



Planning &
Infrastructure

**MAJOR PROJECT ASSESSMENT
PEMULWUY MIXED USE REDEVELOPMENT
Project (MP11_0093) and
Concept Plan Modification (MP06_0101)**



Director General's Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

December 2012

ABBREVIATIONS

AHC	Aboriginal Housing Company
CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
SEPP MD	<i>State Environmental Planning Policy (Major Development) 2005</i>
SMDA	Sydney Metropolitan Development Authority
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Aboriginal Housing Company Ltd (AHC)
RtS	Response to Submissions
SCC	Sydney City Council

Cover Photograph: Oblique aerial view (photomontage) of the proposed development

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EXECUTIVE SUMMARY

This report assesses a proposed modification to an approved Concept Plan for a Mixed Use Development by the Aboriginal Housing Company Ltd ("the Proponent") on land known formerly as 'the Block', at Redfern but to be known henceforth as 'Pemulwuy' ("the site"). This report also assesses a related Project Application for the site. The proposed modification to the approved Concept Plan is identical to the Project Application, and represents the one proposal ("the modified proposal"). Approval to modify the Concept Plan is necessary to facilitate the proposed Project Application, as consideration and approval of the proposed variations to the height and floor space ratio development standards contained in State Environmental Planning Policy (Major Development) 2005 (SEPP MD) involved in the Project Application can only occur where the Minister, in an approval for a Concept Plan, has provided for the construction of a building that exceeds the relevant height and floor space ratio restrictions.

The site is within the Redfern Waterloo State Significant Site identified in Schedule 3 of the Major Development SEPP (SEPP MD) and is zoned Business Mixed Use. The proposal is permissible and consistent with the relevant objectives of the zone.

The modified proposal involves changes to the mix of approved uses, together with variations to the approved height and FSR. The modified proposal involves the demolition of the existing improvements on the land together with the redevelopment of the site as a mixed use development across three precincts comprising 62 affordable housing dwellings, retail/commercial space, publicly accessible open space, a gymnasium, a child-care centre, a community gallery, a 42 unit student housing building, basement car parking for 115 vehicles, together with eight surface car spaces.

The proposal also includes the establishment of a "themed" open space area in Eveleigh Street, between Lawson and Caroline Streets, to be known as "Pemulwuy, the meeting place". It is proposed to extend part of the Lawson Street Bridge over the rail corridor adjacent to the site to enlarge this space and create sight lines from Redfern Station through the subject site.

The Environmental Assessment for the modified proposal was publicly exhibited from 19 January 2012 until 29 February 2012. A total of 19 submissions were received comprising nine submissions from Council and government agencies and 10 public submissions. The submissions from Council and government agencies were all generally supportive, while three of the public submissions were by way of objection. The issues raised in the submissions are addressed in the Department's assessment. In response to the issues raised in the submissions and the Department's issues letter, the Proponent submitted a Preferred Project Report (PPR). The changes involved in the PPR are relatively minor and are outlined in Section 2 of this report.

The Department has assessed the modified proposal on its merits and is satisfied that its impacts have been addressed via the EA, the PPR, the Statements of Commitment and the Department's recommended terms of approval. The Department is of the view that the impacts of the proposal can be suitably mitigated and/or managed to ensure satisfactory environmental performance and a good planning outcome. The proposal will provide on-going social and economic benefits to the Aboriginal and Torres Strait Islander community, together with the wider community.

It is recommended that modification to the approved Concept Plan be approved under the provisions of Section 75W of the Environmental Planning and Assessment Act 1979 ('the Act'). It is also recommended that the Project Application be approved subject to the conditions specified in the Instrument of Approval pursuant to Part 3A of the Act.

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1. BACKGROUND

1.1 Site Description

In a regional context, the site is located 3 km south of Sydney City, north of Australian Technology Park, east of the University of Sydney campus, and west of Prince Alfred Park and the suburbs of Redfern and Surry Hills. The suburb of Chippendale is located to the north and Darlington to the west.

In a local context, the site is located diagonally opposite Redfern Rail Station and is bound by Lawson Street to the south, Vine Street to the north, Louis Street to the west and the railway corridor to the east. Caroline Street is located within the site and has an east-west alignment. Eveleigh Street has a north-south alignment and connects with Lawson street at the 'top' of the site. Caroline Lane is located between Lawson and Caroline Streets, parallel to both streets. Eveleigh Lane is located between Louis and Eveleigh Streets and is parallel to both streets.

The site comprises 98 allotments and has a total area of approximately 10,370m² (excluding public roads and laneways).



Figure 1 – Site location

The site is currently occupied by the following buildings and facilities, all of which are predominantly two storeys in height:

- The Elouera Gymnasium (corner of Vine and Eveleigh Streets);
- The Murrawina Childcare Centre (Eveleigh Street); and
- The commercial office for the Aboriginal Housing Company within the former Railway View Hotel (corner of Eveleigh and Lawson Streets).

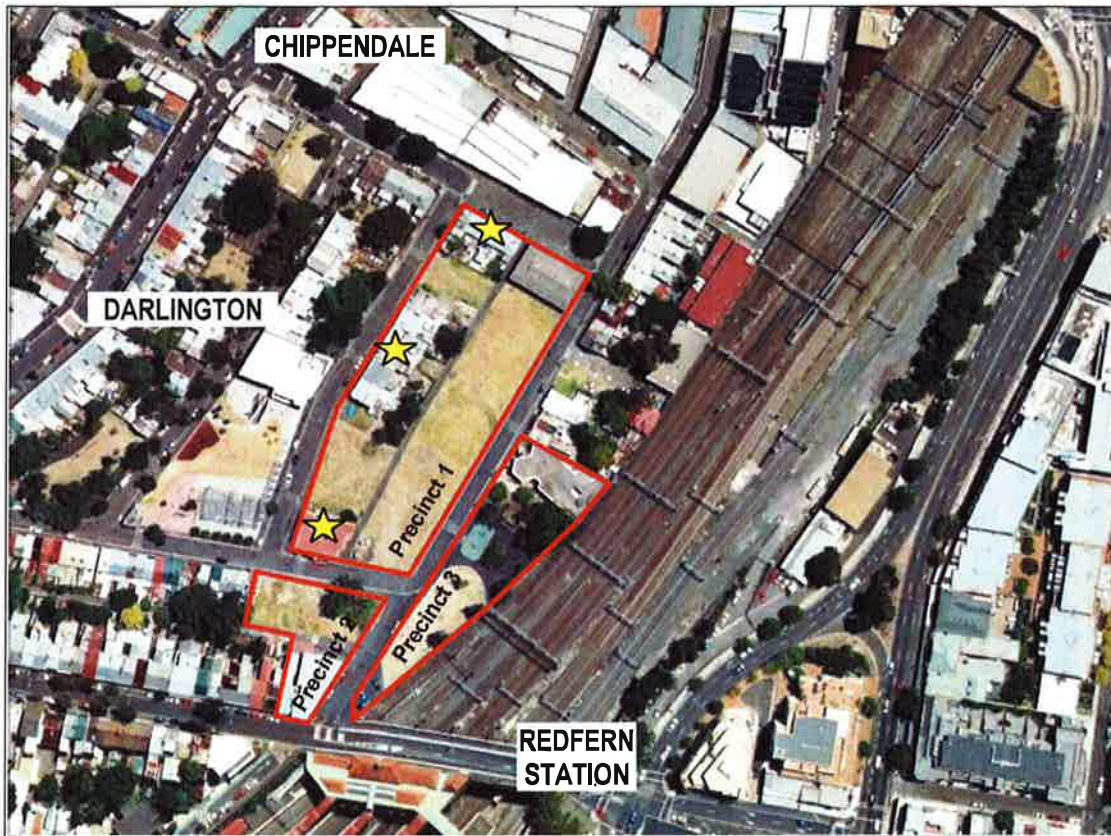


Figure 2 – Aerial Photograph of the site. Note: Proposed bridge works are outside the site area.

★ These buildings were demolished between December 2010 and October 2011

Vehicular access to the site is via Lawson Street, Caroline Street, Vine Street and Eveleigh Street. Pedestrian access is also facilitated via these streets with the main pedestrian access point being Lawson Street from the south, as a through site link from Redfern Station to the residential areas of Darlington and Chippendale.

1.2 Surrounding development

The site is surrounded by a mix of land uses including residential, light industrial and local services. Residential development to the west of the site is characterised by terrace housing, mixed with some medium density residential development. Light industrial development located to the north of the site is characterised by two-storey buildings used for general storage and warehousing.

Abercrombie Street (to the west of the site) contains some retail uses interspersed with terrace housing. Abercrombie Street/ Lawson Street is the main thoroughfare for university students walking between the Sydney University campus and Redfern Railway Station. The City of Sydney's Redfern Community Centre is located immediately west of the site.

1.3 Site History

Historically the site was occupied by two-storey residential terraces for workers of the Eveleigh Workshops and local industry up until the mid 20th century when the area was rezoned light industrial. As a result of the rezoning some of the terrace houses were demolished to build factories. The existing Elouera Gymnasium was formerly a boot making factory.

In 1973, the Aboriginal Housing Company (AHC) began acquiring portions of the site to be utilised as affordable residential accommodation, social and recreational services for the Aboriginal and Torres Strait Islander (ATSI) community.

The majority of housing stock on the site has been systematically demolished over the years resulting in large portions of the site now being vacant land. The remaining buildings whilst of social significance are of little aesthetic or historical value. The site itself is significant on a local, state and national level for its social value, especially within the Aboriginal and Torres Strait Islander community.

2. PROPOSED DEVELOPMENT

2.1 The proposed development

Approval to modify the approved Concept Plan is sought together with Project Application Approval. The modification of the approved Concept Plan, together with the Project Application relate to the one proposal to provide for a mixed use re-development of the site known as 'Pemulwuy'. The purpose of the proposed modification to the approved Concept Plan is to facilitate the Project Application. Consideration and approval of the proposed variations to the height and floor space ratio development standards contained in State Environmental Planning Policy (Major Development) 2005 (SEPP MD) involved in the Project Application can only occur where the Minister, in an approval for a Concept Plan, has provided for the construction of a building that exceeds the relevant height and floor space ratio restrictions.

The two applications ('the modified proposal') are identical and involve the following across three Precincts:

Precinct 1

The construction of a part two /part six-storey mixed-use building containing:

- 62 dwellings comprising 36 townhouses (five x two-bedroom, 18 x three-bedroom and 13 x four-bedroom) and 26 apartments (21 x two-bedroom and five x three-bedroom);
- 340m² of retail/commercial space;
- 905m² of gymnasium/fitness centre space;
- a basement car park accommodating a total of 115 vehicles, including ten accessible spaces; and
- eight car spaces in the forecourt of Precinct 1, accessed from the Caroline Street 'share zone' primarily to service the childcare centre.

Precinct 2

- The construction of a part two /part three-storey mixed-use building containing 1,455m² of retail/commercial space and a 60 place child care centre; and
- Closure of the eastern end of Caroline Lane and construction of a new laneway to the west of the child care centre linking Caroline Lane with Caroline Street.

Precinct 3

The construction of a part three /part seven-storey mixed-use building containing 1,100m² of retail/commercial space, a 475m² community gallery, a 154 bed/ 42 unit student housing building, and a manager's flat.

The proposal also involves the establishment of an open space area in Eveleigh Street, between Lawson and Caroline Streets, to be known as "Pemulwuy Place". Pemulwuy Place is proposed to be a 10kph pedestrian/vehicle shared zone. The Lawson Street rail bridge is proposed to be extended over the rail corridor adjacent to the site's western boundary to enlarge the Pemulwuy Place and create a visual connection from Redfern Station through the site to the existing community centre in Louis Street.

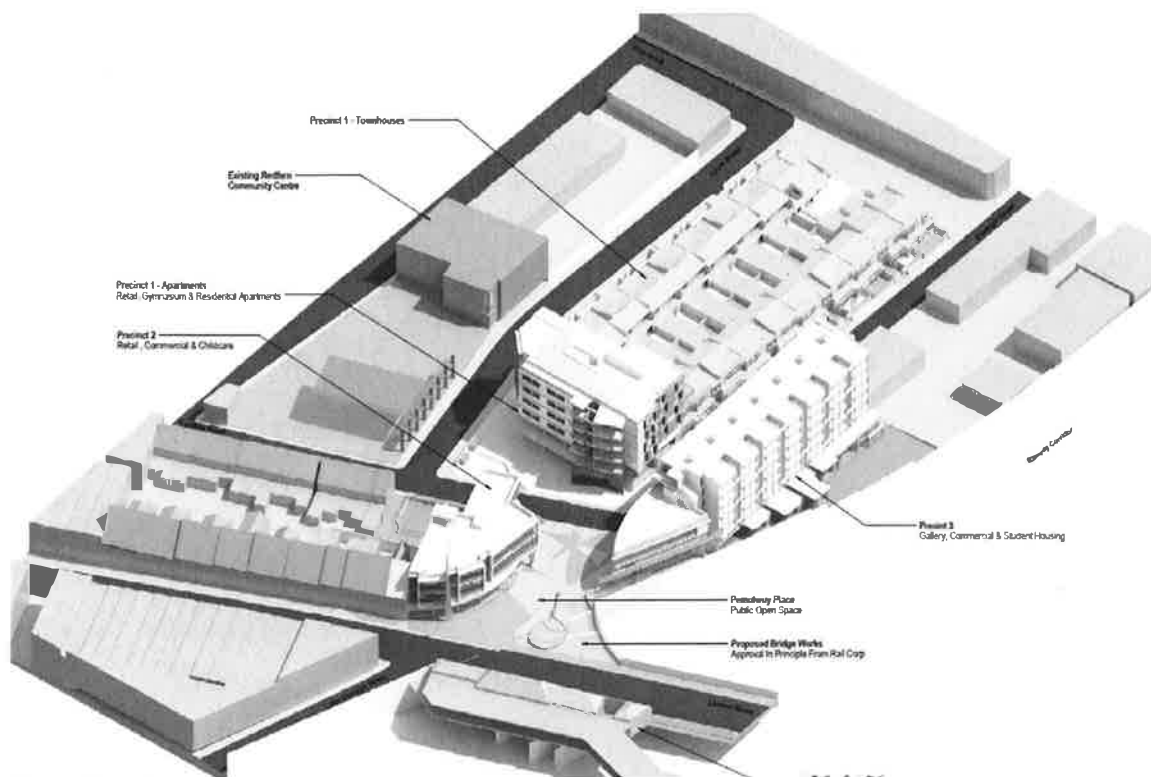


Figure 3 – The proposed development

Comparison of modified Proposal against the approved Concept Plan

The major changes in built form and land use between the approved Concept Plan and the modified proposal include:

- The affordable housing in Precinct 1 being provided in the form of two-storey townhouses and an adjoining six-storey tower instead of six x four-storey apartment buildings. Both the approved Concept Plan and modified proposal provide for 62 affordable housing dwellings;
- A reduction in the amount of commercial floor space;
- Provision of 42 student housing units (providing 154 beds) in Precinct 3 in a seven-storey building. The Concept Plan approval excluded residential uses in Precinct 3 and provided for 'commercial, cultural and (ancillary) retail uses';
- Provision of a 60 place child care centre;
- Provision of an additional 1,865m² of floor space across the site. This represents an increase in GFA of 12%; and
- Construction of a platform extending off the northern side of the Lawson Street bridge over the railway corridor adjacent to the Eveleigh Street entry to the site.

