

Item 3.**Development Application: 134-144 Pitt Street, Redfern - D/2025/670****File Number:** D/2025/670**Summary**

Date of Submission:	17 July 2025
Applicant:	Mohamad Bhashemer
Architect/Designer:	RMA Built
Owner:	Kaymet Corporation Pty Limited & The Trustee for Kaymet Unit Trust
Planning Consultant:	RMA Built
Cost of works:	\$4,000
Zoning:	<p>The site is zoned 'Residential Zone - Medium Density Residential' pursuant to State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021.</p> <p>'Neighbourhood shops' are permitted with consent in the zone.</p>
Proposal Summary:	<p>Development consent is sought for the continued use of the premises as a neighbourhood shop and the installation of one business identification sign. The proposed hours of operation are 8am - 8pm Monday to Saturday and 8am-6pm on Sunday.</p> <p>In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 31 July 2025 and 15 August 2025. A total of 304 properties were notified, and 33 submissions were received.</p> <p>The application is reported to the Local Planning Panel for determination as the application received more than 25 unique submissions by way of objection.</p>
Summary Recommendation:	The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) SEPP (Planning Systems) 2021
- (ii) SEPP (Precincts – Eastern Harbour City) 2021
- (iii) SEPP (Industry and Employment) 2021
- (iv) City of Sydney Convenience Store Development Control Plan 2004

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management
- D. Submissions

Recommendation

It is resolved that consent be granted to Development Application Number D/2025/670 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal generally satisfies the objectives and provisions of the SEPP (Precincts – Eastern Harbour City) 2021 and the City of Sydney Convenience Store Development Control Plan 2004. The proposed development is permitted with consent in the Residential Zone - Medium Density zone.
- (B) The proposed development, subject to conditions, is unlikely to result in any significant adverse environmental or amenity impacts on surrounding properties or the public domain, subject to conditions.
- (C) Issues raised in the submissions have been considered in the assessment and conditions of consent have been included in recommended conditions of consent to address these concerns.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Contentious Development.
2. The development application is identified as Contentious Development as the application received more than 25 submissions by way of objection.

Background

3. Development consent was granted in July 2013 by the Planning Assessment Commission for the adaptive reuse of the former Rachel Foster Hospital building for residential purposes, including the construction of three residential flat buildings. Shop 2, the subject of this application, was approved for use as a 'neighbourhood shop'.
4. Shop 2 was subsequently fitted out and roller shutters and signage were installed without consent. Whilst the internal works could have been undertaken via a complying development pathway, a retrospective Complying Development Certificate cannot be issued for completed works. Accordingly, this development application seeks consent for the ongoing use of Shop 2 as a neighbourhood shop and approval for one business identification sign.
5. A Building Information Certificate application was lodged on 31 July 2025 for works carried out without consent, including the installation of three signs, roller shutter doors and internal fit-out works.
6. Following an assessment by Council's Health and Building team, a Notice of Intention to Give an Order was issued on 9 October 2025. The Notice identified the unauthorised installation of one awning fascia sign, one under-awning lightbox sign, one wall sign and external security roller shutters to all glazed openings and required their removal. The unauthorised works (awning fascia sign, one stick on wall sign and one under awning sign and roller shutter doors) have since been removed. The Building Information Certificate for the remaining under-awning sign and internal fit out works is still under assessment.

The Site and Surrounding Development

7. The wider site has a legal description of Lot 1 DP 1286343, known as 134-144 Pitt Street, Redfern. It is rectangular in shape with area of approximately 6,935 sqm. It has a primary street frontage of 95 metres to Pitt Street and a secondary street frontage of 75 metres to Albert Street.
8. The site contains the recently completed former Rachel Foster Hospital redevelopment. The development contains three residential buildings comprising a total of 158 residential apartments and two levels of basement car parking. Two ground floor retail tenancies are located on Pitt Street, on opposite sides of the central courtyard.
9. Shop 2 (subject of this development application) is located on the northern portion of the site with a frontage of 12 metres to Pitt Street and a secondary frontage to the internal courtyard of 5 metres. Shop 2 has a floor area of 43 sqm.

