

Item 4.**Development Application: 224-234 Young Street, Waterloo - D/2025/944****File Number:** D/2025/944**Summary****Date of Submission:** 1 October 2025. Amended plans received on 9 April 2026.**Applicant:** The Living Company**Architect/Designer:** Architecture AND**Owner:** Majesty Properties Pty Ltd**Planning Consultant:** Beam Planning**Cost of Works:** \$71,667,732

Zoning: The site is located in the MU1 - Mixed Use zone. The proposed co-living housing and retail premises land uses are permissible with consent in the zone.

The southern portion of the site facing McEvoy Street contains an area zoned SP2 Infrastructure. Temporary landscaping works are proposed within the SP2 zone, which are permissible given they are ancillary to or incidental to a future road reserve.

Proposal Summary: The proposal seeks consent for the demolition of existing site structures and the construction of a 7 storey co-living development including a ground level retail use. The proposed co-living component includes 283 residential rooms with a total capacity of 333 occupants.

The proposal includes at-grade parking and loading, comprising 3 car parking spaces and 182 bicycle parking spaces. Vehicular access is provided via Morehead Street and bicycle access from Young Street.

The proposal also includes associated landscaping and public domain works, including footpath embellishments and dedication of footpath widening to the City of Sydney.

A public benefit offer has been made to enter into a Voluntary Planning Agreement (VPA). The VPA will secure:

- construction and dedication of a new 2m wide footpath and
- dedication of the adjacent SP2 zoned land (as a public road)

The application is being reported to the Central Sydney Planning Committee for determination, as the cost of the development exceeds \$50 million.

The application was notified for 28 days between 7 October 2025 and 5 November 2025. Three submissions in objection and one submission in support were received.

The amended design was re-notified for 14 days between 7 May and 22 May 2026. One additional comment was received from a previous objector.

The objections raised concerns with the proposed use, the height, overshadowing impacts and construction impacts.

The application was presented to the Design Advisory Panel on 6 November 2025. While supported, amendments to the proposal have been made in response to the recommendations of the Panel and council officers. Key design amendments include:

- a reduction of the built form massing to McEvoy Street including the introduction of building breaks
- modifications to the McEvoy street facade expression including the removal of blank walls
- inclusion of an additional 5th storey to the Young Street and Morehead Street portions of the building
- increase in the dimensions of the internal communal courtyard, additional communal living rooms and increased amenity to internal corridors

The proposal is generally consistent with the applicable planning provisions including those within the State Environmental Planning Policy (Housing) 2021, the Sydney Local Environmental Plan 2012 (SLEP 2012), and the Sydney Development Control Plan 2012 (SDCP 2012).

Proposed non-compliances have been assessed as generally having merit in the specific circumstances of the proposal and are addressed in the report.

In view of the design modifications made to the application, the amended proposal has a high standard of architectural design, materials and detailing. It presents an improved outcome, comprises an appropriate response to the site conditions and locality and will result in a form and scale that achieves the desired future character of the Danks Street South Precinct.

The application is recommended for a deferred commencement consent to allow the Voluntary Planning Agreement to be exhibited, executed and then registered on the title of the land.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021
- (ii) SEPP (Precincts - Central River City) 2021
- (iii) SEPP (Housing) 2021
- (iv) SEPP (Resilience and Hazards) 2021
- (v) SEPP (Industry and Employment) 2021
- (vi) SEPP (Transport and Infrastructure) 2021
- (vii) SEPP (Sustainable Buildings) 2022
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation - Height of Building
- D. Clause 4.6 Variation - Parking Rate
- E. Public Benefit Offer
- F. Submissions

Recommendation

It is resolved that:

- (A) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances;
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances;
- (C) the variation requested to Clause 4.3 Height of Buildings, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (D) the variation requested to Clause 68 (2) (e) parking spaces of the State Environmental Planning Policy (Housing) 2021, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (E) 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/2025/944 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 satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal is consistent with the standards for co-living housing under Chapter 3 Part 3 Section 68 of the State Environmental Planning Policy (Housing) 2021.
- (C) The development is considered to exhibit design excellence, consistent with the provisions of Clause 6.21C of the Sydney Local Environmental Plan 2012 and the application demonstrates the site is suitable for the proposed uses and is of a high standard of architectural design, materials and detailing.
- (D) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant has demonstrated that compliance with the Height of Buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 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 Local Environmental Plan 2012; and

- (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the Height of Buildings development standard.
- (E) Subject to the recommended conditions of consent, the proposed development achieves good amenity for the existing and future occupants of the subject and adjoining sites.
- (F) The proposed development is unlikely to result in any significant adverse environmental or amenity impacts on surrounding locality.

The Site and Surrounding Development

1. The site has a legal description of Lot 1 in DP68206 and Lot 2 in DP592165, known as 224-228 Young Street and 230-234 Young Street, Waterloo. It is rectangular in shape with a total area of approximately 4,194sqm.
2. Most of the site is zoned MU1 - Mixed Use, with a portion of the site along the southern boundary, with an area of approximately 691sqm zoned SP2 - Infrastructure. This area is identified for acquisition by the relevant roads authority (TfNSW) for the future widening of McEvoy Street. The site area excluding the SP2 zoned land (developable site area) is 3,503sqm.
3. The site has street frontages to McEvoy Street (south), Young Street (east) and Morehead Street (west). There are 14 street trees surrounding the site. The site currently contains one and two storey light industrial warehouses.
4. The site is located in the Danks Street South precinct. The surrounding area is characterised by a mixture of land uses, including:
 - (a) **North:** Directly north of the site are a series of warehouses and commercial land uses including an automobile shop and offices.
 - (b) **South:** Immediately south of the McEvoy Street is a residential flat building at No. 10-20 McEvoy Street. South-east, towards Bourke Road, is a development site approved for a future part 6, part 8 storey mixed-use development containing a subterranean supermarket, retail on ground, commercial tenancies and residential units above.
 - (c) **East:** Immediately east of Young Street is a development site currently approved for the construction of six (6) mixed use buildings containing residential apartments (376 units) above commercial uses and basements.
 - (d) **West:** Directly west of Morehead Street is a residential flat building known as Kensington Mews.
5. The site is not a heritage item and is not located within a heritage conservation area. The site is located directly south of a local heritage item identified as item I2103 known as 'Commercial building part of "Federation Business Centre" (222 Young Street) including interior'.
6. The site is identified as being subject to flooding.

7. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from McEvoy Street



Figure 3: McEvoy Street frontage



Figure 4: Site viewed from Young Street



Figure 5: Site viewed from Young Street



Figure 6: Site viewed from Morehead Street

History Relevant to the Development Application

Amendments

8. Following a preliminary assessment of the proposed development by Council officers, including recommendations from the Design Advisory Panel, a request for additional information and amendments was sent to the applicant on 19 December 2025. On 9 April 2026, the applicant provided an amended proposal, including design amendments responding to the concerns raised.
9. Key design amendments include:
 - refinements to the built form massing including the adoption of building breaks and reduction in building length along McEvoy Street
 - modifications to the McEvoy Street facade expression
 - inclusion of an additional 5th storey to the Young Street and Morehead portions of the building
 - reduction in building setbacks along Young Street and Morehead Street frontages to increase the dimensions of the internal communal courtyard while retaining existing significant trees
 - increase in the provision of accessible co-living dwellings across the development
 - additional communal living rooms and balconies throughout the development, and increased light and natural ventilation to corridors
 - reconfiguration to the ground floor loading dock and waste management areas
 - refinements to the proposed detailed landscaping, public art, and public domain strategies
10. In addition to the above amendments relating to the building design, the applicant provided amended documentation to address waste, contamination, landscaping, noise, transport and access, wind impact and public art

Design Advisory Panel

11. The application was presented to the Design Advisory Panel on 6 November 2025. A summary of the Panel's recommendations with a response based on the amended design is provided in the table below.

Design Advisory Panel Recommendation	Design Amendment Response
Increase amenity to internal spaces by introducing solar access and ventilation to long corridors	Services to the 2 corridor ends have been relocated, with a glazed set back window introduced to the end of the corridor. This provides access to natural light at the end of all corridors within the development.

Design Advisory Panel Recommendation	Design Amendment Response
Improve the arrival experience by reducing the length of travel to the lifts and increase the amount of communal shared facilities to provide a better quality of interior space.	The amended design provides communal offerings distributed across a number of interior locations. The ground floor entry space focuses on arrival experience and functional aspects such as parcel drop. A communal kitchen, dining and lounge space provides a focal point of activity at ground floor, flanking the courtyard. An enlarged per floor communal area has been provided. The total internal communal space has been increased from 596sqm to 619sqm, in excess of the control requirements.
Reduce the number of south facing rooms by exploring different massing and core arrangements. Consideration could be given to increasing the height of components of the building and reducing the footprint	The McEvoy Street volume has been reconfigured into 3 distinct volumes separated by 3m breezeways, linked by covered bridges. This has reduced the quantity of south-facing rooms from 20 to 14 sole south-facing rooms. Of 14 rooms, 2 rooms also include additional east/west windows into the new breezeway. An additional storey has been located on the Young and Morehead Street volumes, serving to retain floor area.
Solar studies are to be assessed to ensure overshadowing and sun access to its open spaces and internal courtyard is sufficient.	Solar studies have been provided by the applicant and assessed by Council staff. The proposal preserves solar access to neighbouring dwellings, ensuring a minimum of 2 hours' solar access to balcony and living spaces of all dwellings is provided between 9am and 3pm mid-winter.
Reduce the street setbacks to the east and west and increase the internal courtyard size.	The Morehead and Young Street volumes have been shifted outwards, whilst still retaining street trees. This has increased the separation between the Young and Morehead Street volumes by 4.1m, from 19.78m to 23.89m (glass to glass). The courtyard width has been increased by 3.4m, from 11.52m to 15m. This has maximised communal open space, solar access and reduces privacy concerns from overlooking between rooms.

Design Advisory Panel Recommendation	Design Amendment Response
Provide additional openings and articulation of the massing to avoid large areas of blank street wall and repetitive facade expression.	Additional openings have been provided at the corner of McEvoy and Young Street (east facing). The architectural expression has been developed with wider window proportions incorporated to the McEvoy Street frontage, including horizontal banded expression to brick and masonry levels.
Consider the potential impact of road noise along McEvoy Street.	The potential impact of road noise along McEvoy Street has been considered. An acoustic report has been provided which makes recommendations for indicative minimum glazing performance and building materials. Compliance with the acoustic is recommended via condition.
Provide the required number of DDA compliant units.	The quantity of DDA compliant rooms has been increased from 3 to 13 in compliance with the requirements.