A table comparing the modified development against the approved Concept Plan and against the height and FSR provisions of the SEPP MD has been included in the assessment at **Appendix D** to this report.

Appendix E is a comparison of the modified proposal against the development approved as part of the original Concept Plan.

Figure 4 depicts the approved Concept Plan and **Figure 5** is the modified proposal as exhibited.

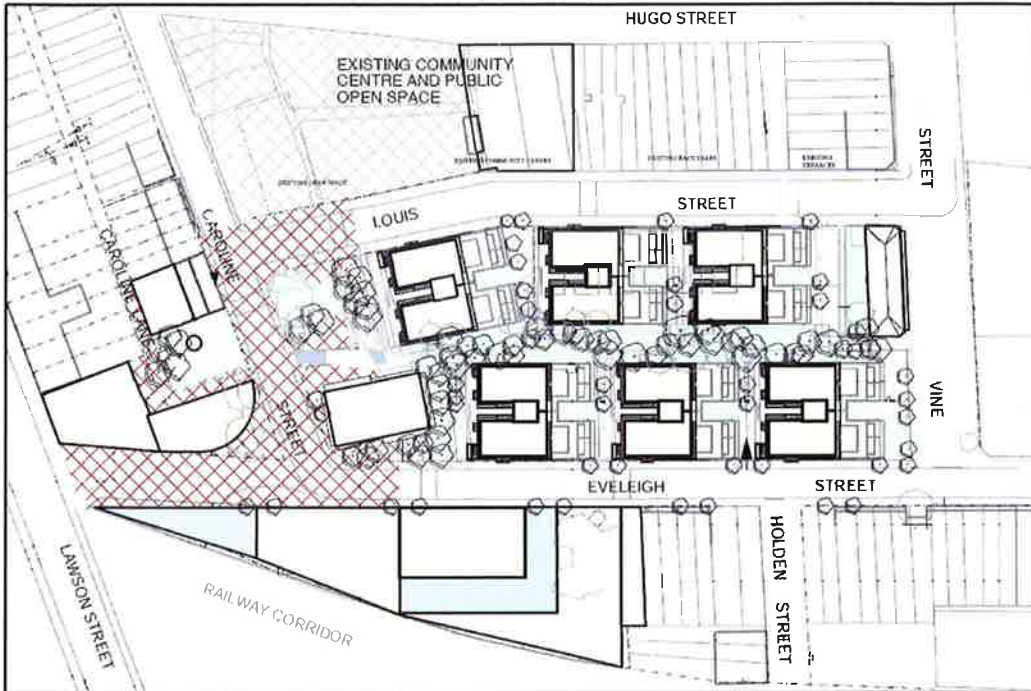


Figure 4 – The approved Concept Plan

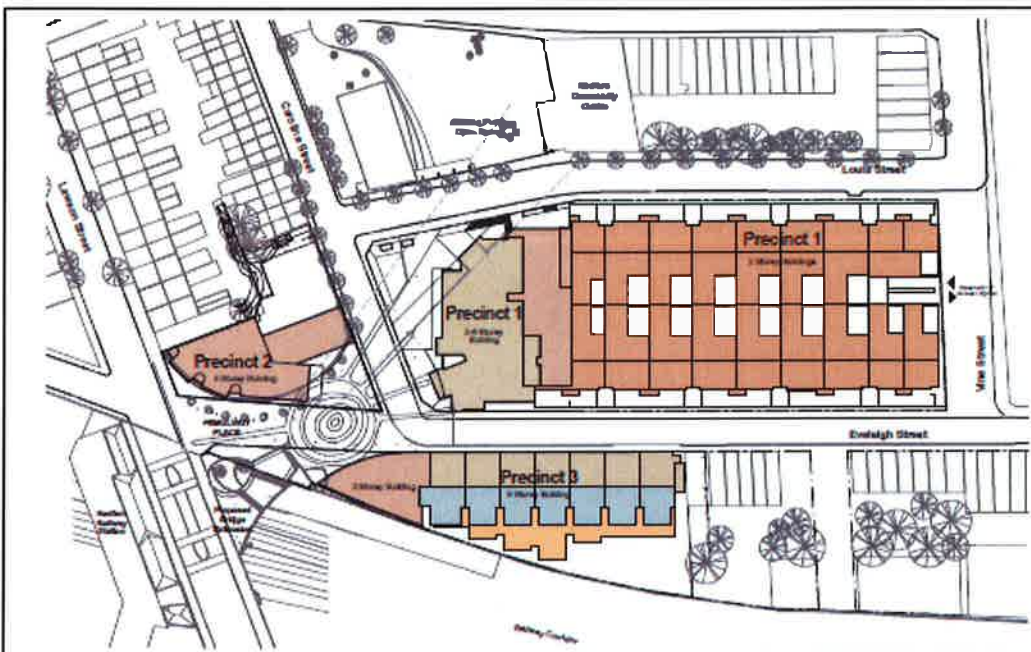


Figure 5: Modified Development Proposal as per PPR

2.2 Project need and justification

NSW 2021

NSW 2021 is the NSW Government's strategic business plan for setting priorities for action and guiding resource attention. NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities. The Pemulwuy project is consistent with NSW 2021 in that it will provide affordable housing and quality social services in close proximity to a major rail station. The development will strengthen the connections of the Aboriginal and Torres Straight Islander community to the site and be a source of community pride and cohesion into the future. Redevelopment of this strategic site is likely to be a catalyst for further urban renewal and economic activity in this locality.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan aims to sustainably manage growth, enhance Sydney's position in the global economy, achieve greater housing affordability, enhance liveability and ensure equity for future generations. The Metropolitan Plan forecasts a population increase for Sydney of 1.7 million people by 2036, taking the total population to 6 million. As a result, Sydney will need 770,000 additional dwellings by 2036, a 46% increase on the current housing stock of 1.68 million dwellings. The proposal will make a significant contribution to the achievement of a number of the Metropolitan Plan targets. Specifically, the proposal will provide a number of new dwellings in an area with high accessibility to public transport, employment and retail facilities. A mix of apartment sizes and provision of adaptable dwellings allows for changing household demographics and ageing in place.

Draft Sydney City Subregional Strategy

The Metropolitan Plan places the site in the Sydney City subregion. The site is located within the Redfern Centre Precinct and is in close proximity to the village centres of Redfern Street and Waterloo. The Redfern Centre Precinct is located at the southern end of central Sydney, and is centred around Redfern station. The precinct is also strategically located within the 'global economic corridor'. Draft Sydney City Subregional Strategy identifies Redfern and Waterloo as village centres.

The housing and employment targets for the Sydney City subregion are:

- an additional 55,000 dwellings by 2031; and
- 58,000 more jobs by 2031.

In this regard the modified proposal will provide 62 affordable housing units, 154 student housing rooms, 70 construction jobs and at least 26 operational jobs.

The objectives for this subregion include, "*a diverse housing stock, which encompasses affordable and adaptable dwellings, and meets the needs of the community enabling residents to age in place*". Fifty-seven or 92% of the proposed 62 affordable housing dwellings have been designed to be adaptable for use by people with a disability in accordance with AS 4299 - 1995. The development has been specifically designed to meet the needs of low income Aboriginal and Torres Straight Islander families and to allow occupants to age in place.

The provision of affordable housing and student housing accommodation in close proximity to Redfern station is consistent with the aim of the Redfern Centre Precinct to provide housing, community and cultural facilities in close proximity to public transport.

3. STATUTORY CONTEXT

3.1 Continuing operation of Part 3A

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects, including modifications to Part 3A projects. Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 8 April 2011 and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated Regulations, and the Minister (or his delegate) may approve the requested modification to the approved Concept Plan under Section 75W of the EP&A Act and approve or disapprove of the carrying out of the project under Section 75J of the EP&A Act.

3.2 Major Project

The project is a Major Project under the State Environmental Planning Policy Major Development 2005 (SEPP MD) as it has a CIV of more than \$5 million and is of a kind described in Schedule 3, Part 5 – Redfern Waterloo Authority Sites, (State Significant Site) as a project to which Part 3A of the EP&A Act applies. The opinion was formed by the Director General, as delegate of the Minister on 29 September 2006, and authorisation was granted for the submission of a Concept Plan Application on 4 October 2006.

3.3 Delegations

The Minister for Planning & Infrastructure is the approval authority for the modified proposal. On 14 September 2011, the Minister delegated his powers and functions under Section 75W of the EP&A Act, together with his powers and functions in relation to giving or refusing to give approval for a project under Section 75J EP&A Act, to the Deputy Director General Development Assessment and Systems Performance, in cases where there are less than 25 public submissions in the nature of objections, where Council does not object and where no political donations have been made. The proponent has not declared any political donations. Council does not object to the proposal and less than 25 public submissions were received.

Accordingly, the Deputy Director General Development Assessment and Systems Performance has delegation to approve both the requested modification to the approved Concept Plan under Section 75W, together with the Project Application under Section 75J.

3.4 Permissibility

The site is zoned Business - Mixed Use under the SEPP MD. The proposal is considered to satisfy the objectives of the zone, which seek to encourage employment, educational, commercial/retail, cultural and residential uses. The modified proposal is permissible with consent.

3.5 State Environmental Planning Policy (Major Development) 2005 (SEPP MD)

The site is subject to maximum floor space ratio (FSR) and building height development standards outlined in Clause 21(1) and (2) of the SEPP MD. Figures 6 and 7 below are extracts from the FSR and Height of Buildings maps which accompany SEPP MD.

The site is subject to various FSR provisions. The maximum FSR for development on Precincts 1 and 2 is 0.75:1 for residential development and 1.5:1 for other development. Within Precinct 3 the FSR for any residential development is 1:1 and 2:1 for other development. The maximum height of buildings in Precincts 1 and 2 is 3 storeys and 5 storeys in Precinct 3

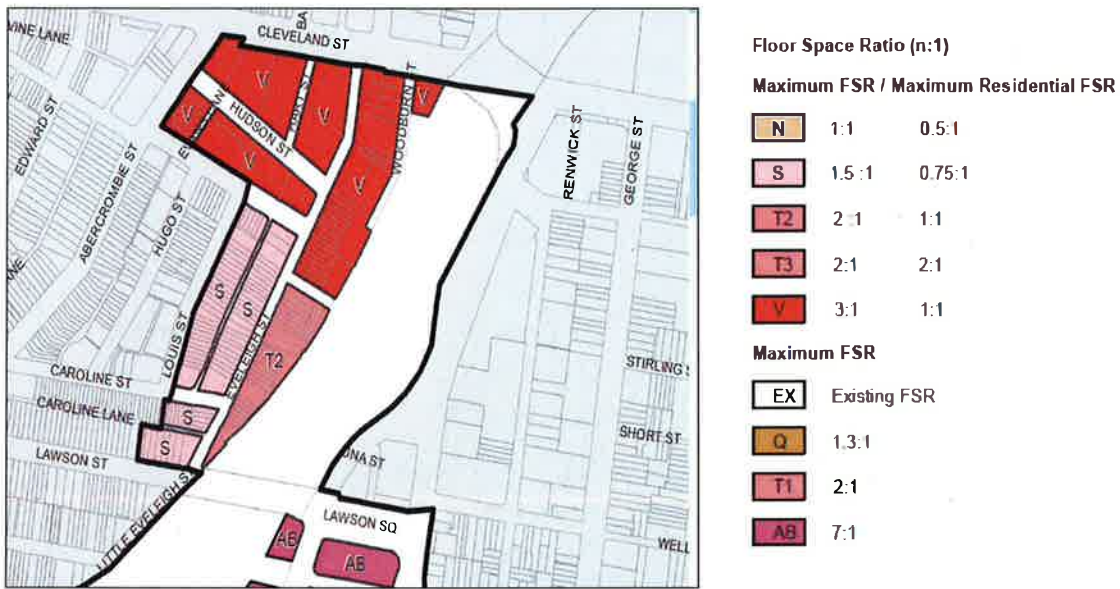


Figure 6 – SEPP MD FSR Map extract

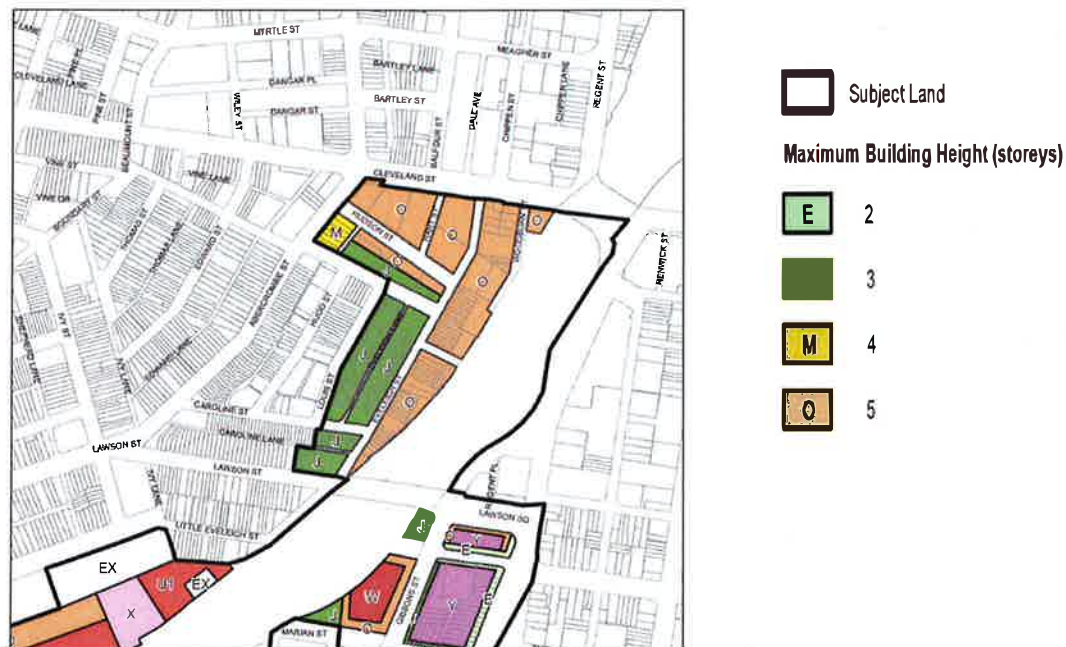


Figure 7 – SEPP MD Height Standard Map extract

3.6 Variation to Development Standards contained in SEPP MD

Variation to the height and floor space ratio restrictions outlined above in 3.5 above is possible as Clause 21(3) of Part 5 to Schedule 3 of the SEPP MD provides that the Minister may approve a Concept Plan which exceeds the maximum height and FSR controls.