10. To the north and east of the site is low to medium density residential uses. To the south and west are high density residential flat buildings. The land surrounding the site is identified as C56 Redfern Estate heritage conservation area. The site is identified as being subject to flooding.
11. The site is identified as a Redfern- Waterloo Authority site under the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.
12. The southern portion of the site is identified as Item 13 'Five Storey Surgery Building and Part of Two Storey Colonnade Building' under the SEPP (Precincts – Eastern Harbour City) 2021. Shop 2 (subject of this development application) is not identified as a heritage item.
13. A site visit was carried out on 11 September 2025. Photos of the site and surrounds are provided below.

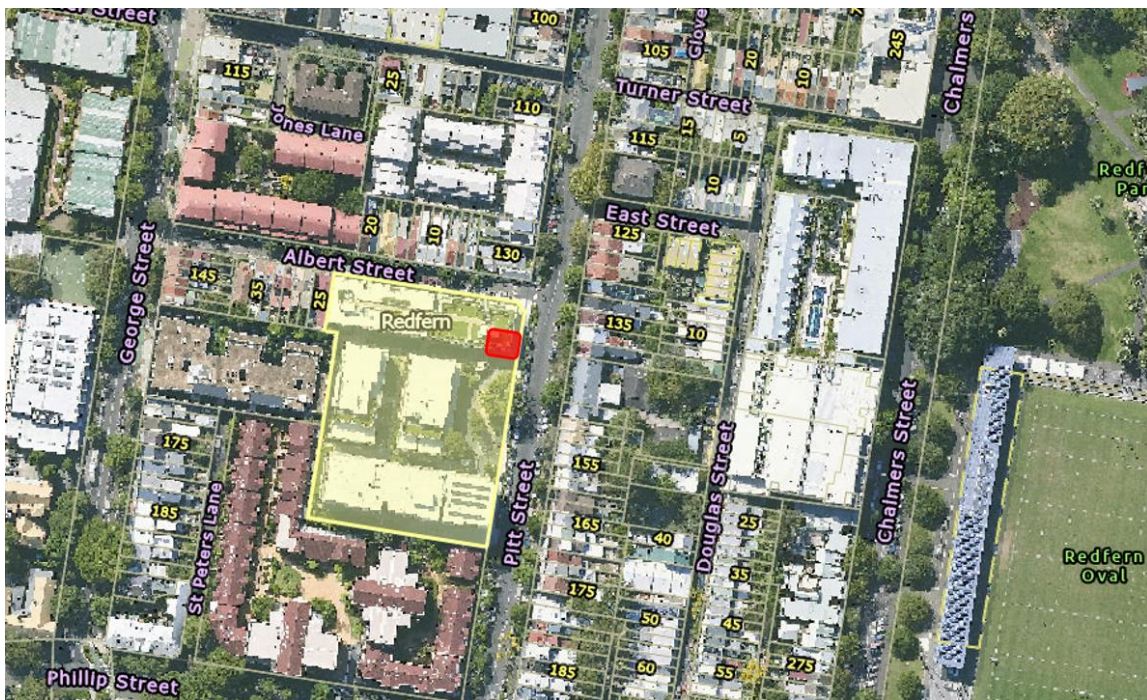


Figure 1: Aerial view of site and surrounds (with approximate location of Shop 2 identified in red)



Figure 2: Site viewed from Pitt Street looking west



Figure 3: Site viewed from the courtyard on Pitt Street looking north

History Relevant to the Development Application

Development Applications

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

- **State Significant Development Application MP09_0068** – Development consent was granted on 1 July 2013 for the demolition of existing buildings and tree removal, adaptive reuse of the former Rachel Foster hospital building for residential housing and construction of 3 residential flat buildings and 2 basement levels.