Figure 7: Exhibited McEvoy Street frontage (left) in comparison to the amended McEvoy Street frontage (right)

Proposed Development

12. The application seeks consent for the construction of a maximum 7-storey co-living development comprising 283 co-living dwellings and ground floor retail use and public domain works. Specifically, the proposed works include:
 - early works and site preparation, including the demolition of existing site structures
 - construction of a new 7-storey co-living development

- 128sqm retail tenancy located at ground level
 - at-grade parking and loading bay, comprising 3 car parking spaces and 182 bicycle parking spaces
 - vehicular access provided via Morehead Street and bicycle access from Young Street
 - associated landscaping and public domain works, including footpath embellishments and dedication of footpath widening to the City of Sydney
13. The proposed co-living use is comprised of the following:
- 283 units with a maximum capacity of 333 occupants
 - 619sqm of indoor communal area including a consolidated area at ground floor plus per floor communal area
 - 1,300sqm of outdoor communal area including the ground floor courtyard and 2 rooftop communal areas
14. A public benefit offer has been provided to enter into a Voluntary Planning Agreement (VPA). The VPA will secure:
- construction and dedication of a new 2m wide footpath
 - dedication of the adjacent SP2 zoned land (as a public road)
15. Signage is proposed along the McEvoy, Morehead Street and Young Street facades including 3 building identification signs (Scape) and business identification signs for the retail tenancy.
16. Plans and elevations of the proposed development are provided below.

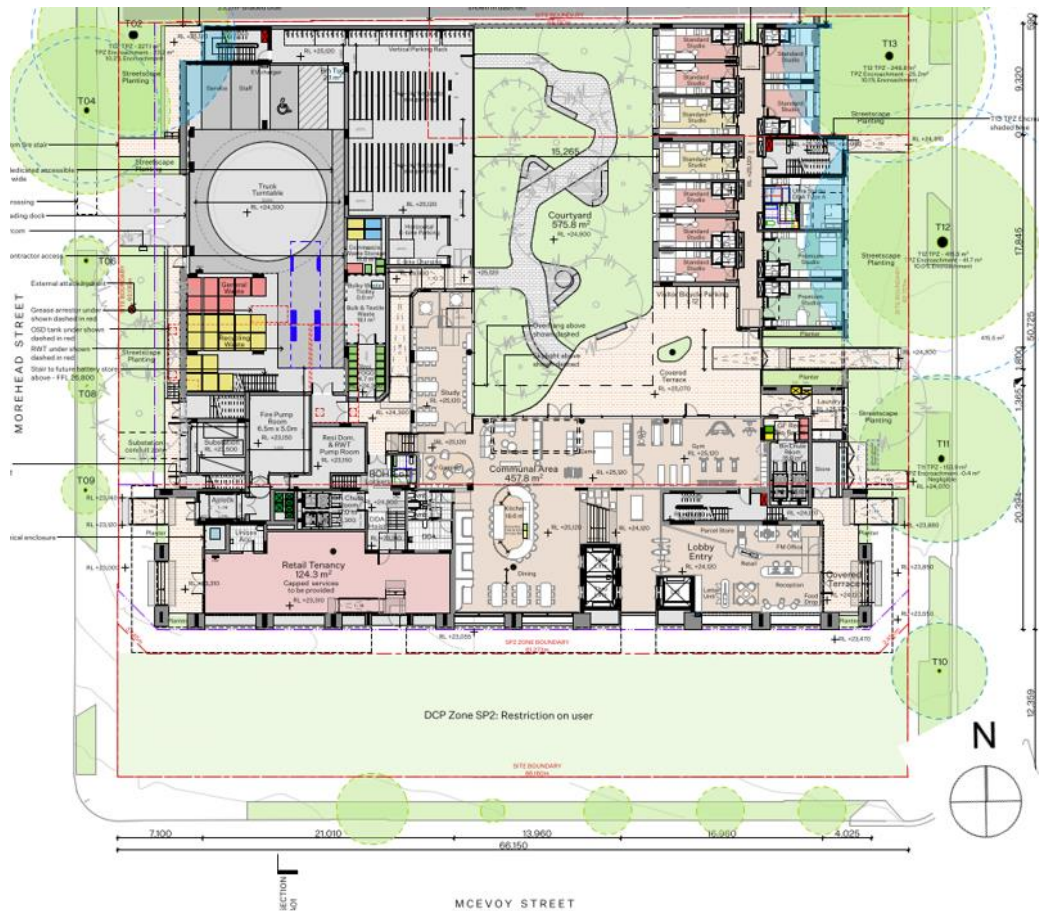


Figure 8: Proposed ground floor plan



Figure 9: Proposed first floor plan

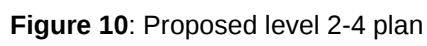




Figure 12: Proposed level 6 plan

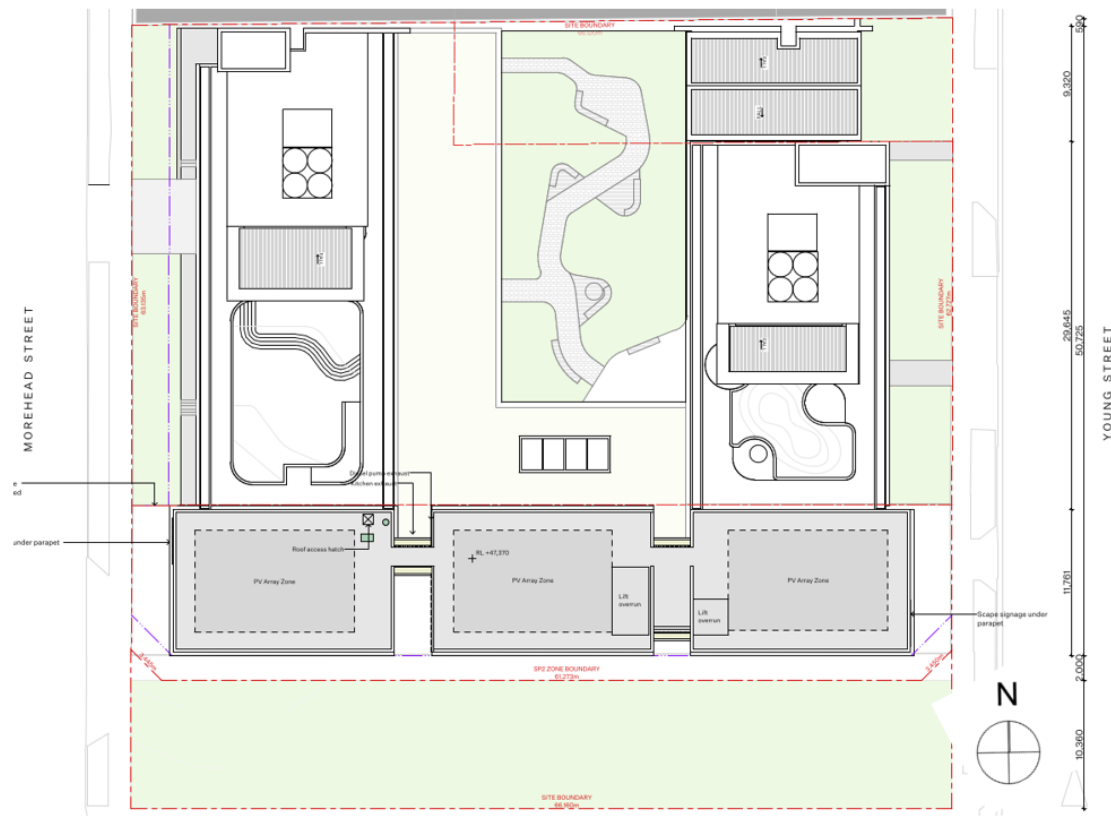


Figure 13: Proposed roof plan



Figure 14: Proposed McEvoy Street elevation



Figure 15: Proposed Young Street elevation



Figure 16: Proposed Morehead Street elevation



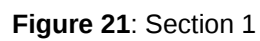
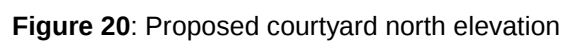
Figure 17: Proposed north elevation



Figure 18: Proposed courtyard east elevation



Figure 19: Proposed courtyard west elevation



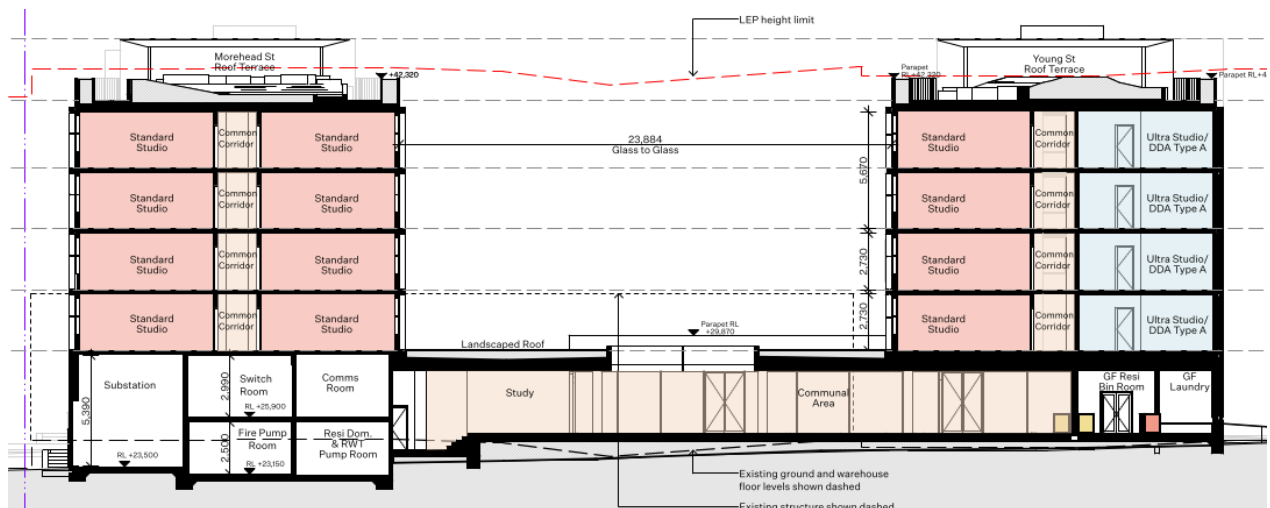


Figure 22: Section 2



Figure 23: Photomontage - viewed from the corner of McEvoy Street and Young Street



Figure 24: Photomontage - viewed from Young Street



Figure 25: Photomontage - internal courtyard

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

Sydney Water Act 1994

18. Section 78 of the Sydney Water Act 1994 sets out various requirements for the determination of development applications which would:
 - (a) increase the demand for water supplied by the Corporation, or
 - (b) increase the amount of waste water that is to be removed by the Corporation, or
 - (c) damage or interfere with the Corporation's works, or
 - (d) adversely affect the Corporation's operation
19. Subclauses (2) and (4) of Section 78 of the Sydney Water Act 1994 allow for a consent authority to approve an application at any time, subject to a condition requiring that a developer obtain a compliance certificate from the Sydney Water Corporation.
20. Several conditions have been recommended in Attachment A requiring various Sydney Water approvals and certification, including a condition requiring that the developer obtain a Section 73 Compliance Certificate from the Sydney Water Corporation.

