

Attachment F

Clause 4.6 Variation Request Deep Soil Zone

Written request to vary Clause 107(2)(f) of Housing SEPP – DEEP SOIL

Address: 47-49 Redfern Street, Redfern

Site and Proposed Development

1. Describe the site:

The site is located at the corner of Redfern Street and Elizabeth Street in Redfern. It is currently occupied by a four-storey residential care facility known as Annie Green Court, which provides accommodation and care for seniors at risk of homelessness.

2. Describe the proposed development:

The proposed development involves alterations and additions to the existing facility, including the addition of six single bedrooms with ensuites, resulting in a total of 78 residents. The alterations primarily involve enclosing existing louvered balconies and introducing minor internal modifications.

Planning Instrument, Development Standard, and Proposed Variation

3. Environmental planning instrument to be varied:

State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

4. Site zoning:

The site is zoned R1 – General Residential under the Sydney Local Environmental Plan 2012.

5. Identify the development standard to be varied:

Clause 107(2)(f) of the Housing SEPP requires a deep soil zone covering at least 15% of the site area, with a minimum width of 6m and at least 65% located at the rear of the site, if practicable.

6. Type of development standard:

Numeric and quantitative.

7. What is the numeric value of the development standard in the environmental planning instrument?

For this site, with an area of 1,740 sqm, the required deep soil zone is 260 sqm.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation?

The site currently provides:

- 211 sqm of deep soil in the main garden (not located at the rear of the site).
- If areas at the perimeter of the site that are less than 6m wide are included, the total deep soil provision exceeds 260 sqm.
- However, the perimeter areas do not meet the minimum 6m width requirement.

This results in a shortfall of 49 sqm (18.8% variation) in terms of deep soil zones with compliant dimensions.

Justification for the proposed variation

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

Compliance is unreasonable in this instance for the following reasons:

1. The site is located in a dense urban area where achieving the required quantum and dimensions of deep soil zones is physically constrained. Strict compliance would necessitate significant reconfiguration or reduction of functional areas, which is impractical for this established facility.
2. While the main garden provides 211 sqm of deep soil, additional areas along the site perimeter increase the total provision to exceed 260 sqm, fulfilling the quantitative requirement. These areas, though not 6m wide, contribute to urban greening, achieving the intent of the control.
3. Locating 65% of the deep soil zone at the rear of the site is impractical due to the building's footprint and existing design. The primary deep soil area in the main garden is well-utilised, providing high-quality landscaped space for residents.

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, there are sufficient grounds:

1. The primary objectives of deep soil zones—to enhance landscaping, promote stormwater infiltration, and support vegetation—are met through the existing garden and perimeter areas.
2. The main garden provides a functional and attractive outdoor space that serves the residents' needs while also contributing to environmental outcomes.
3. The variation does not result in any adverse impacts on neighbouring properties, as the landscaping enhances visual amenity and integrates seamlessly with the surrounding context.

12. Is there any other relevant information relating to justifying a variation of the development standard?

The building is an existing residential care facility with landscaping and deep soil zones approved under the original development.

While the dimension and location requirements are not fully met, the landscaping prioritises quality and usability, delivering practical benefits to residents and aligning with the intent of the standard.

The proposal balances landscaping with the operational needs of the facility, ensuring efficient use of an urban site.



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