Shop 2 (subject of this development application) was approved as a 'neighbourhood retail (shop)'. Construction is completed on site.

Amendments

15. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 31 July 2025. The following information was requested:

- Confirmation of the proposed trading hours.
- Confirmation if the installed signage, roller shutter doors and completed internal fit out works were approved under a complying development certificate.

16. A further request for information letter was sent to the applicant on 6 August 2025, requesting:

- The preparation of a Plan of Management in accordance with the City of Sydney Convenience Store Development Control Plan 2004.

17. The applicant responded to the request on 31 July 2025, 11 August 2025 and 2 October 2025 and submitted the following information:

- The applicant confirmed that the signage (identified on the plans as 'proposed' signage) had already been installed without development consent.
- The applicant confirmed a Building Information Certificate had been submitted for the unauthorised works (signage, roller shutter doors and internal fit out works).
- Submitted a Plan of Management which included proposed trading hours of 8am - 8pm Monday to Saturday and 8am - 6pm on Sunday.
- Submitted amended signage plans with a reduced scale that complies with the provisions of the City of Sydney Convenience Store Development Control Plan 2004.

Compliance Action

18. The site is subject to compliance action which is relevant to the subject application.

19. A Building Information Certificate Application was submitted on 31 July 2025 for works carried out without consent. This includes the installation of three signs, roller shutter doors and internal fit out works.

20. Following an assessment by Council's Health and Building team, a Notice of Intention to Give an Order was issued on 9 October 2025. The Notice identified the non-approved installation of one awning fascia sign, one under awning lightbox sign, one stick on wall sign and external security roller shutters to all glazed windows/openings. It requested the removal of the awning fascia sign, one stick on wall sign and one under awning sign and the roller shutter doors.
21. The unauthorised works (awning fascia sign, one stick on wall sign and one under awning sign and roller shutter doors) have since been removed. The Building Information Certificate for the under-awning sign and internal fit out works is still under assessment.

Proposed Development

22. The application seeks consent for the following:
- Continued use of the premises as a neighbourhood shop.
 - Proposed trading hours of 8am to 8pm Monday to Saturday and 8am to 6pm on Sunday.
 - Installation of one unilluminated awning fascia business identification sign (3m x 0.3m).
23. An elevation plan of the proposed sign is provided below.