In accordance with the provisions of Clause 21(3), the height and FSR restrictions outlined in Clause 21(1) and (2) do not apply to a Project Application where the Minister in an approval for a Concept Plan has provided for the construction of a building that exceeds the height and floor space ratio restrictions. The proposed modification to the approved Concept Plan and the Project Application are identical and both applications exceed the height and FSR development standards. Accordingly, consideration and approval of the proposed variations to the height and floor space ratio development standards involved in the modified Concept Plan is necessary to facilitate consideration of the proposed Project Application. The variations to the height and FSR standards are considered in Section 5.3 of this report, under the heading 'Height and Density'.

3.7 Objects of the Environmental Planning & Assessment Act 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a Concept Plan Application or Project Application under Part 3A must be informed by the relevant provisions of the EP&A Act, consistent with the backdrops of the objects of the EP&A Act.

The objects of the EP&A Act in Section 5 are as follows:

(a) to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*

(b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

(c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Future development of the site is to occur in an appropriate manner. In this regard, the orderly and economic use of the land is to be coordinated, providing social housing, community facilities and commercial development, which will ensure that the land is continued to be used for public purposes as well as being publicly accessible.

With respect to Environmentally Sustainable Development (ESD), the EP&A Act adopts the definition in the Protection of the Environment Administration Act 1991 including the precautionary principle, the principle of inter-generational equity, the principle of

conservation of biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms.

Having regard to the public benefits to be provided, the limited environmental impacts and consistency with relevant planning controls, the modified proposal is considered to be consistent with the objectives of the Act.

3.8 Environmentally Sustainable Development Principles

There are five accepted ESD principles:

- (a) *decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);*
- (b) *if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);*
- (c) *the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);*
- (d) *the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and*
- (e) *improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).*

The Department has considered the redevelopment in relation to the ESD principles and has made the following conclusions:

- a) **Integration Principle** – The environmental impacts of the development are appropriately mitigated as discussed in this report. The Department's assessment has duly considered all issues raised by public authorities, and the proposal as recommended for approval will not compromise any particular stakeholder or hinder the opportunities of others.
- b) **Precautionary Principle** – The proposal presents no threat of serious or irreversible environmental damage to the site or the wider locality, and the EA is supported by technical and environmental reports which conclude that the proposal's impacts can be successfully mitigated. The site is not subject to any known effects of flooding and is not subject to bushfire threat.
- c) **Inter-Generational Principle** – The proposal represents a sustainable development of the site. The proposal will enable social renewal of the site and immediate locality, and provide a high quality mixed use environment for future users of the site.
- d) **Biodiversity Principle** – Following an assessment of the Proponent's EA and other supporting documents it is considered with certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal. The proposed removal of existing vegetation will not affect any threatened or vulnerable species, populations, communities or significant habitats.
- e) **Valuation Principle** – The approach taken for this project has been to assess the environmental impacts of the proposal and identify appropriate safeguards to mitigate adverse environmental effects. The mitigation measures include the cost of implementing these safeguards in the total project cost.

The Proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the EA, which identify implementation of BASIX,

maximizing cross-ventilation of dwellings and providing dwelling layouts which maximise solar access.

3.9 Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been appropriately addressed.

4. CONSULTATION AND ISSUES RAISED

4.1 Public Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. The Department publicly exhibited the EA for the modified proposal from 19 January 2012 until 29 February 2012 on the Department's website, at the Department of Planning & Infrastructure Information Centre, the City of Sydney Council's Town Hall House office, and the Redfern Neighbourhood Centre. The Department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 18 January 2012 and notified landholders and relevant State and local government authorities in writing.

The Department received 19 submissions during the exhibition of the EA for the modified Concept Plan and Project Application, comprising 9 submissions from public authorities and 10 submissions from the general public and special interest groups.

An additional 10 submissions were received in response to the PPR for the modified proposal, comprising six submissions from public authorities and four submissions from the general public. Overall, there is general support for the redevelopment of the site to enable regeneration and social renewal. The issues raised in the submissions are summarised below.

4.2 Public Authority Submissions

Nine submissions were received from public authorities in response to the EA and a further 6 submissions in response to the PPR. Submissions were received from City of Sydney Council, RailCorp, Ausgrid, Family & Community Services (Housing NSW), NSW Office of Environment & Heritage, NSW Police (Redfern Local Area Command), Sydney Metropolitan Development Authority (SMDA), Roads and Maritime Services (RMS), and Sydney Water. The submissions from public authorities are summarised in **Table 1** below:

Table 1: Summary of Issues Raised in Public Authority Submissions

City of Sydney Council does not object to the proposal.	
EA	<ul style="list-style-type: none"> • Additional justification to support the variations to the FSR and height standards contained within the SEPP MD is required; • Concerns in relation to amenity and environmental performance specifically lack of cross ventilation, overlooking, screening to west facing windows, provision of an awning to the west facing retail space, the design of dwellings, façade treatments, public domain finishes, the provision and location of the proposed child-care centre parking; • Location of the substation kiosks clashes with the view corridor and pedestrian connections; • The proposed dedicated right turn lane from Lawson Street into Eveleigh Street is not supported as this would increase in traffic volumes on the proposed Eveleigh Street shared zone; • Proponent to consult with Council in relation to the proposed public art and public domain treatments. The public domain treatments proposed do not accord with Council's standard treatments; • Provision of the residential accommodation as affordable housing must be formalised; and • Issues relating to security, particularly in the basement car park.
PPR	<p>The following issues have been satisfactorily addressed as part of the PPR:</p> <ul style="list-style-type: none"> • Justification on departures from the numeric height and floor space development standards contained in SEPP MD;

- An assessment of the proposal against the principles and guidelines contained in SEPP 65 and the RFDC;
- Additional plans demonstrating the internal amenity of Precinct 1 townhouses;
- Details regarding materials and finishes;
- Modification of the Statement of Commitments in relation to the provision of affordable housing in Precinct 1; and
- A Plan of Management for the student housing component.

Council's submission indicates the following issues identified in its submission to the EA have not been addressed by the proponent's PPR and are still outstanding:

- Sufficient information relating to the proposed changes to the local traffic conditions. The changes sought will require assessment and separate approval by Council's Traffic Committee;
- The eight time limited car parking spaces proposed to be provided along Caroline Street will result in a loss of on-street parking for residents;
- The proposed cultural art is not considered by Council to be "public art";
- Concern in relation to proposed public domain materials and finishes; and
- The requirement for a revised and updated Social Plan.

Comment: The issues raised by Council are addressed in Section 5 of this report and through the conditions of project approval.

Sydney Metropolitan Development Authority (SMDA) does not object to the proposal.

EA The SMDA is supportive and assisted to facilitate the modified proposal. The SMDA support a variation to the applicable floor space ratio and building height standards.

PPR The SMDA reiterated its support for the modified proposal.
The SMDA conditionally supports the Proponent's request for exemption from the payment of contributions under the RWCP. This is addressed in Section 5 of this report.

Roads and Maritime Services (formerly Roads and Traffic Authority) does not object to the proposal.

EA RMS expressed concern with regard to the adequacy of the loading provisions, and requested that servicing delivery details, including truck sizes and number of movements be provided prior to determination. RMS has provided draft conditions to be included within the approval.

PPR The RMS did not raise any objections and requested that the conditions identified in its submission to the EA be imposed as conditions on any approval.
Some of issues raised by RMS are not able to be addressed at this stage of the project. Where possible alternative conditions which address RMS's concerns will be imposed.

Ausgrid does not object to the proposal.

EA Ausgrid indicates that one or more substations would be necessitated for the proposal.

PPR The PPR did not specifically address the issues raised in the Ausgrid submission to the exhibited EA. Alternative locations for the kiosks will be required to be investigated. Appropriate conditions of approval will be imposed in relation to consulting with the service authority for the provision of infrastructure to the development.

RailCorp does not object to the proposal.

EA RailCorp advised that they have a good relationship with the Proponent with respect to the ongoing discussions relating to the pedestrian link.

RailCorp has specific requirements in relation to geotechnical and structural reporting and excavation methodology; encroachments into the rail corridor; stormwater design; and

	landscaping and fencing.
PPR	<p>Owners consent has been provided.</p> <p>Any bridge works and future ownership, care and control of the bridge will be subject to final RailCorp approval.</p> <p>Appropriate conditions as requested by RailCorp will be imposed.</p>
Family & Community Services does not object to the proposal.	
EA	<p>The Centre for Affordable Housing supports the proposal.</p> <p>62 National Rental Affordability Scheme (NRAS) Incentives have been allocated to project. In order to take advantage of this, the dwellings must be occupied by June 2016 and managed as affordable housing.</p>
PPR	No further submission by FACS in relation to the PPR
Redfern LAC/NSW Police does not object to the redevelopment of the site	
EA	<ul style="list-style-type: none"> • The Aboriginal community and AHC have consulted with Redfern LAC crime prevention officers in relation to the design of the development. • Active street frontages and removal of the physical barrier at the top of Eveleigh Street are supported. • Further crime prevention initiatives may become apparent as the development proceeds. • Recommend installation of CCTV as a crime prevention initiative. • Recommend that on site car parking be increased. Lack of car parking can result in an increase in anti social behaviour. • Insufficient provision of bike racks for the development. • Parking should be provided close to the child care centre for child drop off and pick up. • Details of the design of the roundabout at Vine Street and Abercrombie Street are required. • Support improvements to the public domain, including the creation of "Pemulway Place" and the provision of share ways. • Concerned over the absence of off-street parking allocated to the student housing, together with management issues such as the likelihood of high number of transient residents. <p><i>Comment:</i> Information provided by the proponent indicates that the concerns of the Police have been resolved by the Plan of Management for the student housing, submitted with the PPR. The issue of parking to service the student housing building is addressed in Section 5 of this report.</p>
PPR	No response to the PPR was received.
Office of Environment and Heritage (OEH) does not object to the proposal.	
EA	<p>OEH note that the EA does not include an assessment of the potential for archaeological evidence to occur and has advised that the open space areas of the site could include evidence of past aboriginal campsites. There is also the possibility that aboriginal objects may also be found. The discovery of such evidence has the potential to enhance the tangible connection of contemporary Aboriginal and Torres Straight Islander community to the site.</p> <p><i>Comment:</i> An appropriate condition has been included to provide for appropriate action in the event that site works reveal evidence of early Aboriginal occupation of the site or Aboriginal artefacts (Refer to Condition D10).</p>

PPR	OEH is satisfied with the Proponent's response to the issues raised. No further comment.
Sydney Water does not object to the proposal.	
EA	Sydney Water has requested the proponent provide a Water Sensitive Urban Design Strategy (condition B13). The requirement to lodge a stormwater connection application with Sydney Water has been addressed via the imposition of a suitable condition (condition B12). The submission has identified stormwater quality targets and on site detention requirements for the proposal. The Proponent has noted Sydney Water's comments in its Statement of Commitments.
PPR	The Proponent has noted Sydney Water's advice and amended the Statement of Commitments accordingly. No further comments from Sydney Water.

4.3 Public Submissions

A total of 10 submissions were received from the public in response to the exhibition of the EA, many of which supported the proposal. A further four submissions were received in relation to the PPR. The issues raised in public submissions are listed in **Table 2**.

