange room was supplanted by the opening of a dedicated Redfern Telephone Exchange building adjacent to the Post Office in 1913 to meet growing demands. The subsequent construction of the 1957 telephone exchange building on the same site was to supplement operations within the original building, which had reached capacity. The original 1913 building was decommissioned in 1974 following the opening of the third telephone exchange building.

The subject site was formerly part of a larger site that comprised of the Redfern Post Office and the three telephone exchange buildings. In 1988 the site was subdivided into two lots – one containing the post office and the other the three telephone exchange buildings. Redfern Post Office is an item of State Heritage significance – I1349. The subject site was further subdivided in 2013 into two lots – one containing the original 1913 telephone exchange building and the other containing the later two exchange buildings. The site was gazetted on the heritage register in 2012, prior to the subdivision.

The subject site was granted statutory heritage protection for the historical and aesthetic significance of the original 1913 building and its rarity as an early purpose-built telecommunication facility. There is no known heritage significance of the later 1957 and 1974 exchange buildings. Furthermore, the two later buildings comprising Lot 201 are deemed to be ‘detracting’ as assessed in the City of Sydney DCP 2012 Buildings Contributions Map (Sheet 016).



Figure 9: Extract of the City of Sydney DCP (2012) Buildings Contributions Map (Sheet 016) showing the original 1913 Redfern Telephone Exchange building as ‘contributing’ and the later exchange buildings as ‘detracting’.

2. CONCLUSION

For the reasons detailed in this report, it is recommended that the heritage listing **Item no. I1318**, be modified to include only **Lot 202, at 117A Redfern Street, Redfern**.

The listing should remove reference to Lot 201, 103–109 George Street, Redfern, as this property has no heritage significance that would justify a local listing.

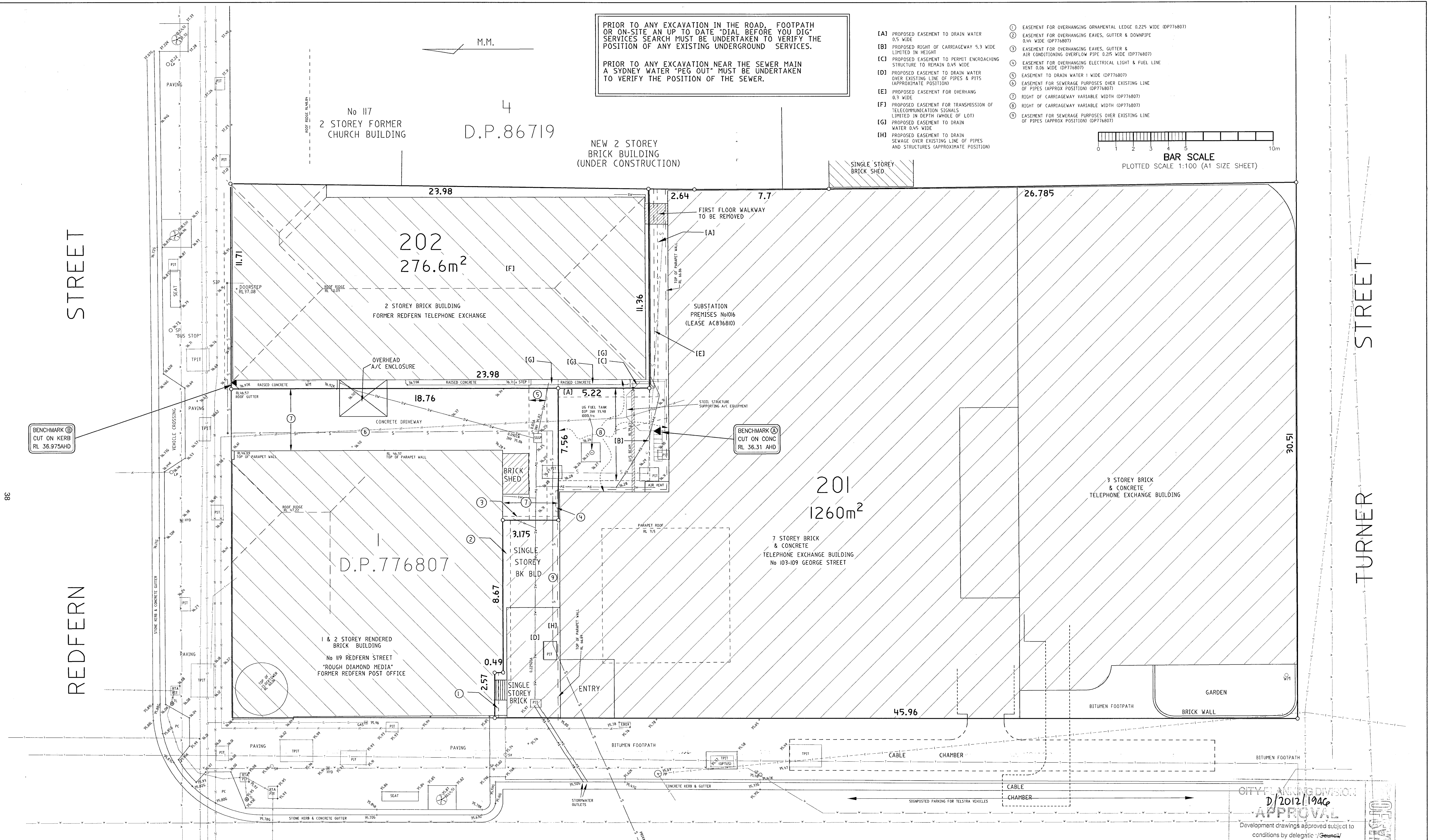
Modification of the listing will remove confusion and unnecessary restrictions on the property at 103–109 George Street. The modified listing will better acknowledge the original 1913 Redfern Telephone Exchange as set out in the Statement of Significance.