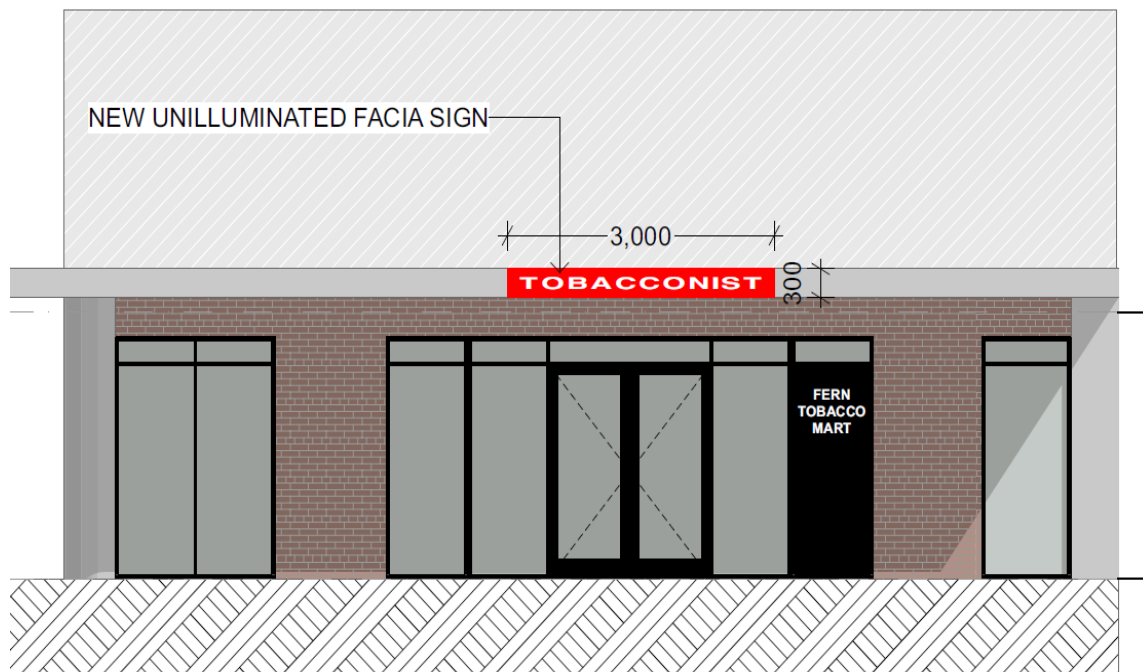


Figure 4: Proposed eastern elevation (viewed from Pitt Street)

Assessment

24. 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 (Planning Systems) 2021

25. The proposed development has a capital investment of less than \$10 million on land identified as being within the Redfern-Waterloo sites. Accordingly, the proposal is not classified as State Significant Development and can therefore be determined by Council as the consent authority.

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

26. The site is identified as a Redfern- Waterloo Authority site and is subject to the provisions of Appendix 3 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.
27. An assessment of the relevant provisions of Appendix 3 - State significant precinct - Redfern-Waterloo Authority sites is provided in the table below.

Provision	Compliance	Comment
<p>14 Residential Zone - Medium Density Residential</p> <p>(1) The objectives of the Residential Zone - Medium Density Residential are as follows:</p> <p>(a) to provide for a range and variety of housing types in the Zone,</p> <p>(b) to allow for other types of development to provide facilities or services to meet the day-to-day needs of residents in the local area,</p> <p>(c) to enable other development that is compatible with housing,</p> <p>(d) to ensure the vitality and safety of the community and public domain,</p> <p>(e) to ensure that buildings achieve design excellence,</p> <p>(f) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.</p>	Yes	<p>The proposed use as a tobacconist/ convenience store falls under the definition of a 'neighbourhood shop'. The proposed use is consistent with the zone objectives.</p>

Provision	Compliance	Comment
<p>(2) Development for any of the following purposes may be carried out on land within the Residential Zone - Medium Density Residential only with development consent -</p> <p>boarding houses; centre-based childcare facilities; community facilities; dual occupancies; dwelling houses; group homes; health consulting rooms; home industries; multi dwelling housing; neighbourhood shops; places of public worship; residential flat buildings; seniors housing; shop top housing; telecommunications facilities; temporary structures.</p>	Yes	The proposed use as a tobacconist/ convenience store falls under the definition of a 'neighbourhood shop' and is permissible with consent in the Residential zone - medium density residential.
<p>22 Design excellence</p> <p>(1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.</p> <p>(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,</p> <p>(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy, and water efficiency,</p> <p>(d) if a competitive design process is held as referred to in subsection (3) in relation</p>	Yes	The proposed business identification sign is consistent with the Section 22 Design excellence provisions. The proposed sign is of an appropriate scale, proportion and form to the existing building and the surrounding context.

Provision	Compliance	Comment
to the development, the results of the competitive design process.		