The issues raised in the public submissions are addressed in Section 5 of this report and by the Proponent in its response to submissions in Appendix 3 to the PPR:

Table 2: Issues raised in public submissions

Issue	Comment
<p>Provision for greater mix of uses</p> <p>It was perceived that the mix of uses proposed by the Proponent was incongruous and unlikely to be implemented.</p>	<p>The uses are a response to the constraints and opportunities of the site and are consistent with the Business Mixed Use zone.</p> <p>The modified proposal ensures maximum exposure for retail tenancies, the protection of amenity for existing and future residents, and responds to existing land use patterns of the surrounding precinct. The mix of uses has been designed to provide facilities required in the area and to satisfy the needs of the local community.</p>
<p>Density and Height</p> <p>Non-compliance with height and GFA controls defined under the State Environmental Planning Policy Major Development 2005 (SEPP MD) has resulted in an over development of the site, a development out of scale with the existing surrounding built environment and a precinct that does not achieve the general objectives of the Business – Mixed Use zoning.</p>	<p>It is considered that the objectives of the Business – Mixed Use zone and the Redfern-Waterloo Built Environment Plan can be better achieved with variations to the development standards relating to height and GFA imposed on the site under the SEPP MD. The modified proposal is considered to be an appropriate response to the constraints and opportunities of the site. There would be no unreasonable impacts on the amenity of the surrounding locality.</p> <p>Sufficient additional justification to support the variations to the floor space and height provisions of the SEPP MD as part of the PPR has been provided with the PPR. The non compliances are supported by SMDA and Council. The proposed height and density are appropriate in the context of a strategic site opposite a major rail station on the periphery of the Redfern town centre.</p> <p>Further discussion regarding height and density is provided in Section 5.2 of this report.</p>
<p>Overshadowing of adjoining properties, including 108 Lawson Street)</p>	<p>The development has been designed with taller buildings located centrally within the site or adjacent to the railway corridor. The shadow analysis accompanying the PPR demonstrates that there will be no unreasonable overshadowing of adjoining and nearby properties, including 108 Lawson Street.</p>
<p>Laneway Closures and Safety</p> <p>Concern has been raised about the closure of</p>	<p>The retention of the laneway in its current alignment effectively severs the site and does not provide a good urban design outcome.</p>

Issue	Comment
laneways and potential safety issues.	<p>The modified proposal provides opportunities for passive surveillance across the development site.</p> <p>Overall the closure of the laneways allows for a better outcome for the precinct and a more orderly use of the land.</p>
<p>Project delivery</p> <p>The capacity of the Proponent in relation to delivering the Project given the variances proposed to the density standards imposed by the SEPP MD and the excessive provision of housing on site was questioned.</p>	<p>Comments in relation to the capacity and credibility of the Proponent are not a relevant planning consideration under the provisions of the EP&A Act.</p> <p>A commitment to providing retail and commercial development in all stages of the development to ensure an increased level of financial sustainability for the project has been provided.</p> <p>The 62 dwellings and the student housing will be provided as affordable housing, to be managed by the AHC and maintained in its ownership.</p>
<p>Open Space Provision</p> <p>Only limited open space/landscaping</p>	<p>The proposed open space is considered satisfactory.</p> <p>Embellishment of the open space that will comprise public domain areas will be undertaken in consultation with Sydney City Council.</p>
<p>Traffic impacts</p> <p>Including pedestrian safety due to excessive on-site parking,</p> <p>Access to 108 Lawson Street</p>	<p>The road network in the area is considered to have sufficient capacity to accommodate the traffic demands.</p> <p>The design of the western elevation of the building on Precinct 2 is such that access/egress from Caroline Lane to 108 Lawson Street will be difficult. The proposed splayed wall will likely entail a number of manoeuvres in order to enter or leave this property.</p> <p>A condition has been imposed requiring the Proponent to provide swept path plans for ingress/egress for a vehicle to/from 108 Lawson Street and to demonstrate that access can be achieved in accordance with Australian Standard AS2890.1 (2004) (Refer to Condition B1).</p>
<p>Parking</p>	<p>The development has been amended to provide drop off/pick up parking for the child care centre.</p> <p>The proposal is consistent with the strategy of limiting parking on sites well serviced by public transport as a means of reducing reliance on private transport.</p>
<p>Consultation</p> <p>Concerns regarding the level of consultation with the community</p>	<p>The EA was accompanied by a Pemulwuy Community Engagement report prepared by Scott Carver (Appendix 12). The level of Community consultation is considered satisfactory and is in accordance with current best practice.</p>
<p>Diversity of residents</p>	<p>This is not a relevant planning consideration</p>
<p>Building damage</p> <p>The owner of 108 Lawson Street has raised the issue of potential damage to the building on 108 Lawson Street that may occur as a result of works on the subject site.</p>	<p>Dei Corp, on behalf of the Proponent has undertaken to provide the owner of 108 Lawson Street with a dilapidation report prior to works commencing and at the completion of works. Dilapidation reports for all adjoining buildings will be required to be provided. Condition B19 references this requirement.</p>
<p>General support</p>	<p>Noted.</p>

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

The Department considers the key environmental issues for the project to be:

- Land use;
- Built form and urban design;
- Height and density;
- Access, car parking and traffic;
- Safety and security;
- Heritage;
- Residential amenity;
- Contributions;
- Social and economic impacts; and
- Public domain and open space.

All other issues have been satisfactorily addressed in the EA, PPR and recommended modifications and conditions of approval.

5.1 Land Use Mix

The modified proposal introduces new uses which did not form part of the approved Concept Plan approval. In this regard, a 60 place child-care centre is proposed for Precinct 2 and a 42 unit (154 bed) student housing building is proposed for Precinct 3. The child-care centre is unlikely to detract from the amenity of adjoining and nearby residential uses. The use of the outdoor child-care centre playground will not result in any unreasonable, acoustic privacy impacts having regard to the separation afforded by the existing and reconfigured Caroline Lane. Caroline Lane provides physical separation between the child-care centre playground, and the rear elevations of Nos 108, 110, 112 and 114 Lawson Street, while the proposed new section of laneway linking Caroline Lane to Caroline Street provides physical separation from the closest residential property fronting Caroline Street (i.e. 17 Caroline Street). No. 17 Caroline Street has no window openings on its eastern side elevation, which will assist in ensuring a satisfactory privacy relationship with the child-care centre. The acoustic and visual privacy of the rear yards of Nos 108-114 Lawson Street would be protected by existing 2.0m high walls to Caroline Lane.

The eight proposed 90° angle parking spaces in the forecourt of Precinct 1 are intended to primarily provide parking for the child-care centre and ensure that the centre's demand for car parking does not come at the expense of existing public on-street car parking. The proposed child-care centre will be complementary to the other mix of uses proposed in the modified proposal as it will provide a child-care facility in close proximity to the affordable housing dwellings.

The proposed student housing introduces a residential use to Precinct 3. This aspect of the modified proposal reduces the proportion of floor space that will be provided for retail and commercial activities (compared to the approved Concept Plan), and increases the level of residential floor space. The Redfern LAC has raised concerns in relation to the absence of parking to service the proposed student housing. The absence of private off-street parking to service the student housing is considered appropriate, given the proximity to Redfern Rail Station and Sydney University and the likelihood that the future student occupants would have a relatively low level of car ownership.

The Redfern LAC has also raised concerns in relation to future management of the student housing, and the likelihood that many of the future residents would have transient occupancy characteristics. The proponent has indicated that a plan of management prepared in consultation with Redfern LAC and submitted with the PPR has addressed the Police concerns in relation to the ongoing management of the student housing.

The proposed mix of uses are permissible in the zone and will provide a range of housing and employment opportunities for the future occupants of the site. The Department is satisfied that the land uses proposed are appropriate in the context.

5.2 Built Form and Urban Design

The built form of the modified proposal varies from the approved Concept Plan and introduces a six-storey building element within Precinct 1 and a seven-storey element within Precinct 3. The six-storey tower which adjoins the residential terraces at the southern end of Precinct 1 is an iconic building which will serve to reinforce and define Pemulwuy Place and the public space south of Precinct 1. The height of the building represents a two-storey increase from that approved by the Concept Plan. The six-storey height is located centrally within the site where it will not result in unreasonable overshadowing or overlooking impacts to adjoining or neighbouring residential uses. The residential units contained within the six-storey building overlook Pemulwuy Place will provide beneficial casual surveillance of the public domain.

The seven-storey student housing building in Precinct 3 is the tallest element within the modified proposal and represents a two-storey increase in height above the Precinct 3 envelope approved by the Concept Plan. The proposed student housing building would be built adjacent to the rail corridor, where the seven-storey height of the building would not give rise to any unreasonable overshadowing or privacy impacts to adjoining and neighbouring residential uses.



Figure 8 – The completed development, showing the arrangement of the buildings on the three precincts around the meeting place and the connectivity with Redfern station achieved by extending Pemulwuy Place out over the rail corridor.

The modified proposal is considered to result in a better planning outcome compared to the approved Concept Plan as the modified built form achieves better transitions between the site and adjoining development. The proposed townhouses will 'address' the street frontages in a similar manner to the terraces within the surrounding area and the proposed townhouses are also of a similar scale to surrounding residential terraces. This outcome is superior to the cluster of flat buildings approved by the Concept Plan.

The two/three storey commercial building on Precinct 2 provides a buffer between the apartment building on Precinct 1 and the lower density residential development on Caroline Street and Lawson Street. The outcome for this part of the site is similar to that approved by the Concept Plan and is therefore considered acceptable.

The development has been deliberately arranged around Pemulwuy Place and the new public space which will link Lawson Street, Redfern Station and the existing community centre in Louis Street. While this is similar to the approach approved in the Concept Plan, the modified scheme provides for the inclusion of a widened public area at the top of Eveleigh Street made possible by the partial removal of the brick wall on the northern side of the Lawson Street bridge and the construction of a platform over part of the rail corridor. This element of the modified proposal will create visual connectivity between the site and Redfern Railway Station. The buildings on Precinct 2 and the community gallery in Precinct 3 will act as a gateway to the site directing pedestrians from the railway station towards the Pemulwuy Place share way and new central public area.

The Department is satisfied that the proposed built form and urban design are appropriate in the context and represent an improved planning outcome compared to the approved Concept Plan.

5.3 Height and Density

The approved Concept Plan exceeded the applicable maximum height and FSR development standards contained in the SEPP MD. The modified proposal seeks to increase the maximum height and FSR approved in the Concept Plan. The table below is a comparison of the approved Concept Plan and the modified proposal against the building height and FSR development standards contained in the SEPP MD.

Table 3: Building height and floor space ratio – comparison between the Modified Proposal and the approved Concept Plan

Precinct	Standards under SEPP MD			Approved concept plan			The Modified Proposal (as per PPR)		
	Building height in storeys	Floor Space Ratio		Building height in storeys	Floor Space Ratio		Building height in storeys	Floor Space Ratio	
		Maximum	Maximum residential		Maximum	Maximum residential		Maximum	Maximum residential
1	3	1.5:1	0.75:1	2 to 4	0.95:1	0.92:1	2 to 6*	1.35:1	1.2:1
2	3	1.5:1	0.75:1	3	2.25:1	Nil	2 to 3	1.4:1	Nil
3	5	2:1	1:1	3	2.55:1	Nil	3 to 7	2.9:1	2.25:1

* Does not include ground floor mezzanine as a storey

Building Heights

Development in Precinct 1 on the northern portion of the site where it adjoins existing terrace houses on Louis Street is proposed to comprise two-storey townhouses, with the

six-storey residential flat building component of the Precinct 1 development being located towards the southern end of that Precinct, adjacent to the open space and community centre. The central location of the six-storey building will ensure that its impacts on adjoining and nearby residential development are minimised in relation to overshadowing and privacy. The siting and orientation of the six-storey building also determines that it will not overshadow the proposed townhouses. In terms of context and potential impacts, the heights of buildings in Precinct 1 are considered appropriate.

The height and form of the building proposed within Precinct 2 is similar to that approved by the Concept Plan. The building satisfies the height standard of the SEPP MD and is therefore considered appropriate.

The modified proposal achieves a maximum of seven-storeys within Precinct 3 whereas the Concept Plan approved a maximum of five-storeys. In assessing the height of the modified proposal, Precinct 3 is considered to be the least 'sensitive' of the Precincts within the site given its location adjacent to the railway corridor. However, the seven-storey student housing building would be in close proximity to the existing dilapidated two-story building at 75 Eveleigh Street which adjoins the northern boundary of the site. No 75 Eveleigh Street and the existing properties to the north of Precinct 3 are zoned *Business – Mixed Use* under the SEPP MD. The height and form of the modified proposal would not preclude these properties from being developed in accordance with the provisions of the zoning, which provides for a five-storey building height. Further, the existing development to the north of Precinct 3 would not experience any overshadowing or unreasonable overlooking from the proposed student housing building.

Accordingly, the proposed building heights within each of the three precincts are acceptable.

Density

The modified proposal would have a total gross floor area of 17,365 m² compared to the gross floor area of 15,500 m² approved in the Concept Plan. This is an increase of 1,865 m², equivalent to 12% of the approved Concept Plan floor space. The increase in floor space is largely the result of the inclusion of the student housing accommodation.

The residential components of Precincts 1 and 3 of the modified proposal do not comply with the FSR development standard. Precinct 3 of the modified proposal also exceeds the maximum permissible FSR of 2:1 and the maximum residential component of 1:1. However, as outlined in Table 3 above, the approved Concept Plan exceeded the maximum permissible FSR in both Precinct 2 and Precinct 3, together with the maximum residential FSR permitted in Precinct 1. Given that the modified proposal provides for additional affordable residential accommodation in the form of student housing, while maintaining ground floor commercial/retail uses across all three precincts, the variation to the FSR standard involved in the modified proposal is acceptable. Further, there is an absence of amenity impacts involved in the variation as the proponents shadow analysis which was exhibited as part of the EA demonstrates that there would be no unreasonable overshadowing of adjoining and nearby residential properties as a consequence of the increase in FSR involved in the modified proposal.

Clause 21(3) of Part 5 to Schedule 3 of SEPP MD provides that the Minister may approve a Concept Plan which exceeds the maximum height and FSR controls. The proposed floor space and its distribution across the site is appropriate given that:

- the modified proposal is located in close proximity to a major railway station;
- would provide for a mix of residential accommodation including affordable housing; and
- would not result in any unreasonable impacts on the amenity of adjoining residents in terms of overshadowing and overlooking.

Similarly, the increases in height beyond that approved by the concept plan, including the maximum seven-storeys achieved by the student housing building is considered

appropriate for an urban renewal site on the western periphery of the Redfern town centre, in close proximity to a major rail station.

Buildings of a height of 18 storeys have recently been approved within the Redfern town centre, including 7-9 Gibbons Street (MP08_0112) and 157 Redfern Street (MP09_0039). In this context the building heights involved in the modified proposal are considered to be appropriate. The bulk and scale of the buildings has been appropriately moderated by articulation of the facades and use of light weight building materials and acceptable colours. The modified proposal exhibits design excellence in accordance with the requirements of the SEPP MD. Accordingly, the proposed variations to the applicable height and floor space ratio are reasonable and acceptable.

5.4 Access, traffic and car parking

5.4.1 Traffic and access

The closure of Eveleigh Lane, closure and realignment of the eastern end of Caroline Lane and the provision of share ways along Eveleigh Street between Lawson Street and Caroline Street and along Caroline Street between Louis Street and Eveleigh Street were included as part of the approved Concept Plan. The modified proposal retains these elements and also includes a proposed dedicated right-hand turn lane from Lawson Street into Eveleigh Street/Pemulwuy Place and relocation of the roundabout at the intersection of Vine Street and Abercrombie Street.

The retention and reinforcement of the share zone at the top of Eveleigh Street (Pemulwuy Place) is supported as it will form a visually prominent gateway to the site, and provide for an enhanced pedestrian connection between the site and Redfern railway station.

The dedicated right-hand turn from Lawson Street into Pemulwuy Place is not supported as it would erode the intention of this area as a share zone dominated by significant pedestrian activity. It also has the potential to compromise pedestrian safety and access within the Pemulwuy Place share zone.