State Environmental Planning Policy (Precinct – Central River City) 2021

21. 76. The aims of the SEPP are to:
 - (a) establish the process for assessing and identifying sites as urban renewal precincts
 - (b) facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and
 - (c) facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.
22. Part 6.2 of the SEPP identifies the subject site as being located within the Redfern-Waterloo potential urban renewal precinct.
23. Clause 6.8 of the SEPP specifies that the consent authority must not grant development consent unless it is satisfied that the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal. In this regard, the proposed redevelopment of the site involves urban renewal of a site that will contribute to the changing character of Waterloo.

24. The development proposal is consistent with the relevant provisions of section 6.8 of the SEPP, in that it:
 - (a) will not restrict or prevent development of the potential precinct for higher density housing or commercial or mixed development
 - (b) will not restrict or prevent the future amalgamation of sites, and
 - (c) will not restrict or prevent access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

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

25. 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.
26. A Remediation Action Plan (RAP) relating to the site, accompanied by a letter of interim advice has been submitted with the development application.
27. For the subject site, the RAP recommends removal and validation of existing underground petroleum storage system and preparation of a long-term environmental management plan (LTMP).
28. For the land that is to be dedicated along McEvoy Street, the RAP recommends contamination removal to a depth of 1.5m, which is acceptable. No long-term environmental management plan (LTMP) will be required for areas to be dedicated to Council.
29. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
30. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

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

31. 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.

32. The proposal includes the following signage:

Young Street facade

- (a) Two (2) Building identification signs, consisting of:
 - (i) One (1) at top of building, containing 'Scape' logo text
 - (ii) One (1) above the awning at the entrance, containing "Scape' logo text

McEvoy Street facade

- (b) Two (2) business identification signs and two (2) business identification signage zones consisting of:
 - (i) Two (2) projecting wall business identification signs located on the facade of the retail tenancy
 - (ii) Two (2) window business identification signage zones located on the windows of the retail tenancy

Morehead Street facade

- (c) Building identification signage and business identification signage consisting of:
 - (i) One (1) backlit top of building sign containing "Scape' logo text
 - (ii) Two (2) window signage business identification signage zones on the windows of the retail tenancy

33. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area, subject to conditions.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality, subject to conditions.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.

Provision	Compliance	Comment
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form and provides a positive contribution to the streetscape and setting of the area.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable, and the materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	Yes	Conditions of consent are recommended to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any residential accommodation.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

34. 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 (Housing) 2021

35. 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.
36. 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.
37. 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 located within 'Residual Lands'.
38. This matter is discussed in further detail under the heading Financial Contributions below.

Chapter 3 Diverse Housing

Part 3 Co-living Housing

39. Under Clause 68, compliance with any of the following standards must not be used to refuse consent for co-living housing.
40. An assessment of the proposed co-living housing against each standard is provided in the table below.

Clause 68 – Non discretionary development standards

41. If the following non-discretionary development standards are complied with the consent authority cannot require more onerous standards for the matters.

Standards that cannot be used to refuse a boarding house

Provision	Compliance	Comment
Density and scale expressed as floor space ratio An FSR of up to 2.1 plus 10% is permitted.	Yes	The proposed development will utilise the additional 10% maximum permissible FSR and proposes a FSR of 2.2:1 and complies.
Communal living area For co-living containing more than 6 private rooms a total of at least 30m ² plus 2m ² per additional room and a minimum dimension of 3m	Yes	The proposal is required to provide 584sqm of communal living area. The development satisfies the minimum requirement with communal living areas totalling 619sqm.
Communal open space Communal open space with a total <u>area</u> of at least 20% of the site area and a minimum dimension of 3m	Yes	The proposal is required to provide 700sqm of communal open space. The proposed development provides 1300sqm of communal open space.
Parking Unless a relevant planning instrument specifies a lower number, 0.2 spaces per room in an accessible area and 0.5 spaces otherwise	Yes	Part 7, Division 1 of the Sydney Local Environmental Plan 2012 does not set out a minimum or maximum number of car spaces for co-living accommodation. However, Clause 68 (2) (e) of State Environmental Planning Policy (Housing) 2021 would require 57 car parking spaces for co-living housing.

Provision	Compliance	Comment
		The proposed development proposes 3 parking spaces, which includes one accessible space and one service space. A clause 4.6 request has been submitted to vary the standard under this clause and is supported.

42. The proposed development complies with the relevant provisions of clause 68.
43. Clause 69 (1) states that a consent authority must not grant development consent for the purpose of co-living unless it is satisfied of each of the following provisions.

Clauses 69 (1) – Standards for co-living housing

Provision	Compliance	Comment
1(a) No private room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ² and less than 12m ² for a single occupancy or 16m ² otherwise	Yes	The proposed development will comprise 283 co-living dwellings with a range of internal areas not exceeding 25sqm excluding private kitchens and bathrooms.
1(b) the minimum lot size for the co-living housing is not less 800m ²	Yes	The site area exceeds 800 m ² and complies with this provision.
1(c) in R2 zone the or equivalent the co-living housing will not contain more than 12 private rooms and will be in an accessible area	N/A	The site is not located in an R2 zone.
1(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space	Yes	The development satisfies this requirement.

Provision	Compliance	Comment
1(e) for co-living in a business zone no part of the ground floor that fronts a street is to be used for residential purposes unless another environmental planning instrument permits the use	Yes	The development is located in an MU1 mixed use zone, and the proposed ground floor co-living units are acceptable.
1(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant	Yes	Each co-living unit is equipped with private bathroom and kitchen facilities in addition to a common laundry and communal kitchen.
1(g) each private room will be used by no more than 2 occupants	Yes	Each private room will not be used for more than 2 occupants.

44. Clause 69 (2) states that a consent authority must not grant development consent for the purpose of co-living unless it considers the following matters.

Clauses 69 (2) – Matters for consideration

Provision	Compliance	Comment
2(a) in R2 zone the front, side and rear setbacks are no less than those required for multi dwelling housing in another relevant planning instrument	N/A	The site is not located within an R2 zone.
2(b) if the co-living has at least 3 storeys the building complies with the minimum building separation distances in the Apartment Design Guide	Yes	The proposed development exceeds 3 storeys and complies with the minimum building separation distances in the Apartment Design Guide.
2(c) at least 3 hours of solar access will be provided between 9.00am and 3.00pm at mid-winter in at least one communal living area	Yes	The proposed development will provide at least 3 hours of solar access to communal living areas at midwinter, specifically the ground floor communal area and the communal spaces on each residential level.

Provision	Compliance	Comment
2(f) the design of the building is compatible with the desirable elements of the character of the local area or for precincts undergoing transition the desired future character of the precinct	Yes	The development satisfies this requirement. The design of the building is compatible with surrounding developments and is sympathetic to the character of the locality.

45. Clause 70 provides that development consent must not be granted for the subdivision of the co-living housing. A condition confirming that the co-living housing cannot be strata subdivided is appropriate.

Chapter 4 - Design of Residential Apartment Development

46. Chapter 4 (Design of residential apartment development) specifically notes that the provisions of the chapter do not apply to co-living housing.

State Environmental Planning Policy (Sustainable Buildings) 2022

47. 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

48. While a BASIX Certificate is generally required for residential development, the Environmental Planning and Assessment Regulation 2021 define a "BASIX building" as:

"a building that contains at least one dwelling but does not include the following—

- (a) hotel or motel accommodation,
- (b) a boarding house, hostel or co-living housing that—
 - (i) accommodates more than 12 residents, or
 - (ii) has a gross floor area exceeding 300 square metres".

49. As the residential portion of the development is for co-living accommodation that comprises more than 12 rooms and exceeds 300 square metres, the proposal is not required to address BASIX requirements under Chapter 2 of the SEPP.

Chapter 3 Standards for non-residential development

50. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:
- (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or
 - (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.

Section 3.2 Development Consent for non-residential development

51. Section 3.2 Development consent for non-residential development provides that:
- (1) in deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—
 - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
 - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
 - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
 - (d) the generation and storage of renewable energy,
 - (e) the metering and monitoring of energy consumption,
 - (f) the minimisation of the consumption of potable water.
 - (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.
52. With regard to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template to address the above. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development.
53. With regard to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development. Section 35B of the Environmental Planning and Assessment Regulation determines the form in which embodied emissions are to be quantified. The embodied emissions attributable to the development have been appropriately quantified using the NABERS embodied energy form published on the NSW Planning Portal and certified by an appropriately qualified person as required by the regulations.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Clause 2.48 Determination of development applications – other development

55. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
56. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.119 – Development with frontage to classified road**

57. The application is subject to Clause 2.119 of the SEPP as the site has frontage to McEvoy Street which is a classified road.
58. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

Clause 2.120 – Impact of road noise or vibration on non-road development

59. The application is subject to Clause 2.120 of the SEPP as the site is adjacent to McEvoy Street which has 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.
60. The application satisfies Clause 2.120, subject to conditions of consent.
61. The applicant has submitted an acoustic report which leaves selection of building materials to the detailed design stage where it is proposed that external walls, roof and ceiling acoustic integrity will be determined in order to achieve the recommended noise levels. The acoustic report makes a recommendation that the external glazing is to have an indicative minimum glazing performance of Rw 31 (6.38mm laminated), including facades overlooking McEvoy Street.

2.122 Traffic-generating development

62. The site will generate traffic resulting from new residential accommodation with greater than 300 dwellings.
63. Written notice of the application was provided to TfNSW during assessment. TfNSW has advised that no objection is raised to the proposed development, subject to recommended conditions of consent.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

64. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.

65. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
66. The proposal includes the removal of 3 trees within the site which have been identified as low significance. The trees are not associated with any existing heritage buildings in the locality and are not protected by the provisions of SDCP 2012.
67. To offset the removal of trees, the proposed development will deliver an additional 454sqm of canopy coverage. 14 existing trees located within the site boundary or within the road reserves will be retained within the proposed development.
68. Conditions are recommended specifying the trees to be removed and protections to be put in place for street trees that are to be retained through the demolition and construction phases.