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

28. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.
29. The proposed business identification signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 1 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed sign is generally consistent with the emerging character of the area. The proposed business identification signage is of a moderate scale and appropriately identifies the shop.
2. Special areas	Yes	The proposed sign does not detract from the amenity or visual quality of the locality or the Redfern Estate heritage conservation area. The sign is minor in scale, in keeping with the style of the building, and does not dominate the streetscape.
3. Views and vistas	Yes	The business identification signage is located on the ground floor tenancy and does not obscure or compromise any important views.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion, and form. The proposed awning fascia signage is unilluminated and will not detract from the amenity of the surrounding residents.
5. Site and building	Yes	The scale, proportion, and placement of the proposed signage are considered acceptable. The awning fascia sign is

Provision	Compliance	Comment
		appropriately located within the awning fascia.
6. Associated devices and logos	N/A	Not applicable.
7. Illumination	N/A	The proposed awning fascia sign is not illuminated.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

30. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Sustainable Buildings) 2022

31. Chapter 3 Standards for non-residential development applies to development that involves alterations to an existing building if the estimated development cost is \$10 million or more. The proposed development has an estimated cost of work of \$4,000 and therefore the provisions do not apply.

Local Environmental Plans

Sydney Local Environmental Plan 2012

32. The Sydney Local Environmental Plan 2012 does not apply to land identified as a Redfern- Waterloo Authority site under the Eastern Harbour Precincts SEPP 2021.

Development Control Plans

Sydney Development Control Plan 2012

33. The Sydney Development Control Plan 2012 does not apply to land identified as a Redfern-Waterloo Authority site.

City of Sydney Convenience Store Development Control Plan 2004

34. The City of Sydney Convenience Store Development Control Plan 2004 applies to the site and the development, as the use is for a shop for the primary sale of cigarettes and pre-package food. An assessment of the relevant provisions is provided in the table below.

Provision	Compliance	Comment
<p>Section 4.1.3 Controls for Signage and Illumination</p> <p>Each convenience store is limited to the following signage:</p> <ul style="list-style-type: none"> One unilluminated awning fascia sign with a maximum length of three (3) metres and a width of no greater than the awning fascia. 	Yes	<p>The proposal includes one unilluminated awning fascia sign 3 metres in length. The sign is contained wholly within the awning fascia and does not exceed its width.</p>
<p>Section 4.2 Concentration of convenience stores</p> <p>The minimum distance between convenience stores is 75m.</p>	Yes	<p>There are no convenience stores within a 75 metre radius of the site.</p> <p>Shop 1 (approved under State Significant Development Application MP09_0068) is located 50m from Shop 2 and is currently vacant. A development application for the proposed use as a self-service laundromat (D/2025/819) was withdrawn on 24 September 2025.</p>
<p>Section 4.4 Operation of Convenience Stores</p> <p>Each application for a convenience store is to be accompanied by a Plan of Management that addresses the following:</p> <ul style="list-style-type: none"> A security plan specifying measures taken to address security threats to staff and customers including closed circuit television, internal and external view lines, specifying heights of shelving greater than 1.2m above floor level, internal mirrors, security lighting and staffing. Measures employed to eliminate litter from the merchandise sold, in the vicinity of the store. 	Yes	<p>The application is supported by a Plan of Management that details the following:</p> <ul style="list-style-type: none"> Security measures including security doors to staff only areas and a digital CCTV system. Outlines the responsibilities of the staff, which includes ensuring the aisles and passageways of the shop are kept clear, clean, and unobstructed. <p>Conditions of consent are recommended (Attachment A) requiring the business to be managed in accordance with the Plan of Management and limits the shelving height to 1.2m.</p> <p>Refer to discussion below.</p>

Discussion

Management of the premises

35. The application is accompanied by a Plan of Management (PoM) which sets out operational guidelines and management measures for the day-to-day use of the premises. The PoM ensures that the operation of the premises does not result in unreasonable impacts on the amenity of the surrounding area.
36. The following management practices are detailed in the PoM:
 - (a) Operation limited to the trading hours of 8am- 8pm Monday to Saturday and 8am- 6pm Sundays.
 - (b) Security measures including CCTV, secure cash handling procedures, signage, and maintenance of an incident log.
 - (c) Staff training in safety, customer management, and compliance with emergency procedures.
 - (d) Deliveries and waste removal restricted to operating hours and confined to the designated 'back of shop' area.
 - (e) Store and immediate surrounds to be maintained in a clean and tidy condition.
37. Conditions of consent are recommended (Attachment A) that require the business to be operated and managed in accordance with the PoM. Conditions are also included regarding waste and acoustic management.