Facilitating additional vehicular ingress and egress through the share zone is unnecessary given that alternative vehicular access to the site is available via the intersection of Abercrombie Street and Vine Street, and also via the intersections of Abercrombie Street with Caroline Lane and Caroline Street. Accordingly, a condition has been imposed, stating that no approval is given to the dedicated right-hand turn from Lawson Street into Eveleigh Street (Refer to **Condition A5**).

The submission from Redfern LAC has indicated that Police and other emergency vehicles should retain the ability to make right-hand turns into Eveleigh Street from Lawson Street. The refusal to grant approval for dedicated right-hand turns from Lawson Street into Eveleigh Street will not impede emergency vehicle access using a right-hand turn at this intersection.

The intersection of Vine Street and Abercrombie Street is intended to be the principal vehicular access point to the site. In order to facilitate improved access from Abercrombie Street into Vine Street (east), the roundabout at the intersection of Vine Street and Abercrombie Street is proposed to be relocated. Sydney City Council has raised concern in relation to this aspect of the modified proposal as the Proponent has not provided sufficient evidence regarding the potential impacts of these works on existing development to the west of the site, which may be affected by the proposed change. Council has requested that these works be the subject of separate Council approval. Given that the intersection works are not critical to enable efficient vehicular ingress and egress from the site, this aspect of the modified proposal does not form part of the recommended approval.

The modified proposal makes provision for the closure of the eastern end of Caroline Lane and the provision of a link from Caroline Lane to Caroline Street, along the western edge of the proposed child care centre. These changes were considered and approved in the Concept Plan, although the link was in a different location. The proposed closure and realignment of Caroline Lane is supported as it is necessary to divert vehicular traffic away

from the Pemulwuy Place share zone and onto Caroline Street, beyond the extent of the share zone.

The submission from 108 Lawson Street objected to the proposed changes to Caroline Lane on the basis of restricted vehicular access into the rear of the property from Caroline Lane. In order to address this concern and to ensure that potential vehicular access into 108 Lawson Street is not compromised, a condition has been imposed requiring the Proponent to submit vehicular swept paths demonstrating that ingress/egress from 108 Lawson Street from Caroline Lane can be achieved in accordance with AS 2890.1 (refer **Condition B1(b)**).

The traffic report indicates that the modified proposal will have a negligible impact on traffic volumes and conditions in the area and any increase in traffic can be accommodated within the existing road network. Accordingly, the traffic and access aspects of the modified proposal are satisfactory.

5.4.2 Parking

The modified proposal involves basement parking for 115 vehicles beneath the Precinct 1 building, together with eight at grade spaces to be provided within the forecourt area of Precinct 1.

The car parking provision within the modified proposal represents an increase of 52 spaces compared to the original Concept Plan approval which required the provision of 71 parking spaces. The car parking provision of the modified proposal is significantly below the requirements of South Sydney DCP No.11 Parking Rates which indicates that 203 parking spaces should be provided in accordance with the following table.

Table 4: South Sydney DCP 11 Parking Rates

Precinct 1	Car Parking	Bicycle Parking
Residential component	64	21
Residential visitors	10	6
<i>Total for Precinct 1 residential</i>	<i>74</i>	<i>27</i>
Gymnasium	26.7	9
Retail	7	
Total for Precinct 1	108	36
Precinct 2	Car Parking	Bicycle Parking
Retail (including restaurants)	12.5	8
Commercial	7.8	4
Child care centre	11	2
Total for Precinct 2	31	14
Precinct 3	Car Parking	Bicycle Parking
Student accommodation	52	18
Commercial	8.8	4
Gallery	3	3
Total for Precinct 3	64	25
Total for modified development	203	75
Source: John Coody Consulting Pty Ltd Transport and Accessibility Impact Assessment, 13 December 2011		

The provision off-street parking below these requirements is justified as the modified proposal satisfies a number of the criteria outlined in DCP No.11 relating to reduced car parking provision including the availability of public transport, the availability of on-street parking, and the degree of local patronage envisaged.

The increase in the off-street car parking provision involved in the modified proposal compared to the concept plan is justified having regard to the modified proposal's bias towards residential land use. The reduction in the provision of on-site car parking required by South Sydney DCP No.11 is supported on the basis of the site's proximity to Redfern Rail Station, which provides convenient access to most areas in metropolitan Sydney. Further, reduced parking rates are consistent with the objectives of both Council and the Sydney Metropolitan Development Authority to constrain demand for commuter car travel while providing a sufficient level of parking to prevent excessive demand for on-street parking. A reduced reliance on private car travel and the encouragement of public transport usage is also an identified objective for the Redfern Centre Precinct, within the Sydney City Subregional Strategy. Accordingly, the car parking provision involved in the modified proposal is reasonable and acceptable.

In order to address Council's concerns regarding parking for the child care centre, the modified proposal involves eight 90° angle car parking spaces along the northern side of Caroline Street, within the share zone. These spaces will be located within the privately owned forecourt area of Precinct 1, over which an easement for public access will be created. It is proposed to provide these spaces as time limited (15 minute) spaces for the peak drop off/pickup times for the child care centre, with two-hour restricted parking (resident permits excepted) at other times.

It is acknowledged that the provision of the proposed eight spaces will result in the loss of three on-street public car parking spaces. However, this aspect of the modified proposal results in a superior outcome compared to the existing situation in that there will be a net increase of five public car parking spaces. All eight of the proposed spaces would be available for use by members of the public and customers of the retail/commercial premises. The location of the proposed eight spaces within the shared zone will ensure both convenient and safe access to the adjacent child-care centre, together with convenient public parking in close proximity to future retail and commercial uses.

The Department is satisfied that the provision and arrangement of the proposed eight car spaces has addressed the concerns of Council and is acceptable. The future management and patrolling of these spaces will need to be negotiated between the proponent and Council.

5.5 Safety and Security

The modified proposal has been designed having regard to the principles of *Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979, April 2001*. In this regard, the modified proposal will:

- enhance the vitality at street level by the provision of the active retail and commercial street frontages;
- improve the public domain to create site lines and minimise opportunities for concealment;
- optimise safety and security both internally within the development and in the public domain by increased casual surveillance and installation of close circuit TV monitoring;
- provide a graffiti-resistant to external masonry finishes; and
- provide appropriately designed lighting along streets and at building entry points.

The extension of the Lawson Street bridge over the rail corridor to create a platform to be incorporated into the Pemulwuy Place share zone, together with the removal of the eastern portion of the brick wall on the northern side of the rail bridge will effectively widen the top of Eveleigh Street at its intersection with Lawson Street. This aspect of the modified proposal will create visual connectivity (sight lines) from Redfern station, through the site to the existing community centre located in Louis Street. The creation of Pemulwuy Place is

supported by the Redfern LAC as the resulting improved passive surveillance will enhance pedestrian safety and security.



Figure 9 – Visual connectivity and unbroken site lines from Redfern station, through Pemulwuy Place to the existing community centre in Louis Street.

The proposed location of the substation kiosks (on the corner of Louis Street and Caroline Street) is not considered appropriate as they will interfere with views through the site from Redfern Station, and will provide opportunities for concealment. To address this concern, the Department will require the Proponent to consult with the relevant energy provider in relation to locating these facilities in a less visually prominent part of the public domain which does not interrupt sight lines and compromise the safety and security of people within the share zone and other publicly accessible areas of the site.

The modified proposal maintains the activated ground floor retail and commercial street frontages approved by the Concept Plan. This is considered to assist in creating high levels of passive surveillance and pedestrian activity necessary to deter undesirable behaviour.

While most aspects of the modified proposal address the CPTED principles of surveillance, territorial reinforcement and access control, it is considered that the basement car park presents a potential safety and security risk to the future users. To address this concern a condition has been imposed, which requires a Plan of Management to be prepared for the car park (refer to **Condition E2**).

Subject to the imposition of conditions relating to lighting and installation of other security measures including closed-circuit TV cameras, the Department is satisfied that the modified proposal will result in a significant improvement in public safety and security in this locality.

5.6 Residential Amenity

The modified proposal comprises a mixed use development which includes residential development in the form of:

- 62 dwellings comprising 36 two-storey townhouses (five x two bedroom, 18 x three-bedroom and 13 x four-bedroom) and 26 apartments (21 x two-bedroom and five x three-bedroom); and
- student housing accommodation incorporating 154 beds in 42 units, together with a manager's unit.

The Proponent has provided a Plan of Management in relation to the student housing which addresses issues such as noise and behaviour control. Implementation of these procedures will ensure that the student housing operates in a manner which will limit any adverse impacts on the amenity of other occupants of the site and the surrounding locality.

The modified proposal includes provision of a child care centre which did not form part of the approved Concept Plan. It is considered that this centre is appropriately located in relation to nearby residents and, subject to implementation of the acoustic treatments as recommended in the Acoustic Report submitted with the EA, this facility is unlikely to impact on the amenity of existing and potential residents.

The Proponent provided additional information with the PPR in order to address amenity issues associated with the internal layouts of the proposed dwellings, natural cross ventilation and daylight access. In this regard, the PPR includes Drawing No. 1DA150A which demonstrates the environmental performance of the townhouses will be satisfactory in relation to cross ventilation and daylight access.

The modified development demonstrates satisfactory performance against the provisions of State Environmental Planning Policy No 65 and the rules of thumb guidelines of the Residential Flat Design Code (RFDC). A comprehensive assessment of the proposed development against the RFDC is provided in **Appendix D** to this report.

The modified proposal will result in changes to the shadows cast by the proposed buildings compared to the approved Concept Plan due to the changes in building height and configuration. The shadow diagrams exhibited with the EA demonstrate that overshadowing impacts both within the development site and on adjoining properties would not be unreasonable. All adjoining and nearby residential properties would maintain in excess of three hours of sunlight in mid-winter to the windows of habitable space and areas of private open space. Similarly, all of the public domain areas within the site will be provided with more than three hours of sunlight in mid winter.

While the solar access for the townhouse courtyards does not comply with the accepted benchmark of three hours of sunlight between 9am and 3pm on June 21, this is considered acceptable in the circumstances as the living areas of the townhouses all have a northerly orientation and will receive more than 3 hours of solar access in mid winter. Overall it is considered that the modified proposal demonstrates a reasonable degree of conformity with best practice principles in terms of solar access. A detailed assessment of the solar access for the proposed dwellings within the development is provided in **Appendix D** to this report.

The Department is satisfied that the future occupants of the modified proposal will be afforded a satisfactory level of residential amenity, in terms of privacy, access, solar access, private open space, and cross ventilation. The Department is also satisfied that the amenity of existing residents in the surrounding locality will not be unreasonably impacted as a result of the modified proposal.

5.7 Heritage Considerations

The approved Concept Plan included conditions requiring the Proponent to provide a Heritage Interpretation Plan with any future application for the site.

The EA for the modified proposal was accompanied by a Heritage Interpretation Strategy (HIS) prepared by NBR Architects, which is considered to satisfy the requirement of the Concept Plan.

The HIS considered the site and its significance to the Aboriginal and Torres Strait Islander Community and their culture. The HIS identified mechanisms for incorporating the proponent's research results into the adopted public art strategy for the publicly accessible areas within the site.



Figure 10 – Existing & Proposed - The culturally significant aboriginal flag artwork by Alex Tui will be reinterpreted as a feature element on the glass frontage of the new gymnasium, facing directly into Pemulwuy Place

The modified proposal includes the removal of part of the brick wall on the northern side of the Lawson Street railway bridge. This will also result in the removal of part of a block wall along the western edge of the railway corridor. Both sections of wall include culturally significant murals. The removal of these walls and murals is acceptable from a heritage impact perspective subject to photographic recording of the murals. The undertaking of archival recording of these works has been included as condition of approval (refer to **Condition C8**).

The southern wall of the existing gymnasium on the site is painted with a large highly visible and culturally significant red, orange and black Aboriginal flag by artist Alex Tui. The gymnasium building is proposed to be demolished and the modified proposal involves reinterpretation, and replacement of the Aboriginal flag notice on the exterior wall of the proposed gymnasium. **Condition D10** requires that excavation work cease immediately if any artefacts of Aboriginal or European significance are found.

Having regard to the HIS and railway corridor heritage assessment and implementation of the recommendations contained in those reports, the Department is satisfied that the modified development is unlikely to have any adverse impacts on the heritage significance of the site.

5.8 Contributions

The site is within an area which is subject to the payment of development contributions under the Redfern Waterloo Authority Contributions Plan 2006 (RWCP).

The Proponent has sought exemption from the payment of a contribution in accordance with Section 16 of the RWCP which provides that an applicant may include an offer to carry out works or provide a material public benefit toward works to which the levy is to be applied. In this regard, the modified proposal includes:

- extensive public domain improvement works, including the construction of the structure over the railway corridor;
- the establishment of traffic management facilities designed to improve pedestrian safety and amenity; and
- the construction of a sixty (60) place child care centre.

Waiving of the payment of this contribution is supported by both SMDA and the Department on the basis that the modified development makes provision for the embellishment of the public domain areas and publicly accessible spaces within the development, together with the provision of services which will support the local community. Accordingly, **Condition E16** requires the proponent to either pay a contribution of \$1.4 million towards the domain improvement works, or to undertake public domain improvement works to a minimum value of \$1.4 million.

The site is also subject to an affordable housing contribution levied under the Redfern Waterloo Authority Affordable Housing Contributions Plan (RWAHCP). The Proponent has sought exemption from the payment of this contribution on the basis that the development will provide for 62 affordable accommodation units for the local Aboriginal and Torres Strait Islander (ATSI) community and 154 beds for student housing.

As the modified proposal will provide affordable housing, which will complement the SMDA's affordable housing programme within the locality, the SMDA supports the Proponent's request for exemption, subject to AHC being registered as a community housing provider and the registration of restriction on the title of the land requiring the proposed affordable housing to be retained in perpetuity.

The proponents Statement of Commitments includes a commitment stating that the residential accommodation will be provided as affordable housing and managed by the AHC. This has been reinforced by the imposition of a condition which requires either payment of the \$1,271,118 contribution or the registration of a restriction on the title of the site which requires the 62 dwellings in Precinct 1 to be provided as affordable housing in perpetuity (refer to **Condition E17**).

5.9 Public Domain and Open Space

The various components of the public domain open space areas within the site include:

- provision of pedestrian/ vehicular share ways along Eveleigh Street (Pemulwuy Place) and Caroline Street;
- treatments to the pavement of the share way at the intersection of Eveleigh Street and Caroline Street to create a unique urban identity for the precinct as a meeting place;
- culturally significant elements throughout the development;
- upgraded street tree planning and street lighting; and
- provision of a publicly accessible forecourt area in Precinct 1 fronting Caroline Street and Louis Street, linking with the public open space to the south of the Redfern Community Centre.