Local Environmental Plans

Sydney Local Environmental Plan 2012

69. 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 majority of the site is zoned MU1 Mixed Use. Proposed land uses comprising 'co-living housing' and 'retail premises' are permissible with consent within the zone. The southern portion of the site at the McEvoy Street boundary (691sqm) is zoned SP2 Infrastructure zone. Temporary landscaping works are proposed within the SP2 zone, which are permissible given they are ancillary to or incidental to a future road reserve.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	The site is subject to a range in maximum height of building development standards, varying from 8m, to 18m, to 25m. A maximum height of 26.35m is proposed and does not comply with the 25m height of buildings development standard. Other elements of the building also exceed the 18m and 8m height of building development standard. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 2:1 is permitted. In accordance with Clause 68(2)(a)(ii) of the Housing SEPP, a 10% bonus is permitted, equating to an FSR of 2.2:1 A floor space ratio of 2.2:1 or 7,708.5sqm is proposed. The proposed development complies with the maximum floor space ratio development standard.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.3. A Clause 4.6 variation request has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.1 and 5.1A Development on land intended to be acquired for public purposes	Yes	The southern portion of the site at McEvoy Street is identified for acquisition by TfNSW. The amended proposal has been supported by TfNSW, noting no building work will occur on the portion identified for acquisition.

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not a heritage item or located within a heritage conservation area. The site is adjacent to a heritage item. The proposal will appropriately conserve the heritage significance of the neighbouring item.
5.21 Flood planning	Yes	The site is identified as being affected by flooding from the Alexandra Canal catchment. The application proposes development at or below the flood planning level. A flood report accompanies the application demonstrating 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 4 Design Excellence		
6.21C Design excellence	Yes	The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the relevant planning controls and reflecting the desired future character of the area. The proposal will have a positive contribution to the public domain through retention of significant street trees, landscaping, footpath enhancements, ground floor retail activation and public art opportunities. The proposal will achieve excellence and integrate landscape design across the development to improve existing site conditions, amenity and the overall experience of the site. The bulk, massing and modulation of the proposed development have been designed to achieve a suitable outcome for the site.

Provision	Compliance	Comment
		The proposal achieves the principles of ecologically sustainable development (ESD) and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the SLEP 2012 and the development is considered to exhibit design excellence.
6.21D Competitive design process	Assessed as acceptable	The application seeks consent for the construction of a new building exceeding 25m in height by 0.35m outside Central Sydney, technically triggering the requirement for a competitive design process. A competitive design process has not been carried out for the proposal as the applicant justifies the process is unreasonable and unnecessary in this instance. See 'Discussion' section below for further details.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.1 Car parking ancillary to other development 7.7 Retail Premises	Yes	Division 1 of SLEP 2012 does not provide a maximum number of car parking spaces for co-living housing. The proposal includes 3 parking spaces including one for retail staff, one for loading, and one accessible parking space.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The development site is located in 'Residual Lands' and is subject to the requirements of section 7.13.

Provision	Compliance	Comment
		Refer to the discussion below under the heading Financial Contributions heading.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.20 Development requiring or authorising preparation of a development control plan	Assessed as acceptable	Clause 7.20(2) of the SLEP 2012 requires the preparation of a site specific DCP (or concept development consent) for development which is over 25 metres in height. Built form controls contained in the SLEP 2012 as well as the specific area provisions for the Danks Street South Precinct in section 5.9 of the SDCP 2012 provide sufficient detail to guide the redevelopment of the site. In the circumstances it is recommended that it is unreasonable and unnecessary to require a site-specific DCP to be prepared for the site. Refer to the Discussion section in this report.
7.26 Public art	Yes	The proposal includes public art which will be integrated with the detailed design of the development. The application was accompanied by a public art strategy which was reviewed and supported by Council's Public Art team.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development is considered to have a positive impact on the public domain. A public art strategy has been reviewed by the City's Public Art Unit and is considered acceptable. A condition is included requiring a detailed public art plan to be submitted for approval, and the installation of public art to the City's satisfaction.
3.2. Defining the Public Domain		
3.2.3 Active frontages	Yes	The proposed development provides an active frontage along McEvoy Street as required by the DCP The proposed development provides increased building entries along McEvoy Street and Young Street, positively contributing to the public domain through increased passive surveillance and a greater active frontage. A condition is recommended to ensure all transparent glass is clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. The proposed vehicle entry is appropriately located on Morehead Street and will not protrude above the street level or the public domain.
3.2.4 Footpath awnings	Yes	An awning is proposed along the McEvoy Street facade that wraps across the Morehead Street and Young Street frontages as required by the DCP. The proposal includes awning breaks along McEvoy Street which is not consistent with the provisions of this Section. A condition is recommended to ensure a continuous awning is proposed

Provision	Compliance	Comment
		including over the retail tenancy entrance. Whilst majority of the awning meets the required clearance heights, there is a section along the Young Street frontage that has a clearance of only 2.9m. This is recommended to be amended via condition to ensure a 3.2m clearance is achieved. Additional conditions are recommended to ensure the awnings are high quality. Subject to recommended conditions, the proposed awning is acceptable.
3.2.6 Wind effects	Yes	The application was accompanied by a Pedestrian Wind Study, confirming the proposed development will not adversely impact the existing wind conditions around the site.
3.2.7 Reflectivity	Yes	A condition in Attachment A is recommended to ensure that light reflectivity from the building facades in the development do not exceed 20%.
3.2.8 External Lighting	Yes	A condition is recommended in Attachment A to require the lodgement of a separate application for external illumination of the building and/or site landscaping.
3.3 Design Excellence and Competitive Design Processes	No, but acceptable	The proposal seeks to 'waive' the requirement to undertake a competitive design process. Refer to the 'Discussion' heading below for further details
3.5 Urban Ecology	Yes	The proposed development will comprise a deep soil area of 652sqm, which equates to 18.6% of the site area. 14 existing trees located within the site boundary or within the road reserves will be retained within the proposed development. 3 trees of low significance are proposed to be removed as part of the development. To offset the removal of trees, the proposed development will

Provision	Compliance	Comment
		deliver an additional 454sqm of canopy coverage.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) section above.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under section 5.21 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposal includes the amalgamation of Lot 1 in DP68206 and Lot 2 in DP592165 and the subsequent subdivision to appropriately reflect the boundaries of land identified for future acquisition. The application was referred to Council's Senior Surveyor, who supported the proposal, subject to condition of consent.
3.9 Heritage	Yes	Although the site does not contain any heritage items, it is located within close proximity of several heritage items of local significance. The proposed development is not considered to have an adverse visual impact on surrounding heritage items and is generally in keeping with the historic built character of the locality.
3.11 Transport and Parking		
3.11.1 Managing transport demand	Yes	The proposal comprises a mixed-use development including co-living accommodation providing more than 25 dwelling units. As such, it generates the requirement for a Transport Impact Study and Transport Access Guide. A Transport Impact Assessment report has been submitted with the application in accordance with these requirements, which has been reviewed by Council's Access and Transport Unit. Conditions are recommended in Attachment A to ensure the

Provision	Compliance	Comment
		development of a Transport Access Guide for the development.
3.11.1 Bike parking and associated facilities	Yes	The DCP does not nominate bicycle parking requirements for co-living developments. If considered at a rate of residential accommodation, then 316 bike parking spaces would be required. The proposal includes 188 bicycle parking spaces which represents 2/3 of the residential parking rate and is supported in this instance. Given the proximity of the site to several modes of public transport and being within walking distance of several other amenities, less than one bicycle space per co-living unit is acceptable. Bicycle parking design complies with AS 2890.3 requirements.
3.11.4 Vehicle parking 3.11.6 Service vehicle parking 3.11.9 Accessible parking	Yes	The proposal includes 3 parking spaces including one space for retail staff, one space for service vehicles and one accessible space. Vehicle access is provided from Morehead Street via a 6m wide driveway. The loading dock is designed to accommodate Council's 10.6m waste truck, with turntable provided to allow forward entry and exit movements. A draft Loading Dock Management Plan has been submitted with the application and supported by Council's Transport Planner. A condition is recommended requiring the submission of a comprehensive Loading Dock and Servicing Management Plan prior to construction.
3.12 Accessible Design	Yes	The building has been designed to provide accessible entry to the community facility use and the co-living lobby and all shared spaces.

Provision	Compliance	Comment
		The proposal also includes 13 co-living units designed to meet DDA requirements. The proposed development meets the requirements of this provision.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The application is accompanied by a Waste Management Plan that is generally supported by Council's Waste Management Unit. There are some discrepancies with the Waste Management Plan and the architectural plans. A condition is recommended to require amendments to the architectural plans for the commercial waste room, the ground floor residential waste room and the waste transfer path gradient. 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.
3.16 Signage and Advertising		
3.16.3 Signage general requirements	Yes	The proposal includes building identification signage ('Scape') and business identification (for the retail tenancy). The proposal is detailed under the assessment section of the SEPP Industry and Employment. The proposed signage is generally consistent with the relevant requirements of this Section.
3.16.5 Building identification signage	Yes	The proposed building identification signage has been appropriately located near the major pedestrian entry. A condition is recommended for the Young Street entry sign to be amended to be reduced in scale to ensure no cantilevering letters hang off the facade.

Provision	Compliance	Comment
		The top of building signs (Young St and Morehead St) are well located and integrated into the design of the building. Conditions are recommended to ensure the signage illumination is designed in accordance with the Australian Standards and Council's DCP.
3.16.6 Business identification signage	Yes	The proposed business identification signage and signage zones are generally compatible with the building and will not result in unacceptable clutter. A condition is recommended to require amendments to the proposed projecting wall signs on the McEvoy Street elevation as it does not currently meet the minimum clearance requirement of 2.6m.

Section 4 – Development Types

4.2 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	No, but acceptable	The site is subject to an area specific DCP that prescribes varying maximum height in storeys across the site. The proposal does not comply with the numerical height in storeys prescribed throughout the site under Section 5.9.4. See further details in the 'Discussion' section below.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development will incorporate a 4.12m floor-to-floor height on the ground floor while residential levels will offer a floor-to-floor height of 2.95m, which can accommodate the draft DCP control for 2.7m floor to ceiling heights.

Provision	Compliance	Comment
4.2.2 Building setbacks	Yes	The proposed development will deliver a 5m-6.4m landscaped setback on Young Street and a 5.1m landscaped setback on Morehead Street The proposal complies with the setback requirements are in accordance with the specific area provisions for Danks Street South in section 5.9 of SDCP 2012
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	Appropriate solar access is provided to communal living areas within the co-living component of the development. The development will not adversely overshadow neighbouring residential properties.
4.2.3.3 Internal common areas	Yes	All internal common areas and corridors have access to daylight and outlook.
4.2.3.4 Design features to manage solar access	Yes	The development includes appropriate design features to manage solar access. In lieu of fixed shading devices which restricts outlook, passive shading to the west facing facade (including the internal courtyard rooms) is proposed as a positive combination of the following: - a high wall to window ratio of 35-45% glazing - there are deep walls providing 300mm of self-shading depth - horizontal and vertical mid blade shading of 250mm-300mm added to the windows.
4.2.3.5 Landscaping	Yes	The proposal provides 840sqm of landscaped area. The landscape scheme is generally well considered and supported.