Consultation

Internal Referrals

38. The application was discussed with Council's:
 - (a) Safe City Unit
 - (b) Environmental Health
 - (c) Waste Management Unit
39. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

40. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 31 July 2025 and 15 August 2025. A total of 304 properties were notified and 33 submissions were received.
41. The submissions raised the following issues:

- (a) **Issue:** Oversupply of tobacconists in the area.

Response: The proposed neighbourhood shop is permissible in the zone and consistent with the zone objectives. The City of Sydney Convenience Store DCP 2004 requires a minimum distance of 75m between convenience stores. The proposed neighbourhood shop complies with this requirement.

- (b) **Issue:** Potential increase in crime through illegal vapes.

Response: The sale of products such as illegal vapes is regulated and enforced under separate State and Federal legislation. Compliance with relevant laws is the responsibility of the operator and the relevant enforcement agency.

- (c) **Issue:** Extended trading hours will cause impacts to the surrounding residents.

Response: The proposed trading hours of 8am to 8pm Monday to Saturday and 8am to 6pm on Sunday are considered appropriate for the proposed use and the location of the site.

- (d) **Issue:** Traffic, waste management and acoustic impacts.

- **Response:** The proposal involves a small-scale retail use that is not expected to generate significant traffic, parking demand, waste, or noise impacts beyond typical levels for a neighbourhood shop. Conditions of consent have been recommended that require the tenant to enter into a contract with a licensed waste service provider for the removal of all waste.

Conditions of consent have also been recommended to manage acoustic impacts including noise criteria limits, no speakers/ music outside and operation in accordance with the approved Plan of Management.

- **Issue:** Construction has already commenced on the site.

Response: As noted in the sections above, Council's compliance team have issued a notice of intention to serve an order for the applicant to remove the unauthorised works (being the awning fascia sign, under awning sign and roller shutters. These unauthorised works have since been removed. A Building Information Certificate has been submitted for the internal fit out and under-awning sign at the site.

- **Issue:** Proximity to preschool and social housing - inappropriate for residential area

- **Response:** The proposed use as a neighbourhood shop is permissible in the zone and consistent with the zone objectives. The operation of the shop will be managed through compliance with the Plan of Management and through the recommended conditions of consent provided at **Attachment A**.

- **Issue:** Health and harm minimisation – negative impact on community health and wellbeing

- **Response:** The proposed use as a neighbourhood shop is permissible in the zone and consistent with the zone objectives. Council does not have the ability to regulate the products for sale within an approved shop. The sale of tobacco is

regulated by the Public Health (Tobacco) Act 2008 and the Public Health (Tobacco) Regulation 2022.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

42. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the development is for the continued use of a neighbour shop and is excluded from the need to pay a contribution.

Contribution under Redfern-Waterloo Authority Contributions Plan 2006

43. The Redfern-Waterloo Authority Contributions Plan 2006 was repealed by the NSW Government on 2 March 2023.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

44. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

45. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
46. While the site is located with the Greater Sydney region, the development is not a type of commercial development to which the Housing and Productivity Contribution applies.

Relevant Legislation

47. Environmental Planning and Assessment Act 1979.

Conclusion

48. Having regard to all of the above matters, the proposed development will not result in any significant adverse impacts on either the natural and built environment or the locality, is suitable for the site, and is in the public interest, subject to conditions included at Attachment A.
49. The proposed development generally satisfies the relevant objectives and provisions of the applicable planning instruments and policies and is acceptable on this basis.
50. Issues raised in submissions have been considered in the assessment and conditions of consent have been included in Attachment A to address these issues.

ANDREW THOMAS

Executive Manager Planning and Development

Georgia McKenzie, Senior Planner