Attachment C

**Brunskill McClenahan & Associates Pty
Ltd, Plan of Proposed Subdivision Lot 2 DP
776807 (Approved 24 May 2013)**

D/2012/1946

D/2012/1946



NOTES

- BOUNDARY DIMENSIONS AND AREAS HAVE BEEN DETERMINED BY SURVEY ON 2/11/2012 BUT ARE SUBJECT TO FINAL SURVEY
- CRITICAL FEATURES ON THIS PLAN MUST BE VERIFIED BY USER AS TO THE ACCURACY REQUIRED FOR THE INTENDED PURPOSE
- THIS PLAN HAS BEEN PREPARED FOR (DEVELOPMENT APPLICATION PURPOSES) AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE APPROVAL OF BRUNSKILL MCLENNAN & ASSOCIATES
- ONLY MAJOR TREES HAVE BEEN LOCATED
- ONLY VISIBLE SERVICES HAVE BEEN LOCATED
- UNDERGROUND SERVICES (EXCEPT FOR ON-SITE STORMWATER) HAVE NOT BEEN LOCATED
- SPOT HEIGHTS INDICATE GENERAL TOPOGRAPHY
- + 35.56K DENOTES A LEVEL AT THE BACK OF THE KERB
+ 35.56G DENOTES A LEVEL IN THE GUTTER OF THE KERB
+ 35.56L DENOTES A LEVEL AT THE LIP OF THE KERB
+ 35.56INV DENOTES A LEVEL AT THE INVERT OF A PIT/PIPE
+ 35.56 DENOTES A SPOT LEVEL UNLESS INDICATED OTHERWISE
- UNDERGROUND WATER, SEWER & GAS MAINS, ELECTRICITY & TELECOMMUNICATIONS LINES LOCATIONS HAVE BEEN SCALED FROM PLANS SUPPLIED BY THE RELEVANT AUTHORITIES; THEIR APPROXIMATE LOCATION IS SHOWN ONLY
- UG — DENOTES UNDERGROUND POWER LINES
— E — DENOTES OVERHEAD POWER LINES & OPTIC FIBRE CABLE
— S — DENOTES APPROXIMATE POSITION OF UNDERGROUND SEWER MAIN
— G — DENOTES APPROXIMATE POSITION OF UNDERGROUND GAS MAIN
— W — DENOTES APPROXIMATE POSITION OF UNDERGROUND WATER MAIN
— SW — DENOTES APPROXIMATE POSITION OF UNDERGROUND STORMWATER PIPE LINE
— T — DENOTES APPROXIMATE POSITION OF UNDERGROUND TELECOMMUNICATIONS CABLES
— W — DENOTES APPROXIMATE POSITION OF UNDERGROUND WATER MAIN
- EBOX DENOTES AN ELECTRICITY BOX
HYD DENOTES A HYDRANT
LP DENOTES A LIGHT POLE
PC DENOTES A PEDESTRIAN CROSSING
PIT DENOTES A SERVICE PIT
RTA PIT DENOTES A POWER POLE
SCGP DENOTES AN RTA SIGNALS PIT
SIP DENOTES A SINGLE GRATED GULLY PIT
SP DENOTES A SIGN POST
SV DENOTES A STOP VALVE
TL DENOTES A TRAFFIC LIGHT POLE
TPIT DENOTES A TELECOMMUNICATIONS PIT
WM DENOTES A WATER METER

GEORGE STREET

STREET

UNDERGROUND RAILWAY LINES IN STREET

DATUM: AUSTRALIAN HEIGHT DATUM ORIGIN OF LEVELS: BENCHMARK (A) RL 36.31 SOURCE: SURVEY BY JAMES THORPE SHOWN ON DP10144 VERIFIED TO SSM68184 RL 32.048	SVY RMC/ABP RMC	DRN RMC	AMENDMENT ORIGINAL ISSUE ADDITIONAL EASEMENT (H) ADDED NEW ADJOINING BUILDING & STREET No 8	DATE 19/11/12 29/11/12	REV — A	bma BRUNSKILL MCLENNAN & ASSOCIATES Pty Ltd SURVEYORS & PLANNERS SUITE 22, 1-3 HAMILTON STREET CHATEAUX NSW 2007 Ph: (02) 9415 1118 Fax: (02) 9415 1476	CLIENT: TELSTRA CORPORATION LIMITED PLAN OF PROPOSED SUBDIVISION LOT 2 DP 776807 115 REDFERN ST & 103-109 GEORGE ST REDFERN REF: 94060-7/A FILE: 94060-7-ADWG 1 of 1
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