Provision	Compliance	Comment
4.2.3.6 Deep Soil	Yes	The proposed development will comprise a deep soil area of 652sqm, which equates to 18.6% of the site area.
4.2.3.8 Common open space	Yes	Proposed common open space exceeds 25% of the site area, with a total offering of 1300sqm across the ground floor courtyard and 2 rooftop communal spaces.
4.2.3.9 Ventilation	Yes	There are no natural ventilation requirements for co-living spaces required within the current or Draft DCP. All co-living rooms include operable windows and ceiling fans.
4.2.3.10 Outlook	Yes	All units are provided with a pleasant outlook from windows, across the site and surrounds.
4.2.3.11 Acoustic privacy	Yes	The application demonstrates that appropriate acoustic levels can be achieved within co-living units through the provision of glazing and building materials.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposal presents an appropriate architectural character, sympathetic in style to the surrounding locality
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.
4.2.8 Letterboxes	Yes	Letterboxes and parcel drop facilities have been provided at ground level adjacent to reception
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	The development will not adversely impact the amenity of neighbouring residential properties in relation to traffic generated noise impacts, solar access and noise generally.

Provision	Compliance	Comment
		The future occupation of proposed commercial tenancies will form the subject of future development applications to Council, at which time, the operating hours and noise impacts will be considered.

Section 5 – Specific Areas - Danks Street South

Provision	Compliance	Comment
5.9.1 Danks Street South urban strategy 5.9.2 Urban design principles	Yes	The proposed development is consistent with the objectives of the Danks Street South urban strategy and urban design principles. The development is high quality and appropriately responds to the character of the area. The provision of varying heights appropriately responds to the hierarchy of streets and is sympathetic to adjacent heritage buildings, whilst being designed to minimise wind impact and overshadowing to the public domain. The use of generous landscaped setbacks creates a strong and consistent landscape character with the use of native plantings and significant street tree retention.
5.9.3 Local infrastructure and public domain 5.9.3.1 Public open space	Yes	The proposed development will deliver significant landscape upgrades that enhance the built form and public domain. The development will provide a high quality landscape setting and will contribute to an active space that responds to the site, context and sense of place. The proposal will provide ground floor retail space to activate the site. The development has been designed with contingencies to respond to planned future road widening at McEvoy Street.
5.9.3.3 Movement and connectivity	Yes	The proposed development will provide a vehicular entry to the site from Morehead Street, in accordance with Figure 5.243 of the DCP.

Provision	Compliance	Comment
		The development will encourage active and sustainable transport by providing 188 bicycle parking spaces. Three car parking spaces are proposed within the loading dock, at-grade. The car parking is acceptable in this instance. By avoiding basement car parking on site, the development is able to appropriately address floor planning levels and reduce carbon emissions.
5.9.3.5 Quality of landscaping and landscape setback 5.9.3.6 Street trees	Yes	The proposed development will deliver a 5m-6.4m landscaped setback on Young Street and a 5.1m landscaped setback on Morehead Street which is in excess of the requirements. Proposed tree planting and retention is in accordance with the City's Street Tree Master Plan with appropriate tree species proposed.
5.9.4 Building layout, form and design	Yes	The proposal is generally consistent with the objectives of the building layout, form and design provision. The development provides a range of building heights with high quality facade and finishes to create visual interest. The proposal provides active frontages encouraging a vibrant urban environment that facilitates community activity, safety, natural surveillance and territoriality.
5.9.4.1 Floor space ratio	Yes	The proposal includes the amalgamation of Lot 1 in DP68206 and Lot 2 in DP592165 and the subsequent subdivision to appropriately reflect the boundaries of land identified for future acquisition. A portion of the site is identified as SP2 Classified Road and is land reserved for future acquisition by TfNSW. As such, the proposed development has not included this area in the developable site area calculations.

Provision	Compliance	Comment
5.9.4.2 Height of buildings	No	The proposal exceeds the maximum number of storeys as shown in Figure 5.245 Danks Street South Height in Storeys, however, it has been considered an appropriate design response. Refer to the 'Discussion' section of this report.
5.9.4.3 Indicative built form	Yes	The proposed development has generally adhered to the built form and building layout identified within Figure 5.247.
5.9.4.7 Public art	Yes	A preliminary public art strategy has been submitted that addresses the City's public art policy, interim guidelines for public art in private developments, the public art requirements contained in the specific area provisions for Danks Street South including the importance of the traditional custodians of the land and their cultural practices, the history of the site (environmental and industrial) and the need to provide accessible and inclusive common spaces for the enjoyment of the community.
5.9.4.12 Substations		A substation will be located on the Morehead Street frontage and will be clear of any landscape setbacks. The proposed substation will not impact any retained street trees and will be accessible from the street. The fire booster will be located on Young Street and will avoid landscape areas.
5.9.4.13 Contamination and remediation 5.9.4.14 Noise and ventilation 5.9.4.15 Wind testing		The Site Auditor has confirmed that the site can be remediated and made suitable for the proposed use. No long term environmental management plan (LTMP) will be required for areas to be dedicated to Council. Suitable noise mitigation strategies are proposed.

Provision	Compliance	Comment
		The submitted wind report and supporting information demonstrates that all street frontages can achieve the comfort standard for walking.

Draft Sydney Local Environmental Plan and Development Control Plan

71. A draft environmental planning instrument has recently been exhibited by the City, which provides additional and more comprehensive controls relating to co-living accommodation within the Local Environmental Plan (LEP). The instrument was agreed to Gateway determination by the Department of Planning, Housing and Infrastructure (DPHI) on 8 October 2024. In accordance with section 4.15(1)(a)(ii) of the Act, the draft controls are a matter for consideration in the subject assessment.
72. In accordance with Planning Circular PS-24-007, weight should be given to a proposed Environmental Planning Instrument (EPI) depending on the likely or unlikely certainty and imminence of the relevant provisions of a proposed EPI coming into force. In accordance with the Gateway determination issued by DPHI, the gazettal of the Draft LEP was estimated to occur in November 2025, now making the adoption overdue. 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.
73. The changes in the LEP and accompanying DCP relevant to the subject application incorporates recent NSW Government planning policy changes for boarding houses and co-living housing into the DCP. The changes include amenity standards for co-living and boarding houses that are generally consistent with requirements for new apartments and provisions for plans of management and managing local amenity impacts. The proposed changes are to ensure consistency with recent SEPP amendments relating to co-living developments and to further protect the amenity of future occupants and surrounding developments. As such, it is considered that moderate weight is afforded to the draft LEP provisions.
74. In addition to draft LEP controls, draft Development Control Plan (DCP) controls were also prepared to incorporate updated provisions for boarding houses and co-living housing in accordance with changes to state government planning policy changes. While the Act does not require the consideration of draft DCP controls, they are considered below as a guide only.
75. The proposal is generally consistent with the amendments to the SLEP 2012, in terms of deep soil, design excellence processes and car parking rates.

Draft Sydney Development Control Plan 2012

4.4 Other Development Types and Uses

4.4.1 Boarding houses and co-living housing

Provision	Compliance	Comment
4.1.1.1 Subdivision	Yes	A condition is recommended restricting the subdivision of the co-living component of the development.
4.4.1.2 Private rooms	Yes	The application proposes a maximum of 2 residents per room and meets the size requirements for all single and double occupancy rooms. All kitchenettes and bathrooms generally meet the recommended sizes and rooms layouts allow for unimpeded, clear internal circulation. The room layouts do not achieve the minimum 3.5m room dimensions. However, the proposed room layouts demonstrate that a suitable amenity and circulation space is achieved. Further, enhanced communal facilities are provided throughout the development to complement the proposed room sizes. The room sizes also comply with the requirements of the Housing SEPP. All co-living rooms include operable windows and ceiling fans.
4.4.1.2 Communal kitchen, bathroom, laundry and drying areas	Yes	Each private room is provided kitchenette and bathroom facilities. An 18.6sqm communal kitchen facility is provided at ground floor, exceeding the requirements of 6.5sqm. Communal laundry facilities are provided on each level.
4.4.1.3 Communal living areas	Yes	The draft DCP requires a minimum area of 584sqm of communal living area. The proposal provides 619sqm of communal living area. The communal living areas are located in areas of the building that will maximise solar access and improve amenity.

Provision	Compliance	Comment
4.4.1.4 Communal open spaces	Yes	Communal open spaces located within the site exceed the minimum size requirements of the draft DCP, are located directly adjacent to or are access directly from communal living areas and are located in areas that maximise access to direct sunlight.
4.4.1.5 Amenity and safety	Yes	All communal spaces have been provided in safe and accessible locations across the development, ensuring convenience for residents. Daylight and natural ventilation will area provided to all common circulation spaces.
4.4.1.6 Managing local amenity impacts	Yes	Building separation is generally consistent with the separation distances detailed in the Apartment Design Guide. There are some potential cross viewing opportunities between rooms at the corners of the courtyard. This is discussed further in the Discussion section of this report.
4.4.1.7 Plan of Management	Yes	The Plan of Management sufficiently outlines expected behaviour of residents, noting matters relating to general etiquette, noise, discrimination, harassment, antisocial behaviour, drugs and alcohol, and theft and vandalism. The Plan details that between the hours of 10.00pm and 7.00am, communal facilities will be restricted.
4.4.1.8 Waste and Recycling Management	Yes	The proposed waste management of the site is generally acceptable, subject to recommended conditions.

Discussion

Competitive Design Process and Site Specific DCP

76. The proposed development has a maximum height of 25.35 metres. As the proposed development is marginally over 25 metres outside Central Sydney, the proposal technically triggers requirements for a site specific development control plan and competitive design process, under the provisions of Clauses 7.20(2)(b) and 6.21D(1)(a) of the Sydney LEP 2012.
77. Besides being a minor departure, it is important to note that a number of housekeeping amendments to the Sydney LEP 2012 were exhibited in early 2025, approved by City of Sydney Council and are currently in the final assessment stage by DPHI. Key amendments to Section 7.20 and 6.21D include raising the threshold for requiring a competitive design process and site specific DCP on land outside Central Sydney from a building height exceeding 25m to a building height exceeding 35m.
78. Clause 7.20(4) of the SLEP 2012 sets out matters that must be addressed in a site specific development control plan. The proposal satisfies the criteria in Clause 7.20(4) as detailed below:

Requirements as to the form and external appearance of proposed development so as to improve the quality and amenity of the public domain

- (a) The proposed form and external appearance of the new building will provide a positive contribution to the public domain. It is appropriate to its context and is compatible with existing surrounding developments.