The proposed widening of the Lawson Street bridge over the railway corridor to create a platform adjoining the top of Eveleigh Street will create a vibrant pedestrian space, a gateway to the site and will also provide enhanced levels of safety through passive surveillance.

Sydney City Council has expressed concern in relation to the proposed treatments of the public domain areas which will ultimately be dedicated and maintained by Council. The concern relates to the non-standard treatments and materials that are proposed to be used. In order to address this concern, a condition has been imposed requiring the Proponent to

liaise with Council and Redfern LAC in relation to the materials, finishes and treatment of the public domain areas (refer to **Condition C9**).

The provision of public art within the public domain areas will provide a unique sense of cultural identity and is considered to be an integral part of the modified proposal. Given that all of the proposed public art (with the exception of the transparent "turtle" wall on the western boundary of Pemulwuy Place, on the edge of the platform over the rail corridor) would be located on private land owned by the AHC, it is considered that the proponent should not be required to obtain the separate approval of Council for the public art works, as was requested. However, **Condition C10** requires the proponent to liaise with the Council in relation to the final design of the public art works prior to final approval by the Director General.

The Department is satisfied that the proposal will result in significant improvements to the public domain areas within and adjacent to the site.



Figure 11 – Looking north-east down Eveleigh Street, through Pemulwuy Place

5.10 Social and Economic Impacts

The modified proposal incorporates a number of changes to ensure it is economically viable and delivers an income stream which will assist AHC in meeting its commitments in relation to the ongoing provision of affordable housing.

Following approval of the Concept Plan, AHC undertook a comprehensive review of its objectives in relation to this site with a view to ensuring that the development was economically viable and capable of generating an income to manage and finance affordable accommodation and other facilities for the Aboriginal and Torres Strait Islander (ATSI) community. This led to the changes in the mix of land uses and building configuration which have been incorporated into the modified proposal, including the introduction of

student housing. The modified proposal also includes a child care centre which will provide a social benefit to the future occupants of the site and the local community.

The modified proposal incorporates significant improvement to the public domain areas, including the creation of a meeting place, Pemulwuy Place, for both for the ATSI and wider community. The local ATSI community has been consulted throughout the development of the modified proposal and is supportive of the initiatives incorporated into the design, in particular the provision of affordable housing, the gymnasium and the creation of the meeting place.

The Redfern LAC raised concerns regarding the cultural dynamics of the student housing component of the development, given the potentially high turnover of residents, many of whom would have no connection to the cultural and historical significance of the area or the local ATSI community. These concerns have been addressed following consultation between the Proponent and Redfern LAC during which a Plan of Management was prepared and submitted with the PPR.

The Department is satisfied that the social and economic impacts of the proposal will benefit the ATSI community and the wider community.

5.11 Draft Conditions

The draft conditions for the modified Concept Plan and the Project Approval were circulated to the proponent, the Sydney City Council and the Sydney Metropolitan Development Authority. With the exception of approval for a dedicated right-hand turn from Lawson Street and Eveleigh Street, all of the proponents requested changes have been incorporated into the draft conditions contained in **Appendix F** and **Appendix G**. The SMDA are supportive of Conditions E16 and E17 in relation to the issue of the contributions for affordable housing, and public domain improvements. At the time of writing, of this report, no comment had been received from the Sydney City Council in relation to the draft conditions.

5.12 Public Interest

The modified proposal would provide for:

- a significant level of affordable housing which is complementary to Affordable Housing Goals of the Sydney Metropolitan Development Authority;
- greater housing choice, including affordable housing;
- ageing in place for the future occupants of the site;
- job creation and employment opportunities through the construction and on-going operation of the development;
- community and cultural facilities; and
- a high quality public domain.

Accordingly, the approval of the modified proposal is considered to be in the public interest.

6. CONCLUSION & RECOMMENDATION

The modified proposal retains aspects of the approved Concept Plan and provides for an acceptable urban design and built form. The modified proposal involves increases in height and floor space beyond that approved by the concept plan. The increases in height and floor space are appropriate in the context of an urban renewal site at the southern end of central Sydney opposite a major rail station. The revised urban design, including the proposed construction over the rail corridor, to create an enlarged Pemulwuy meeting place is a significant improvement over the approved Concept Plan.

The key issues raised in the agency and public submissions have been addressed in the Department's assessment and via the imposition of appropriate conditions. The modified proposal represents an opportunity to provide high density affordable housing, in close proximity to a major rail station. The modified proposal will make a positive contribution towards affordable housing targets and will provide on-going social and economic benefits to the Aboriginal and Torres Strait Islander Community. Approval of the modified proposal is considered to be in the public interest.

The Department has assessed the modified proposal on its merits and is satisfied that its impacts have been addressed in the EA, the PPR, the Statement of Commitments and the Department's recommended terms of approval. The Department is of the view that the impacts of the proposal can be suitably mitigated and/or managed to ensure satisfactory environmental performance and a good planning outcome. Imposition of these conditions will ensure the modified proposal is implemented in an orderly manner, and that construction and ongoing operation of the development is appropriately managed.

The modified proposal is recommended for approval, subject to the conditions outlined in the attached instruments.

7. RECOMMENDATION

It is recommended that the Minister:

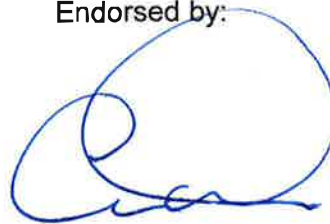
- (A) **approve** the modification to Concept Plan Application MP 06_0101, subject to modifications and conditions, under Section 75W *Environmental Planning and Assessment Act, 1979* having considered all relevant matters in accordance with (A) above;
- (B) **approve** Project Plan application MP 11_0093, subject to modifications and conditions, under Section 75W *Environmental Planning and Assessment Act*; and
- (C) **sign** the Instruments of Approval (**TAG A and TAG B**).

Prepared by:



Karen Jones
Director 13/12/2012
Metropolitan and Regional Projects South

Endorsed by:



Chris Wilson
Executive Director
Major DA Assessment

13.12.12

Approved by:

Richard Pearson
Deputy Director General Development Assessment & Systems Performance

APPENDIX A. DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

A copy of the Director General's Environmental Assessment Requirements for the modification to the Concept Plan and the Project Plan application are available on the Department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4338

APPENDIX B. RESPONSE TO SUBMISSIONS

The Proponent's response to matters raised in submissions is addressed in Appendices 1, 2 and 3 to the Proponent's PPR a copy of which is available on the Department's website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4338

APPENDIX C. ENVIRONMENTAL ASSESSMENT

The Proponent's Environmental Assessment Report and Preferred Project Report are available on the Department's website at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4338

APPENDIX D. CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Application of EPIs to Part 3A projects

To satisfy the requirements of section 75I(2)(d) and (e) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the Concept Plan Application.

The primary controls guiding the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005, Schedule 3 – State Significant Site;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (BASIX);
- State Environmental Planning Policy (Affordable Rental Housing) 2009; and
- Standard Instrument (Local Environmental Plans) Order 2006 (for definitions only).

Other relevant plans and policies which have also been considered include:

Redfern Waterloo Built Environment Plan (BEP);
RWA Development Contributions Plan and Affordable Housing Contributions Plan; and
Sydney City Council's Child Care Centres Development Control Plan 2005

State Environmental Planning Policy (Major Development) 2005 (SEPP MD)

The SEPP MD applies to the site and the proposed development. The subject site is a State Significance Site as noted in Schedule 3, Part 5 of the SEPP MD. Part 5 of Schedule 3 of SEPP MD sets out provisions relating to the Redfern-Waterloo development sites including zoning, height and floor space restrictions, design excellence, car parks, heritage, and the preservation of trees and vegetation.

Height

The height of buildings map which accompanies SEPP MD identifies the following maximum heights for buildings across the subject site:

- Precinct 1: 3 storeys
- Precinct 2: 3 storeys
- Precinct 3: 5 storeys

The modified Concept Plan and Project Application propose buildings which do not comply with the building height provisions of SEPP MD. The heights of the proposed buildings are:

- Precinct 1: part 2/part 6 storeys
- Precinct 2: part 2/part 3 storeys
- Precinct 3: part 3/part 7 storeys

Justification for the non compliance with the building height provisions of SEPP MD is included in Section 5.1 of this report.

Gross Floor Area / Floor Space Ratio

The FSR maps accompanying SEPP MD identify the following FSR development controls for the various precincts that comprise the subject site:

-
- Precinct 1: 1.5:1 maximum FSR & 0.75:1 maximum FSR for residential development
 - Precinct 2: 1.5:1 maximum FSR & 0.75:1 maximum FSR for residential development
 - Precinct 3: 2:1 maximum FSR & 1:1 maximum FSR for residential development

The modified development does not comply with the SEPP MD FSR provisions for development across the site. The FSRs proposed are noted in Table 2 to this report.

The residential components of the modified development in Precincts 1 and 3 do not comply with the SEPP FSR maximums and the commercial component in Precinct 3 also exceeds the maximum permissible FSR of 2:1 for development other than residential development.

Justification for the non compliance with the maximum FSR provisions of SEPP MD is provided in Section 5.2 of this report.

The distribution of floor space across the site is an appropriate response to the constraints and opportunities of the site and will not result in adverse impacts on nearby or adjoining residents or the environment. The modified proposal is consistent with the objectives of the Business – Mixed Use zone which applies to the site and demonstrates a high degree of design excellence.

The modified proposal is supported by both SMDA and Sydney City Council on the basis of the contribution the development will make to the revitalisation and renewal of the surrounding Redfern Town Centre and wider precinct.

Design Excellence

Clause 22 in Schedule 3, Part 5 requires new development to exhibit design excellence.

Clause 22(2) requires the consent authority to take the following into consideration when assessing whether a proposal demonstrates excellence in design:

- a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,*
- c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,*
- d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.*

The proposed development is not of a type referred to in subclause (3) as it does not include development of over 12 storeys.

With respect to the provisions of subclauses (a), (b) and (c), the proposed development satisfies the criteria in relation to design, materials, location and public domain and will be capable of meeting sustainable design principles.

Therefore the proposal is consistent with the provisions of Clause 22.

Conclusion

No other provisions of Part 5 of Schedule 3 of SEPP MD are relevant to this proposal.

The non compliances with the height and FSR provisions are reasonable and acceptable and that the modified development is appropriate in the circumstances.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

An assessment of the modified proposal against the 10 principles of SEPP 65 is provided below:

Ten Design Principles

Principle 1: Context

The design of the modified proposal responds to the desired future character of this precinct as envisaged by the SEPP MD.

The modified development proposal has taken into consideration the nature and scale of surrounding development.

The proposal will not lead to the removal of any natural or landscape features and respects the natural slope of the land.

Principle 2: Scale

The height, bulk and scale of the development is generally consistent with the desired future character of the area as expressed in the SEPP MD and represents an appropriate design response to the opportunities and constraints offered by the site and its setting.

Principles 3: Built Form

The design of the modified proposal represents an appropriate built form in terms of building alignments, modulation and articulation.

The modified development will result in significantly improved streetscapes in this locality.

The proposed dwellings achieve an acceptable level of amenity for prospective residents.

Principle 4: Density

The density of the proposed development is an appropriate response to:

- the desire to increase development densities in this locality to create vitality and encourage the use of public transport;
- the availability of the required utility infrastructure to support the development;
- the site's convenient location relative to public transport facilities, shopping, service and community facilities; and
- the environmental characteristics of this locality.

The proposal is satisfactory with respect to the principle of density.

Principle 5: Resource, energy and water efficiency

The modified proposal will be required to demonstrate best practice for resource conservation in the construction of the building.

The design of the modified proposal optimises solar access, cross ventilation and publicly accessible open space on the site.

The development will be required to incorporate ecologically sustainable design features in accordance with contemporary building design practice.

Principle 6: Landscape

The public domain areas surrounding the site are proposed to be improved to significantly enhance the visual setting of the area and to improve safety and security in the vicinity of the site. These works will undertaken in consultation with Sydney City Council.

The proposed landscape design is commensurate with the site's location and its setting.

Principle 7: Amenity

The design of the modified proposal will provide a satisfactory level of amenity for the prospective residents of the proposed dwelling particularly in relation to sunlight access, natural ventilation and privacy.

Conditions to ensure privacy for residents is maximised are also proposed (refer condition B1).

Principle 8: Safety and Security

The modified proposal has been designed to optimise safety and security both internally within the development and in the public domain. Opportunities for casual surveillance of publicly accessible areas have also been enhanced.

Conditions of approval relating to implementation of security measures throughout the development are also proposed to be imposed.

Principle 9: Social Dimensions

The modified development proposal will:

- provide affordable housing opportunities for the local ATSI community;
- provide an appropriate mix of uses that satisfy the needs of the local ATSI community and AHC;
- facilitate the development of the land by the Proponent in an economically viable manner;
- ensure that it is deliverable by the Proponent;
- establish an ongoing source of revenue to enable the Proponent to maintain and enhance the quality and range of services and facilities provided to the local community;
- create employment opportunities during the construction phase of the development; and
- increase residential densities proximate to services, facilities and public transport.

Principle 10: Aesthetics

Architectural design features such as column treatments, provision for culturally significant art work throughout the development, entry canopies, articulated building forms and building finishes incorporating strong colours have been included to enhance the quality of the streetscapes.

The Proponent has submitted a schedule of colours and finishes with the application. This schedule includes information regarding the composition of building elements, textures, materials and colours and is considered appropriate for the modified development.

Assessment against the provisions of Residential Flat Design Code.

The Residential Flat Design Code (RFDC) sets broad parameters within which good design of residential flat buildings can occur through the use of development controls and guidelines.

The Proponent has included an assessment of those components of the development which are subject to the rules of thumb guidelines contained in the RFDC. These are provided as part of the SEPP 65 Design Verification Statement prepared by Nordon Jago Architects. A copy of the SEPP 65 Design Verification Statement was included with the documentation submitted with the PPR.

Generally, the residential components of the development which are subject to the provisions of SEPP 65 and the RFDC (i.e. – the residential flat building on Precinct 1 and the student housing accommodation on Precinct 3) comply with the guidelines set down in the RFDC.