Requirements to minimise the detrimental impact of proposed development on view corridors

- (b) The proposed development will not detrimentally impact view corridors. The proposal remains generally consistent with the building envelope as identified within the Section 5.9 of the Sydney DCP. The proposal will respect all view corridors within the surrounding area.

How proposed development addresses the following matters—

- (i) the suitability of the land for development,
- (ii) the existing and proposed uses and use mix,
- (iii) any heritage issues and streetscape constraints,
- (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) the bulk, massing and modulation of buildings,
- (vi) street frontage heights,
- (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,

- (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
 - (x) the impact on, and any proposed improvements to, the public domain,
 - (xi) the impact on any special character area,
 - (xii) achieving appropriate interface at ground level between the building and the public domain,
 - (xiii) the excellence and integration of landscape design,
 - (xiv) the incorporation of high quality public art into the fabric of buildings in the public domain or in other areas to which the public has access.
- (c) The proposal addressed the above matters in the following manner:
- (i) The proposed co-living and retail uses are permissible in the MU1 Mixed use zone and consistent with the Danks Street South urban strategy which identifies the site as suitable for residential development with active frontages along McEvoy Street.
 - (ii) The proposed bulk, scale and massing have been carefully designed to achieve an improved outcome of the site. Architectural articulation of each of the building elements has further broken down the scale of the buildings, including 3 separate forms along McEvoy Street, and a reduced building stepdown along Young Street and Morehead Streets. A 2 storey form is proposed adjacent to the heritage item at 222 Young Street providing a sensitive building interface.
 - (iii) The proposal will not have adverse environmental impacts by way of overshadowing, visual and acoustic privacy, noise wind and reflectivity.
 - (iv) The application is accompanied by environmental reporting which identifies a range of sustainability measures to be incorporated in the development.
 - (v) The proposed development will successfully activate the public domain by providing ground floor retail space and landscaping and footpath enhancements, achieving an appropriate interface at ground level between the building and the public domain. The communal areas have also been designed so that the most active communal uses are fronting McEvoy Street.
 - (vi) The proposed development has provided generous setbacks in excess of the minimum requirements. The proposed development will deliver a 5m-6.4m landscaped setback on Young Street and a 5.1m landscaped setback on Morehead Street.
 - (vii) The proposed development has successfully integrated landscape design across the development. The proposal delivers 840sqm of landscaped area including 652sqm of deep soil. The proposed landscaping will transform the existing hard stand industrial environment into a liveable space for residents and visitors, improving the overall amenity of the site.

- (viii) The Public Art Strategy submitted with the application indicates locations for the public artwork along the McEvoy Street and Young Street. A condition of consent is recommended requiring the provision of a detailed public art plan to be submitted to determine the final location and type of artwork.
79. Clause 6.21C(2) of the Sydney LEP 2012 sets out the matters which are required to be addressed for a development to be considered to exhibit design excellence, which are consistent with the matters set out in clause 7.20(4) of the SLEP 2012.
80. The development is considered to satisfy the design excellence criteria. The proposal presents a high standard of architectural design, and the overall materiality, articulation and architectural expression of the development is in keeping with the desired future character of the area. The proposal will achieve excellence and integrate landscape design across the development to improve existing site conditions, amenity and the overall experience of the site. The public domain is improved with the proposal, providing active frontages while retaining significant street trees. The bulk, massing and modulation of the development appropriately responds to the context of the site and will not result in adverse environmental impacts.
81. Further, no design excellence bonus floor space or building height is proposed to apply to the project under the clause 6.21D(3) of the Sydney LEP 2012.
82. Importantly, the part of the building which rises above 25m is minor and limited to the roof form and does not comprise any gross floor area as illustrated below.



Figure 26: Long section illustrating portion of the building above 25m (dashed red)

83. Clauses 6.21D(2) and 7.20(3) of the SLEP 2012 notes that a competitive design process and site specific development control plan may not be required if the consent authority is satisfied that such a process or plan would be unreasonable or unnecessary. Given the proposal demonstrates appropriate responses to the matters for consideration under Clause 7.20 and 6.21C of the SLEP 2012 as detailed above, and the limited extent that the building projects above 25m, it is considered that a site specific development control plan and a competitive design process is unreasonable or unnecessary in this case.

Height in Storeys - Area Specific DCP

84. Section 5.9 of the Sydney DCP 2012 provides objectives and provisions for development sites located in the Danks Street South precinct.
85. Figure 5.245 of the DCP identifies the site's prescribed height in storeys, subject to a competitive design process. Without a competitive design process, the site is prescribed a part 2, 3 and 6 storey development. Alternatively, the site can achieve a part 2, 4, 7 storey development with a design competition.

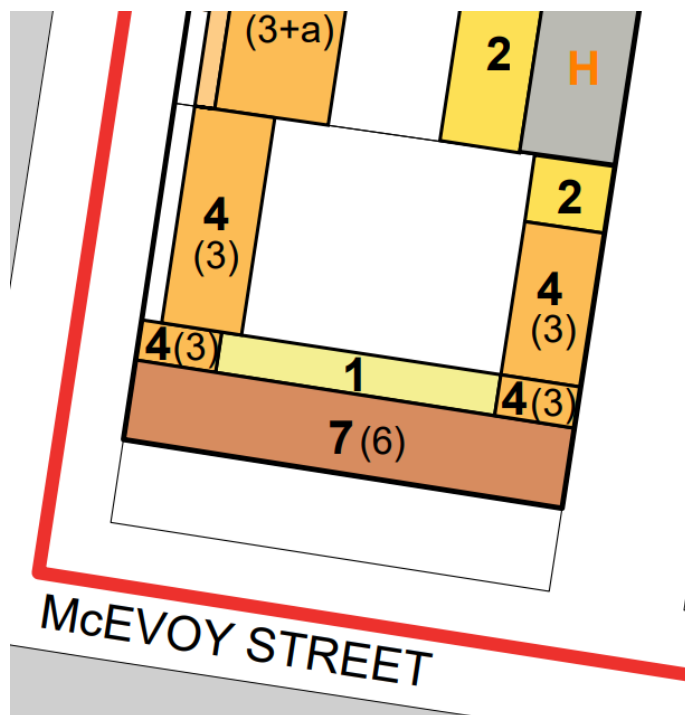


Figure 27: illustrates the sites indicative built form and height in storeys. (X) heights in brackets represent heights before design excellence and competitive design process.

86. The proposed development, which has been amended following consultation with council staff and the Design Advisory Panel, seeks a part 2, 5, 7 storey development, as illustrated below. This results in a departure to the prescribed height in storeys.

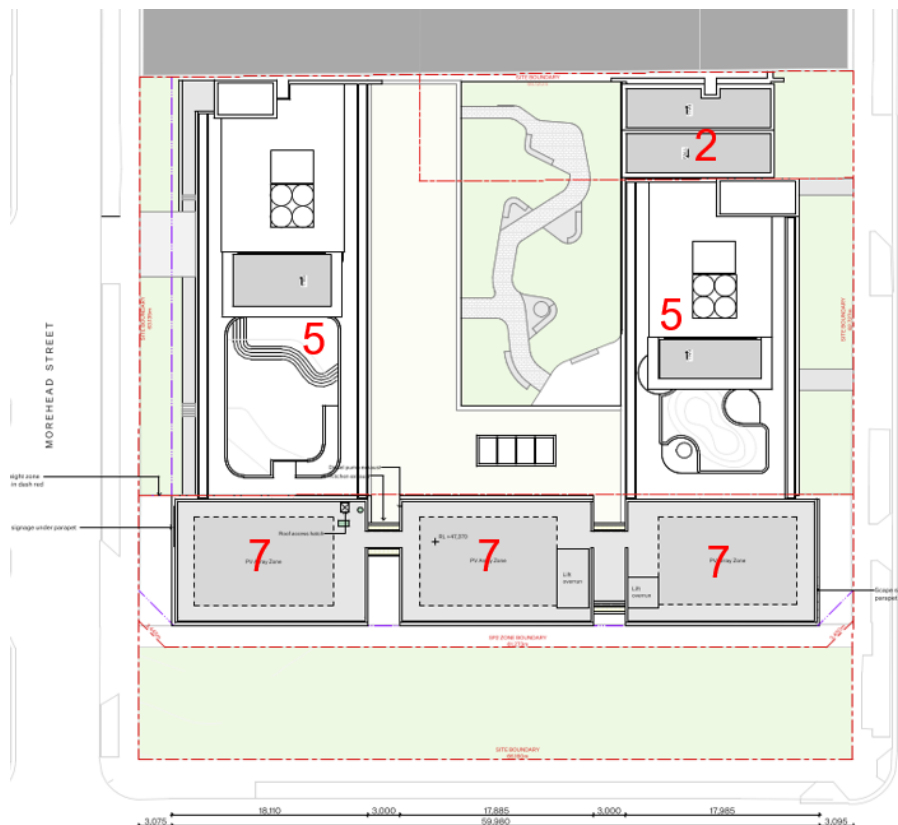


Figure 28: Illustrating proposed height in storeys throughout the development

87. As detailed in the Discussion section above, the development seeks a waiver the requirement to enter into the design competition process. The waiver is supported and such a process would be unreasonable or unnecessary in the circumstances of the case.
88. The height in storeys exceedance is a result of consultation with the Design Advisory Panel and council staff. The built form design amendments appropriately respond to concerns raised as follows:
 - (i) a reduction in the number of south facing rooms onto McEvoy Street
 - (ii) a reduction in the McEvoy Street volume, with this volume reconfigured into 3 distinct built forms, and a reduction in the overall length of this building
 - (iii) relocating the offset rooms from the reconfigured massing on McEvoy Street to an additional storey along the Young Street and Morehead Street wings. This revised massing in the wings enables greater articulation to the McEvoy Street volume while still achieving the same residential yield of 283 co-living housing units
 - (iv) the additional height in storeys maintains an appropriate transition in massing at the northern end of the site adjacent to the heritage item
89. Notwithstanding the departure of storeys, the development achieves the objectives of the building layout, form and design controls detailed in Section 5.9.4 of the Sydney DCP 2012.

90. The siting of the additional storey does not give rise to adverse environmental impacts including overshadowing, visual impact and wind impact.
91. Overall, the proposed development is considered to achieve design excellence and the departure to the height in storeys provision is supported.

Contravention of a development standard pursuant to Clause 4.6 of the Sydney LEP

92. The site is subject to a variable maximum height of building development standards, between 8m, 18m and 25m, as illustrated below.

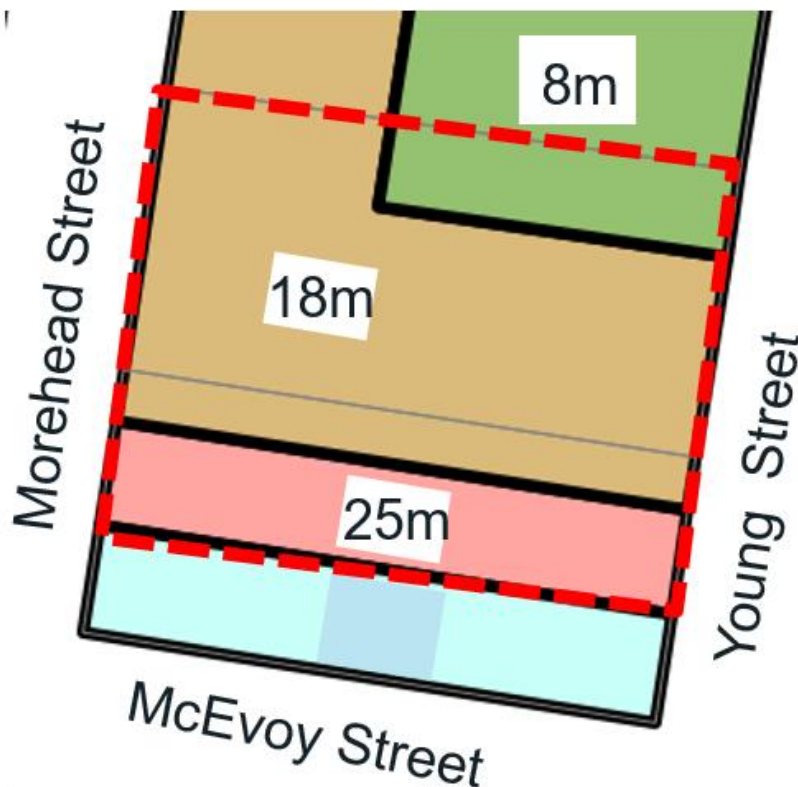


Figure 29: Variable range of maximum height of building development standards for the site

93. The proposed development has a maximum building height of 26.35m, and the following variations to the height of building development standards are proposed:
 - McEvoy Street: 1.3m (5.4%) height variation to the 25m height limit. The elements of the building which exceed the 25m height limit include portions of the roof on the southern portion of the building.
 - Morehead Street: 1.9m (10.55%) height variation to the 18m height limit. The elements of the building which exceed the 18m height limit include communal rooftop open space and parts of the parapet.
 - Young Street: 1.47m (8.17%) height variation to the 18m height limit. The elements of the building which exceed the 18m height limit include communal rooftop open space and parts of the parapet.

-
- This 3D isometric diagram illustrates the height planes and roof features of a building complex. The diagram shows a multi-story building with various roof levels and architectural details. Key height planes are labeled with their respective Reduced Levels (RL) and heights above the height plane. The diagram also highlights architectural roof features and service screening and communal roof areas.
- Height Planes and Roof Features:**
- 25m Height plane:** RL 48,365, RL 48,503, RL 49,520, RL 47,598, RL 47,668, RL 48,100, RL 41,100, RL 42,598, RL 42,921, RL 42,828, RL 42,921, RL 32,598, RL 32,728, RL 33,000.
 - 18m Height plane:** RL 42,128, RL 42,728, RL 42,921, RL 42,828, RL 42,921, RL 32,598, RL 32,728, RL 33,000.
 - 8m Height plane:** RL 42,128, RL 42,728, RL 42,921, RL 42,828, RL 42,921, RL 32,598, RL 32,728, RL 33,000.
 - 3m Height plane:** RL 48,365, RL 48,503, RL 49,520, RL 47,598, RL 47,668, RL 48,100, RL 41,100, RL 42,598, RL 42,921, RL 42,828, RL 42,921, RL 32,598, RL 32,728, RL 33,000.
- Architectural roof features:**
- Architectural roof feature at RL 49,520 and 1,020mm above height plane.
 - Architectural roof feature at RL 47,598 and 1,660mm above height plane.
 - Architectural roof feature at RL 42,598 and 1,660mm above height plane.
 - Architectural roof feature at RL 34,500 and 1,660mm above height plane.
- Service screening and communal roof:**
- Service screening and communal roof at RL 44,220 and 1,900mm above height plane.
 - Service screening and communal roof at RL 44,220 and 1,470mm above height plane.
- Other features:**
- Top of parapet at RL 42,320 and 30mm above height plane.
 - Top of parapet at RL 42,320 and 1070mm above height plane.
 - Exceedance of height limit to architectural roof features only.

94. 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;

95. The applicant seeks to justify the contravention of the height 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, inclusive of the proposed height exceedance, is consistent with the objectives of the height of buildings development standard.
 - (ii) The proposal delivers a height and massing arrangement that preserves the amenity of nearby properties, maintains the quality of the public domain, and responds to the evolving character of the Danks Street South Precinct. The proposed height is therefore appropriate to the condition of the site and its context.
 - (iii) The proposal achieves an appropriate transition in scale by stepping down from a 7-storey height along McEvoy Street, to a 2 storey form adjacent to the heritage property located at 222 Young Street. The proposed height transition does not detract from adjacent local or State heritage items and maintains a sensitive design including a pitched roof adjacent to 222 Young Street which reflects the historic character of buildings in the locality.
 - (iv) The achievement of view sharing principles is not thwarted by the proposed variation, and the proposed built form across the site does not impact any significant views outside of Central Sydney
 - (v) An appropriate height transition is still achieved between the Green Square Town Centre to adjoining areas such as Waterloo.
 - (vi) The proposed development, inclusive of the proposed height exceedance, is consistent with the objectives of the MU1 Mixed Use zone. The proposal will provide a ground floor retail tenancy that will contribute to local economic activity by supporting business operations and creating employment opportunities. The proposal integrates residential uses in a highly accessible location, activating the ground plane and encouraging pedestrian activity.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The height variation is a result of extensive consultation with Council and the Design Advisory Panel to achieve design excellence and responds to the site's urban context.
 - (ii) The proposed height variation enables both an articulated roof form that responds to the local character of the area and supports the active use of rooftop spaces along Morehead Street and Young Street. The active rooftops will provide additional communal amenities for residents of the development, including year-round solar access to communal outdoor areas, and additional site landscaping.
 - (iii) The height protrusion will not result in any adverse environmental impacts, particularly in terms of visual impact and overshadowing

- (iv) The proposed development is compliant with the floor space controls and therefore, is consistent with the built form and overall bulk and scale envisaged for the site. Further, by permitting a minor exceedance in the height of building development standard, the residential yield is not reduced, and the development can continue to provide 283 co-living housing units on the site which positively contributes to a diverse housing supply within the Waterloo locality aligned with local and State strategic planning objectives.
96. Precondition to granting consent where a development standard has been contravened 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.
97. 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 25m, 18m and 8m would be unreasonable and unmercenary.
 - (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 and provides appropriate height transition.
 - (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 with appropriate massing, generous setbacks and facade 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 co-living units without delivering a commensurate environmental benefit, compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case.
 - (v) 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.
98. 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 LEP.

Contravention of a development standard pursuant to Clause 68(2)(e)(i) of the Housing SEPP

99. Section 68(2)(e)(i) of the Housing SEPP prescribes non-discretionary car parking standards for co-living developments within accessible areas. Section 68(2)(e)(i) of the Housing SEPP states that the proposed development is required to comply with the following car parking rates:

unless a relevant planning instrument specifies a lower number –

for development on land in an accessible area – 0.2 parking spaces for each private room

100. Based on these rates, an approximate total of 57 car parking spaces is required for the development. A total of 3 car parking spaces is proposed (a variation of 94.7%) for the purposes of building management/retail staff and accessibility.
101. 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;

Applicant's regulation 35B document

102. The applicant seeks to justify the contravention of the height 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 delivers co-living housing that will be occupied by students and young professionals within walking distance to services and amenities including employment opportunities, healthcare, retail and more.
 - (ii) The site is located within close proximity to existing public transport infrastructure including bus, train and metro services that connect the site to various services and amenities, including educational establishments.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The proposed reduced car parking provision reflects the transport needs of future occupants and supports reduced reliance on private vehicle use, while encouraging public transport, walking and cycling in a highly accessible mixed-use location. This is consistent with Council's approach to parking within the LEP which imposes maximum parking rates.

- (ii) The forthcoming City of Sydney Housekeeping Amendments will apply to co-living developments and establish a maximum car parking rate. The proposed development would comply with this maximum rate, demonstrating consistency with the intent of the forthcoming legislative framework to limit car parking provision in well-located areas.
 - (iii) The proposed development delivers bicycle parking to support active transport use and encourage future residents to rely on cycling as a convenient and sustainable alternative to private vehicle usage.
 - (iv) The site is located within proximity to several car-share services that allow future residents to use private vehicles on an as-needed basis.
 - (v) The proposed reduction in car parking will minimise additional pressure on the surrounding road network.
 - (vi) The proposed car parking provision is consistent with State and local strategic policies.
103. Precondition to granting consent where a development standard has been contravened 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.
104. 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:
- (a) The applicant has demonstrated that, in the specific circumstances of this site and this proposal, strict compliance with the minimum car parking rate would be unreasonable and unmercenary.
 - (b) The assessment confirms that the objectives of the standard are achieved notwithstanding the non-compliance. The shortfall of 53.6 car parking spaces under section 68(2)(e)(i) does not undermine the intent of the non-discretionary development standard which seeks to establish a car parking provision for this land use type in well-located areas.
 - (c) The proposed development (inclusive of the proposed 94.7% variation) is consistent with the objectives of the MU1 Mixed Use land use zone
 - (d) The proposed parking variation will not result in unacceptable environmental impact. The proposed reduced car parking provision reflects the transport needs of future occupants and supports reduced reliance on private vehicle use, while encouraging public transport, walking and cycling in a highly accessible mixed-use location. This is consistent with the objectives of Part 7 of the Sydney LEP 2012, which imposes maximum parking rates.

- (e) Importantly, the proposal is consistent with the forthcoming City of Sydney Housekeeping Amendments, which will apply to co-living developments and establish a maximum car parking rate. The proposed development would comply with this maximum rate, demonstrating consistency with the intent of the forthcoming legislative framework to limit car parking provision in well-located areas.

- 105. 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 68 of the Housing SEPP.