The table below is an assessment of the residential apartment building and student housing units against the provisions of the RFDC.

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
PART 01 LOCAL CONTEXT		
<i>Building Height</i>	<p>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.</p> <p>Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.</p>	Refer discussion in Section 5.2 of this report. Building heights throughout the development are appropriate.
<i>Building Depth</i>	<p>Resolve building depth controls in plan, section and elevation.</p> <p>In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	Apartments are generally 8m-10m in depth. The student housing units have been designed to ensure there is acceptable access to day light and natural ventilation.
<i>Building Separation</i>	<p>Design and test building separation controls in plan and section.</p> <p>For buildings of between 5 to 8 storeys the separation of buildings between internal courtyards and adjoining sites: -</p> <ul style="list-style-type: none"> • 18m separation between habitable rooms/balconies • 13m separation between habitable rooms/balconies and non-habitable rooms <p>Test building separation controls for daylight access to buildings and open spaces.</p>	The student housing accommodation building on Precinct 3 and apartment building on Precinct 1 are only 10 metres apart whereas a separation of 18 metres is required. See further discussion below.
<i>Street Setbacks</i>	<p>Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</p> <p>Test street setbacks with building envelopes and street sections.</p> <p>Test controls for their impact on the scale, proportion and shape of building facades.</p>	The prevailing setback to the street is a nil setback for development comprising ground floor commercial/retail uses with residential above.

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
<i>Side & rear setbacks</i>	<p>Relate side setbacks to existing streetscape patterns.</p> <p>Test side and rear setbacks with building separation, open space and deep soil zone requirements.</p> <p>Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.</p>	The student housing units have been set back from the railway corridor to provide a buffer to the development.
<i>Floor space ratio</i>	Test and desired built form outcome against proposed floor space ratio to ensure consistency with building height – building footprint and three dimensional building envelope open space requirements.	Refer discussion in Section 5.2 of this report. Building densities throughout the development are appropriate.
PART 02 SITE DESIGN		
Site Configuration		
<i>Deep Soil Zones</i>	<p>A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable.</p> <p>Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.</p>	<p>Approximately 600m² of publicly accessible open space is proposed to be provided in the forecourt of Precinct 1. This equates to 8.8% of Precinct 1.</p> <p>Within Precinct 3 approximately 500m² of private open space has been provided for the student housing, commercial and gallery elements of the development. This area equates to 21% of Precinct 3.</p> <p>Although these areas fall short of the guidelines for deep planting, the development incorporates significant improvements to the public domain, including street tree planting.</p>
<i>Fences and Walls</i>	<p>Define edges between public and private land.</p> <p>Define boundaries between areas with different functions</p> <p>Provide privacy and security</p> <p>Contribute to public domain</p>	Where required fencing will be provided to define ownership and provide security.
<i>Landscape Design</i>	To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	A detailed landscape plan will be required to be submitted

SEPP 65 RESIDENTIAL FLAT DESIGN CODE

Primary Development Controls	Guideline	Comments/explanation of compliance
<i>Open Space</i>	<p>The area of communal open space required should generally be at least between 25 and 30 percent of the site area.</p> <p>Larger sites and brownfield sites may have potential for more than 30 percent.</p> <p>Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or a contribution to public open space.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m²; the minimum preferred dimension in one direction is 4 metres. (See balconies for other private open space requirements).</p>	<p>The site is within an inner city location.</p> <p>Private open space in the form of large terraces and balconies are proposed for the residential apartments.</p> <p>A landscaped communal open space area has been proposed for the student housing units.</p>
<i>Orientation</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • Optimise solar access • Contribute to streetscape character • Protect amenity of existing development • Improve thermal efficiency of new buildings 	<p>The proposed apartments have been oriented to optimise thermal performance, and to take advantage of the views towards the City or public domain areas of the development.</p>
<i>Planting on Structures</i>	<p>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity.</p>	<p>Landscaping of both private and public areas is proposed.</p>
<i>Stormwater Management</i>	<p>Objectives are to:</p> <ul style="list-style-type: none"> • Minimise impacts natural waterways • Minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction. 	<p>Conditions relating to stormwater management including on site detention and implementation of WSUD measures are proposed to be imposed.</p>
<i>Safety</i>	<p>Carry out a formal crime risk assessment</p>	<p>An assessment of the safety and security aspects of the development has been provided in section 5.4 of this report.</p>
<i>Visual privacy</i>	<p>Refer to building separation standards</p>	<p>See above. Other than this, visual privacy is considered acceptable.</p>
<i>Building Entry</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • Create entries which provide a desirable identity to the development • To orient the visitor • Contribute to streetscape 	<p>The entry foyer to the apartment building on Precinct 1 connects directly to publicly accessible open space area adjacent to Caroline Street.</p> <p>The entry to the student housing is on Eveleigh Street. This entry is defined with a feature canopy structure and signage.</p>
<i>Parking</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • Minimise dependence on commuting • Provide adequate parking for buildings' users and visitors • Integrate the location and design of car parking with the design of the site and 	<p>A basement car park is located on Precinct 1. This includes spaces for the residential apartments and student housing (as well as other uses on the site).</p> <p>An assessment of the car parking provision having regard to the availability of public</p>

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
	the building	transport services to the site is provided in Section 5.3 of this report.
<i>Pedestrian access</i>	<p>Identify the access requirements from the street or car parking area to the apartment entrance.</p> <p>Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20 percent of dwellings in the development.</p> <p>Generally limit the width of driveways to a maximum of 6 metres.</p>	<p>Improvement of the public domain, including retention and embellishment of the share way on Eveleigh Street and the creation of a share way on part of Caroline Street will ensure the development is pedestrian oriented.</p> <p>The principle points of access to both the apartment building and student housing connect at grade with the streets. Barrier free access via lifts to all levels is available to all units.</p>
<i>Vehicle access</i>	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Only one point of entry to the basement car park is proposed and this is remote from the pedestrian entries.
PART 03 BUILDING DESIGN		
Building Configuration		
<i>Apartment layout</i>	<p>Single-aspect apartments should be limited in depth to 8 metres from a window.</p> <p>The back of a kitchen should be no more than 8 metres from a window.</p> <p>The width of cross-over or cross- through apartments over 15m deep should be 4m or greater.</p> <p>For developments providing affordable housing, the following unit sizes are recommended:</p> <ul style="list-style-type: none"> - 1 bedroom apartment 50m² - 2 bedroom apartment 70m² - 3 bedroom apartment 95m² 	<p>84% of the apartments have dual aspect, either located at corners or articulated to achieve a second orientation. The depths of all units achieve adequate daylight penetration.</p> <p>66% of the student housing units have dual aspect.</p> <p>Kitchens in both the apartments and student housing units are within 8m from an operable window</p> <p>The units within the apartment building are as follows:</p> <ul style="list-style-type: none"> • 2 bedroom - 83m² min / 109m² • 3 bedroom - 95m² min / 125m² <p>Student housing units:</p> <ul style="list-style-type: none"> • 2 Bed Units: 52m² • 4 Bed Units: 126m² • 6 Bed Units: 179.8m²
<i>Apartment mix</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • Provide a diversity of apartments which cater for different household requirements now and in the future. • To maintain equitable access to new housing by cultural and socio-economic groups. 	<p>A diversity of apartment sizes is proposed. The apartments will be provided as affordable housing. All units within the apartment building will be adaptable. 3 units within the student housing will be adaptable.</p>
<i>Balconies</i>	Provide primary balconies for all apartments with a minimum depth of 2 metres.	The smallest balcony provided as part of the apartment building is 16m ² in area (4m x 4m). Juliet balconies to the western elevation of the student housing have been provided. See

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
		also discussion below.
<i>Ceiling Heights</i>	<p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL).</p> <ul style="list-style-type: none"> • 3.3m to ground floor retail in mixed use developments • 2.7m for habitable rooms & 2.4m for non-habitable rooms in mixed use developments • 2-storey apartments – 2.4m minimum for second storey if 50% or more the apartment has 2.7m ceiling height <p>These are minimums only and do not preclude higher ceilings, if desired.</p>	<p>The following ceiling heights have been provided to both the residential apartments and student housing:</p> <ul style="list-style-type: none"> • Habitable rooms 2.5 - 2.7m. • Non-habitable rooms will have ceiling heights between 2.3m - 2.4m to allow for service co-ordination. <p>The units provide large windows which allow for natural light and therefore non compliance with the ceiling heights is considered acceptable in the circumstances.</p>
<i>Flexibility</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> • Encourage housing design which meet the broadest range of the occupants' needs possible. • Promote loose-fit buildings which can accommodate whole or partial changes of use. • 	<p>The residential apartments will be adaptable. The construction techniques will allow for the reconfiguration of all parts of the building, if required.</p>
<i>Ground Floor Apartments</i>	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p> <p>Provide ground floor apartments with access to private open space, preferably as a terrace or garden.</p>	N/A
<i>Internal Circulation</i>	<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.</p> <p>Exceptions may be allowed:</p> <ul style="list-style-type: none"> • for adaptive reuse buildings • where developments can demonstrate the achievement of the desired streetscape character and entry response • where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments). 	<p>Six (6) units within the apartment building are accessed at each level from a double loaded lobby. The lobby areas include large areas of glazing.</p> <p>Twenty one (21) student housing units are accessed from a single lobby / corridor. The corridor is articulated at the entry points to assist with unit identification. A large naturally lit circulation core and lift lobby serves the access corridor.</p>

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
<i>Mixed Use</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> integrate appropriate retail and commercial with housing create more active lively streetscapes and urban areas which encourage pedestrian movement, service the needs of the residents and increase the areas employment base ensure that the design maintains residential amenity and preserves compatibility between uses. 	<p>At the ground floor level of the apartment building are retail uses and a gym providing activation to the publicly accessible open space adjacent to Caroline Street. Commercial units and a larger gallery space are proposed on the ground floor level of the building on Precinct 3. These uses will provide activation to the public domain areas along Eveleigh Street and Caroline Street.</p>
<i>Storage</i>	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> studio apartments 6m³ one-bedroom apartments 6m³ two-bedroom apartments 8m³ three plus bedroom apartments 10m³ 	<p>Provision for storage within the basement car park has been provided for the apartments on Precinct 1. Storage facilities will be provided within each of the student housing units, together with secure storage for bicycles within the basement car park.</p>
Building Amenity		
<i>Acoustic Privacy</i>	<p>Objective is to: -</p> <ul style="list-style-type: none"> ensure a high level of amenity by protecting the privacy of residents within the residential flat buildings from within the apartments 	<p>An acoustic assessment submitted with the application demonstrates that the development is capable of meeting relevant acoustic standards.</p>
<i>Daylight Access</i>	<p>Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of two hours may be acceptable. Limit the number of single-aspect apartments with a southerly aspect (SW / SE) to a maximum of 10% of the total units proposed.</p> <p>Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	<p>With the exception of Units 41, 47, 53 and 59, all other habitable rooms within units have windows with direct access to daylight. All habitable rooms to the student housing units have windows with direct access to daylight. 84% of the living rooms of the residential apartment have access to an eastern or western orientation. 70% of the development will achieve the minimum of three hours of direct access to sun light during winter solstice. All living rooms within the student housing have access to an eastern or western orientation. 100% of these units will achieve the minimum of three hours of direct access to sun light during winter solstice. Only 4 units (16%) of the residential apartments have a southerly aspect.</p>
<i>Natural Ventilation</i>	<p>Building depths, which support natural ventilation typically range from 10 to 18 metres</p> <p>Sixty percent (60%) of residential units should be naturally cross-ventilated.</p>	<p>84% of the residential apartments have been configured to promote cross ventilation. 66% of the student housing units achieve cross ventilation. All kitchens are capable of being naturally ventilated.</p>
Building Form		
<i>Awnings and signage</i>	<p>Objectives are to: -</p> <ul style="list-style-type: none"> provide shelter for public streets ensure signage is in keeping with desired streetscape character and with the development in scale, details and 	<p>Feature awnings are proposed over the entries to both the residential apartments and the student housing.</p>

SEPP 65 RESIDENTIAL FLAT DESIGN CODE		
Primary Development Controls	Guideline	Comments/explanation of compliance
	overall design.	
<i>Facades</i>	Objectives are to: - <ul style="list-style-type: none"> • promote high architectural quality in residential flat buildings. • Ensure new developments have facades which define and enhance the public domain and desired street character • ensure the building elements are integrated into the overall building form and façade design. 	The facades of the buildings achieve these objectives.
<i>Roof Design</i>	Objectives are to: - <ul style="list-style-type: none"> • provide quality roof designs, which contribute to the overall design and performance of residential flat buildings • integrate the design of the roof into the overall façade, building composition and desired contextual response • increase the longevity of the building through weather protection. 	The roof form to the residential apartment building has an asymmetrical pitched form to help conceal the roof plant area and lift overrun towers
Building Performance		
<i>Energy Efficiency</i>	Objectives are to: - <ul style="list-style-type: none"> • reduce the necessity for mechanical heating and cooling • reduce reliance on fossil fuels • minimise greenhouse gas emissions • support and promote renewable energy initiatives 	A BASIX assessment has been provided with the application
<i>Building Maintenance</i>	Objectives are to: - <ul style="list-style-type: none"> • to ensure long life and ease of maintenance of the development 	Durable materials that can be easily maintained and are not prone to rapid deterioration are proposed to be used.
<i>Waste Management</i>	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	Additional details regarding waste management are required to be provided.
<i>Water Conservation</i>	Objectives are to: - <ul style="list-style-type: none"> • reduce mains consumption of potable water • reduce the quantity of urban stormwater run off. 	Additional details regarding water conservation are required to be provided.

Justification for non compliances with RFDC rules of thumb

With respect to the residential apartments, 84% of apartments have been designed to provide cross ventilation. The rule of thumb of the Residential Flat Design Code (RFDC) requires that at least 60% of apartments are cross ventilated.

In relation to daylight access, 84% of apartments within the residential flat building in Precinct 1 are oriented east or west and 70% of the 26 apartments achieve a minimum of 3 hours of direct access to sun light during the winter solstice. Only 4 of the 26 apartments (16%) are south facing apartments.

For the student housing component, all living rooms have either an easterly or westerly aspect, and 66% of the units achieve cross ventilation.

Assessment of Solar Access and Overshadowing

Townhouses – Precinct 1

Although the townhouses are not subject to the provisions of the RFDC, the solar access to the courtyards and living rooms of these dwellings has been assessed using the benchmark of 3 hours of sunlight on June 21.