Visual Privacy and Internal Room Amenity

- 106. Clause 69 (2) (b) of the Housing SEPP states that if the co-living development has at least 3 storeys, the building is to comply with the minimum building separation distances in the Apartment Design Guide.
- 107. The built form will achieve an internal building separation of approximately 23.89m between habitable rooms, consistent with the ADG. However, the courtyard north facing rooms and the communal rooms facing the courtyard per floor present privacy concerns.
- 108. Potential cross viewing has been partially addressed with the inclusion of 300mm privacy fins to the courtyard internal corner windows, however further analysis demonstrates that there is still some cross viewing.
- 109. A condition is recommended requiring cross viewing is to be further mitigated from the northern facing Standard Studio (Wide) room and communal areas to the first 5 rooms facing the courtyard in the east and west wings on all floors. This can be achieved with increases to the northern windows blade depths, closer spacing vertical blades, or similar treatment to achieve non-discretionary privacy.
- 110. It is also recommended that the western window of the Standard Studio (Wide) vertical stack of rooms facing north is to be amended to fluted glass for privacy.
- 111. The above conditions are intended to limit cross viewing whilst maintaining adequate outlook for all units.

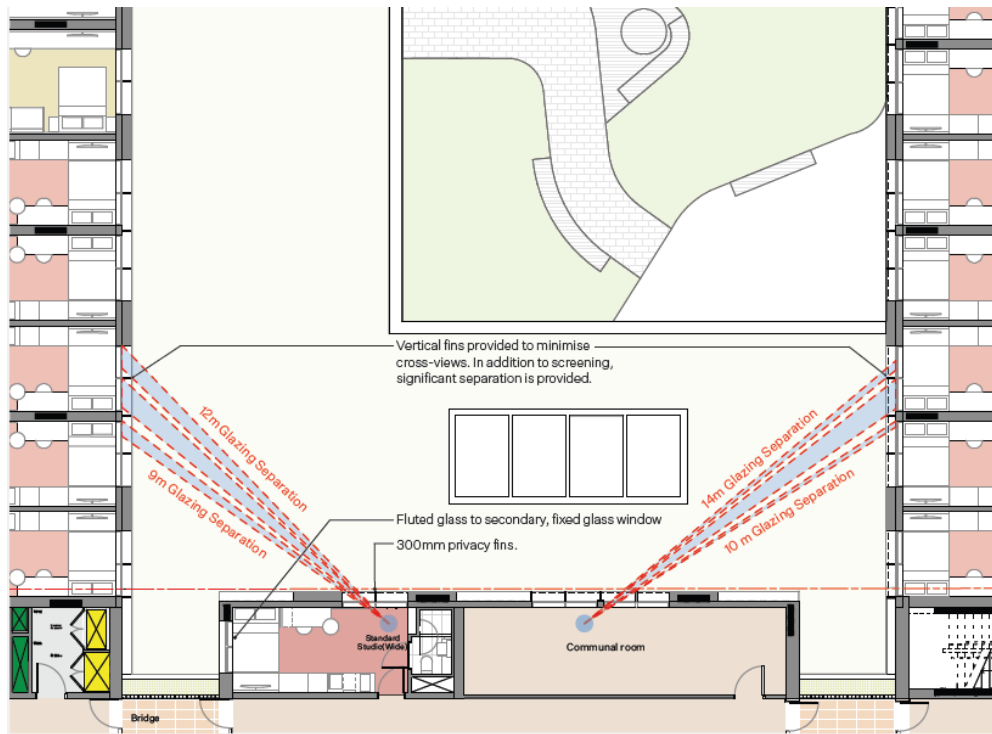


Figure 31: Cross viewing diagram (provided by applicant)

112. The west facing facade has been designed to optimise environmental performance and internal amenity and includes appropriate design features to manage solar access. In lieu of fixed shading devices which restricts outlook, passive shading to the west facing facade (including the internal courtyard rooms) is proposed as a positive combination of the following:

- (a) a high wall to window ratio of 35-45% glazing
- (b) there are deep walls providing 300mm of self-shading depth
- (c) horizontal and vertical mid blade shading of 250mm-300mm added to the windows.



Figure 32: Facade details to manage solar access

Staged Construction

113. The application proposed staging the construction through various construction certificates as follows:
- (a) CC1 - Site establishment, demolition and remediation
 - (b) CC2 - Below-ground structure and infrastructure
 - (c) CC3 - Above ground structure and facade
 - (d) CC4 - Services fitout facade
 - (e) CC5 - Public domain, landscaping and miscellaneous / completion works
114. While the above staging is generally supported, it is not agreed to separate external works and public domain upgrades. To ensure all external works and public domain works are completed prior to the occupation of the building in any way, it is recommended that stages CC4 and CC5 are combined into one.

Consultation**Internal Referrals**

115. The application was discussed with Council's:

- (a) Building Services Unit
- (b) Environmental Health Unit
- (c) Heritage and Urban Design Unit
- (d) Public Domain Unit
- (e) Safe City Unit
- (f) Surveyors
- (g) Transport and Access Unit
- (h) Tree Management Unit
- (i) Waste Management Unit

116. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

External Referrals

117. The application was referred to external bodies including Ausgrid, Sydney Water Corporation and Transport for NSW in accordance with requirements of legislative requirements as discussed under the heading State Environmental Planning Policies. No objections were received from external referral bodies, subject to conditions.

Advertising and Notification

118. In accordance with the City of Sydney Community Participation Plan 2019, the application was notified for 28 days between 7 October 2025 and 5 November 2025. 3 submissions in objection and one submission in support were received. The amended design was re-notified for 14 days between 7 May and 22 May 2026. One additional comment was received from a previous objector.

119. The submissions raised the following issues:

- (a) **Issue:** The proposed co-living housing is not a long-term solution to fix the housing shortage and just leads to substandard conditions for residents.

Response: The proposed development complies with the relevant planning controls and co-living housing provisions under the applicable planning framework, which recognise co-living housing as a permissible and appropriate form of housing that contributes to housing diversity. The proposal provides self-contained rooms with access to communal facilities in accordance with design standards and is considered to achieve an acceptable level of residential amenity.

- (b) **Issue:** The proposal exceeds the height control.

Response: It is acknowledged that the proposal does seek to vary the height of building development standards and height in storeys controls. The variation to the control is supported in this instance as the additional height and massing proposed does not result in significant adverse impacts in terms of bulk, scale, or amenity, and remains consistent with the emerging built form character of the locality. Refer to discussion section of this report.

- (c) **Issue:** The proposed residential density is excessive for this area

Response: The proposal complies with the planned future density of the locality and the prescribed floor space ratio of the site.

- (d) **Issue:** The proposal overshadows 10 McEvoy Street.

Response: The proposed development will not have adverse overshadowing implications. All residential apartments at 10 McEvoy Street that face McEvoy Street (north) will receive at least 2 hours of sunlight at midwinter, in compliance with relevant controls.

- (e) **Issue:** The proposal should provide a through-site link at the north edge of the site.

Response: The proposal is not required to provide a through-site link in accordance with the Section 5.9 of the Sydney DCP 2012.

- (f) **Issue:** The McEvoy Street facade lacks articulation resulting in unsympathetic bulk.

Response: The built form massing along McEvoy Street has been amended during the assessment and has broken down the massing and adopted building breaks to the facade expression.

- (g) **Issue:** The proposal will result in negative construction, noise and vibration impacts on neighbouring properties. Construction vehicle access is inappropriate for Morehead Street and should be directed to Young Street instead.

Response: The proposed vehicle entry on Morehead Street is consistent with the planned circulation and vehicular access and egress points in Figure 5.243 of the Sydney DCP 2012. A condition is recommended requiring a site-specific noise management plan to be submitted to the Council for comment and approval prior to issue of any Construction Certificate. This will ensure an adequate construction noise and vibration management plan is prepared.

- (h) **Issue:** The proposal does not provide enough parking for the area.

Response: The proposed parking is consistent with the Sydney Local Environmental Plan 2012, which provides maximum parking rates rather than minimum rates to minimise the amount of vehicular traffic generated because of proposed development.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

120. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is subject to a section 7.11 local infrastructure contribution under this Plan.
121. Credits have been applied for the most recent past use of the site, being 2,428sqm of light industrial uses.
122. A condition relating to this local infrastructure contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contributions to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

123. Section 7.32 of the Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies.
124. The Act applies with respect to a development application for consent to carry out development within an area if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area. Clause 14 of the Housing SEPP identifies that there is a need for affordable housing within each area of the State.

125. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:
- (a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and
 - (b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and
 - (c) the condition requires a reasonable dedication or contribution, having regard to the following -
 - (i) any other dedication or contribution required to be made by the applicant under this section or section 7.11.
126. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable. A condition of consent is recommended requiring the payment of an affordable housing contribution prior to the issue of a construction certificate. The imposition of a condition requiring the payment of affordable housing contributions also satisfies the matters for consideration in Section 15 of the Housing SEPP in that contributions are to fund the delivery of affordable housing as further detailed in the City of Sydney Affordable Housing Program.
127. Section 7.13(1)(d)(iii) of the SLEP 2012 notes that contributions for the purpose of affordable housing applies to land in residual lands that involves the erection of a new building the gross floor area of which is more than 200 square metres.
128. In accordance with the SLEP 2012 and in lieu of the delivery of affordable housing, a contribution of 1% of the total floor area to for non-residential uses and 3% of the total floor area of residential uses is required at a rate of \$11,646.80 per square metre.
129. The application proposes approximately 9,962.8 square metres of total residential floor area and 136.7 square metres of total non-residential floor area, resulting in a contribution of \$3,369,801.04. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

Housing and Productivity Contribution

130. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
131. The site is located with the Greater Sydney region, the development is a type of development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
132. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

- 133. Environmental Planning and Assessment Act 1979.
- 134. City of Sydney Act 1988.
- 135. Sydney Water Act 1994.

Conclusion

- 136. The application seeks consent for the construction of a maximum 7 storey co-living development comprising 283 co-living dwellings and ground floor retail use, significant landscaping and public domain works.
- 137. The proposal is generally compliant with the relevant planning provisions including the Housing SEPP, the SLEP 2012 and the SDCP 2012. The requests to vary the height of building development standard and the car parking rate for co-living is supported. Conditions are recommended to address other non-compliances where appropriate.
- 138. The proposed development does not pose any significant or unreasonable impacts upon the existing or likely future development surrounding site. The proposed development will improve the interface between the private and public domain and exhibits design excellence in accordance with Clause 6.21C of the SLEP 2012.
- 139. Given the proposal demonstrates appropriate responses to the matters for consideration under Clause 7.20 and 6.21C of the SLEP 2012 as detailed above, it is considered that a site specific development control plan and a competitive design process is unreasonable and unnecessary in this case.
- 140. The proposal will provide new co-living land uses on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.
- 141. Subject to the imposition of the conditions, shown in Attachment A, the proposal responds appropriately to the site constraints and contributes positively to the existing and desired future character of Danks Street South.
- 142. The proposed development is therefore in the public interest and is recommended for approval, subject to deferred commencement conditions requiring the exhibition and execution of the Voluntary Planning Agreement and registration of this agreement on title.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Christina Robinson, Specialist Planner