Due to the slope of the site and the configuration of the proposed townhouses, the courtyards of the majority of the townhouses will not receive at least 3 hours of sunlight to 50% of the private open space area in mid winter. By the time of the Spring and Autumn equinox, the townhouse courtyards will receive more than the 3 hour minimum amount of solar access.

Although the townhouse courtyards will not receive the required 3 hours minimum solar access in mid winter, the orientation of the living areas of these dwellings is such that these rooms will receive a minimum of 3 hours of solar access in mid winter. This, coupled with the large areas of publicly accessible space throughout the development much of which will be shade free during the mid winter period, is such that the non-compliance of the townhouse courtyard areas is acceptable in the circumstances of this case.

Some form of screening to westerly facing windows of the proposed townhouses may need to be implemented in order to control direct sunlight but allow for access to natural light. It is recommended that a condition be imposed requiring the Proponent to consider appropriate treatments for the western facing windows of the townhouses (condition B1).

Apartment Building – Precinct 1

The units within this apartment building have been positioned so that only 4 of the 26 apartments have a south facing aspect. The majority of units within this proposed building have balconies which have a northerly or westerly aspect. Furthermore, the apartments have been designed so that 18 of the 26 units have living rooms which will have direct access to sunlight for at least 3 hours in mid winter.

It is considered that the solar access likely to be experienced by the units in the proposed apartment building is acceptable.

Student Housing - Precinct 3

The student housing units are oriented so that the living areas of these units have either an easterly or westerly aspect. Balconies have been provided along the westerly aspect and these are unaffected by shadows from any nearby buildings. Some form of shading device will be required to be provided along the westerly facing windows of this building to provide some sun protection. Any such device should also be designed to allow access to natural light whilst limiting the impact of direct sunlight (condition B1(a)).

RFDC Conclusion

In the circumstances, the modified proposal is considered to satisfy the intent and rules of thumb of the RFDC in relation to cross ventilation and daylight access. Instances of non-compliance relate to balcony space for the student housing units and building separations (between the student housing and the RFB on Precinct 1).

The student housing includes the provision of Juliet balconies to units with west facing living areas. It is not possible to provide similar balconies along the eastern elevation due to the proximity of the railway corridor to the site. Similarly a roof terrace facility could not be practically provided due to the potential for items to be thrown onto the railway line.

It is considered that the Juliet balconies do provide an element of outdoor living space to these units. In addition, approximately 170m² of ground level communal open space is proposed to be provided for residents of the student housing. The combination of these areas, together with the landscaped areas to be provided as part of the modified proposal,

will provide residents of the student housing adequate outdoor recreation areas in which to gather.

The separation between the eastern elevation of the residential flat building on Precinct 1 and the western elevation of the student housing on Precinct 3 is only 10 metres (being the width of the reservation of Eveleigh Street) whereas the rule of thumb requires a separation of 18 metres.

One of the underlying objectives relating to building separation is the maintenance of the visual and acoustic privacy of residents. As the building separation is less than that recommended by the RFDC, in order to maintain privacy (and also protect the western facing windows of the student housing), it is recommended that a condition be imposed requiring the Proponent to investigate a treatment to the western facing windows and Juliet balconies of the student housing which will be effective in terms of directing outlooks whilst maintaining sunlight access and cross ventilation (condition B1(a)).

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No.55 - Remediation of Land (SEPP 55), which was made on 28 August 1998, applies to this application. SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

An Environmental Site Assessment of the land was prepared by SMEC Testing Services Pty Ltd.

That assessment indicates that based on site observations and testing of soil samples:

- *the samples of the natural soils tested were found to have levels of environmental constituents that fall below the National Environment Protection Council and Department of Environment & Climate Change endorsed soil investigation levels for standard residential sites;*
- *in situ natural soils on the site consist of material that meets the criteria to be characterised as virgin excavation natural material as defined under the Protection of the Environment Operations Act 1997; and*
- *the fill material tested may be classified as general solid waste (non-putrescible).*

The soil conditions on the site are considered appropriate for the proposed development and the proposal would be consistent with the provisions of SEPP 55.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to ensure new development and the major redevelopment of existing buildings incorporate sustainable residential development features to minimise the impacts upon the natural environment.

SEPP BASIX is applicable to the residential components of the proposal. The Proponent has submitted BASIX Certificates for the residential components of the modified development demonstrating that compliance with the relevant criteria is achievable.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed development includes 62 affordable housing dwellings in the form of townhouses and residential apartments. The Proponent has included a commitment that these 62 dwellings will be provided as affordable housing for the ATSI community in perpetuity and will be managed by AHC. This commitment has been reinforced by a condition which requires AHC to register as a community housing provider (under the provisions of the Housing Act 2001) and also requires the registration of a restriction as to user under Section 88B of the Conveyancing Act 1919 in relation to the continued provision of these dwellings as affordable housing.

As the AHC is not a registered community housing provider, the provisions of Division 5 of the SEPP do not apply.

Clause 6 of the Affordable Housing SEPP defines affordable housing as follows:

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household:

(a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

(b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

The Proponent has not sought floor space ratio bonuses allowed under Clause 13 of the Affordable Housing SEPP.

The development does not satisfy the minimum development standard provisions for affordable housing as noted in Clause 14 of the SEPP. Nevertheless, it is considered that the proposed development is satisfactory in terms of its relationship with the surrounding area and general compliance with the provisions of the RFDC.

Although the modified development has not been submitted as an application for affordable housing under the provisions of the Affordable Housing SEPP, it is considered that it embodies the principles of *facilitating the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation* as it will provide for 62 affordable housing dwellings for the ATSI community.

Standard Instrument (Local Environmental Plans) Order 2006

The Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument LEP) is only relevant to the modified proposal for the purposes of determining meanings or words or expressions referred to in the SEPP MD. The SEPP MD adopts the Standard Instrument LEP definitions of Gross Floor Area, Floor Space Ratio and Height of Buildings.

OTHER PLANS AND POLICIES

The Proposal has been assessed against the following planning policies:

Redfern Waterloo Built Environment Plan (BEP)

The (BEP) was developed to assist in the social, environmental and economic revitalisation of the Redfern-Waterloo area, with Stage 1 designed to provide a planning framework for the redevelopment of the RWA's strategic sites, including the subject site within the Eveleigh Street sites.

The BEP (Stage 1) adopts a mixed use for the whole site in order to create a vibrant, cultural, business and residential precinct and to encourage employment growth within the site. The proposed land use zone under the BEP (Stage 1) is 'Business Zone – Mixed Use' and has since been gazetted in the SEPP MD.

The proposal is considered to be consistent with the BEP.

RWA Development Contributions Plan and Affordable Housing Contributions Plan

Section 94 Contributions

As discussed in Section 5.8 of this report, the Proponent has requested that these contributions be waived in the circumstances.

The SMDA has agreed that the proposal will not be subject to a developer contribution.

Affordable Housing Contributions

As discussed in Section 5.8 of this report, the Proponent has requested that these contributions be waived in the circumstances.

The SMDA has agreed that the proposal will not be subject to a developer contribution for affordable housing.

Sydney City Council Child Care Centres Development Control Plan 2005

The proposed child care centre component of the development has been assessed against the relevant provisions of Sydney City Council's Child Care Centres DCP 2005.

The proposed child care centre is a 60 place centre. The break up ages will be:

0-1 years	9 children
1-2 years	12 children
2-3 years	18 children
3-5 years	21 children

The proposed centre will assist in meeting the Council's targets of providing additional child care centre places for children aged under 2 years. The DCP requires that at least 33% of places be provided for children aged less than 2 years. The modified development provides for 35% of places of 0-2 year olds.

The provision of a child care centre as part of a master plan approach for a new development is also encouraged as is the provision of a centre that is accessible by various forms of transport including public transport.

The indoor and outdoor spaces of the centre should:

- provide attractive and functional spaces which provide positive experiences and developmental growth of children;
- enable adequate staff supervision of children at all times;
- comply with the provisions of Children (Education and Care Services) Supplementary Provisions Regulation 2012;
- provide a northerly aspect; and
- be integrated.

In relation to solar access to the various components of the child care centre:

- The playground of the child care centre will be shaded by the apartment building on Precinct 1 until at least 10am in mid winter. After that time the outdoor play area will be relatively shade free with the exception of shading devices that will be required by be provided within the area to ensure compliance with the provisions of *Children (Education and Care Services) Supplementary Provisions Regulation 2012*.
- The indoor areas of the centre all have windows which have a northerly or westerly aspect and therefore these rooms will also receive some direct sunlight in mid winter. During other times of the year, some form of sun shading may need to be considered.

It is recommended that a condition be imposed requiring the Proponent to submit a Plan of Management for the child care centre demonstrating compliance with the specific provisions of the DCP and *Children (Education and Care Services) Supplementary Provisions Regulation 2012*, particularly with respect to the quantum of space per child provided (condition E3). The Plan of Management must also provide details for landscaping and embellishment of the outdoor play area, including shade devices, security procedures, emergency procedures and compliance with the recommendations of the acoustic report.

Overall it is considered that the child care centre will make a positive contribution to the mix of uses to be provided as part of the modified proposal. The provision of education facilities with the Business – Mixed Use zone which applies to the site is encouraged (by the objectives and permissible uses). It is considered that a facility such as this which is available to members of both the ATSI community as well as the wider community and is conveniently located proximate to public transport is an appropriate development for the site.

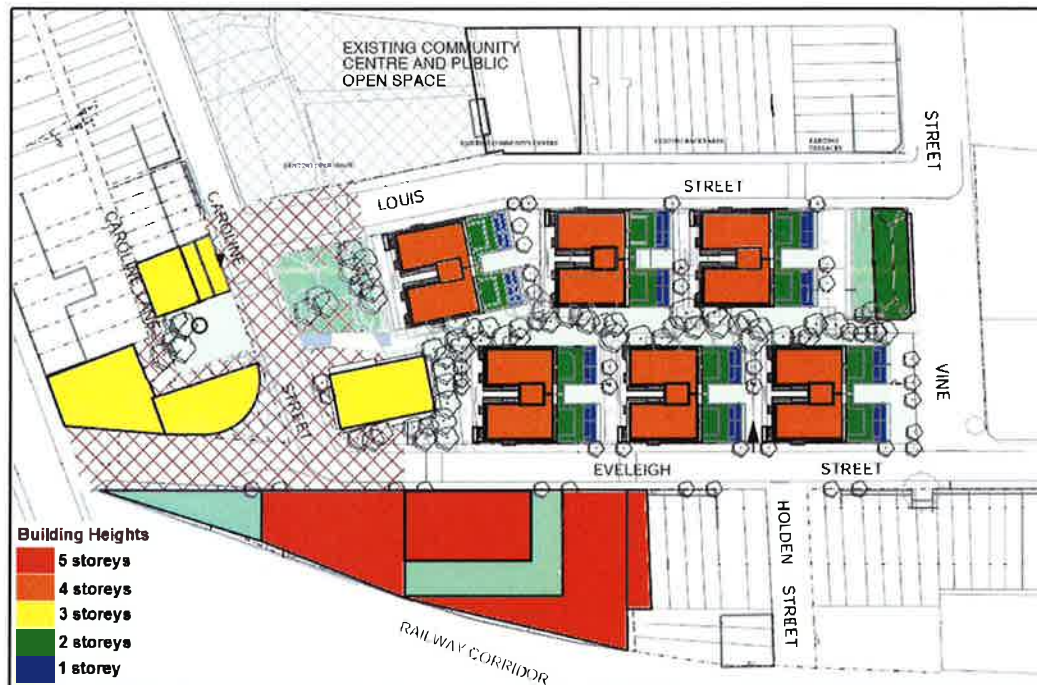
APPENDIX E. COMPARISON OF APPROVED CONCEPT PLAN & MODIFIED PROPOSAL

Approved Concept Plan MP06_0101

On 30 June 2009 Concept Plan MP06_0101 was approved by the Minister. The Concept approval established building envelopes for the comprehensive mixed use redevelopment of land in and around Eveleigh, Vine, Louis, Caroline and Lawson Streets, Redfern ("The Block"). The residential component provided for 62 affordable housing dwellings, in a cluster of 6 detached four-storey residential flat buildings, with surface parking for 71 vehicles.

The development approved in Concept Plan Approval MP06_0101 comprised:

- Demolition of the existing structures including the Elouera Gymnasium (corner of Vine and Eveleigh Streets), the Murrawina building (Eveleigh Street), the former Railway View Hotel (corner of Eveleigh and Lawson Streets), residential flat building (corner of Louis and Caroline Streets), and 12 terraces fronting Louis Street;
- Use of the site for residential, commercial/retail, cultural and community uses, including the adaptive reuse of the existing 6 terraces on Vine Street as an elders community centre;
- Building heights, ranging from 3 to 5 storeys.



Height map of the approved Concept Plan

The approved concept plan provided for 15,500 m² of gross floor area (GFA) comprising a maximum of:

- 7,250 m² of retail/commercial gross floor area;
- 6,200m² of residential gross floor area (excluding a proposed residential respite care facility); and
- 2,050m² of cultural/community gross floor area (including a proposed residential respite care facility);
- a minimum of 500m² of public open space;
- retention and adaptive re-use of 1-11 Vine Street for community use; and
- a maximum of 71 car parking spaces.

Modified Proposal

In July 2011, preliminary Environmental Assessment reports were lodged with the Department to:

- modify the approved Concept Plan (MP06_0101 MOD 1); and
- obtain Project Plan approval for the entire project to enable its construction. The Project Application is identical to the modified Concept Plan proposal.

DGRs for the Project Plan application were subsequently issued on 12 August 2011.

In December 2011, EA for the modified Concept Plan and Project Plan application were lodged. The modified scheme provides for the same number of affordable dwellings (62) as originally approved but in a reconfigured layout of two-storey townhouses and an attached six-storey mixed use tower with ground floor commercial/retail uses and five levels of residential apartments above.

The major variations between the approved Concept plan and the modified proposal include:

- provision of the 62 affordable dwellings as townhouses and apartments;
- the reduction in the amount of commercial/retail floorspace;
- the deletion of the residential respite facility;
- removal of the elders meeting room; and
- the introduction of the student housing component within Precinct 3.

The community facility (elders meeting area) was no longer required to be provided as part of this development as an alternative facility known as Yanga had been provided in Cope Street, Redfern.

Other changes include the introduction of a child care centre. The centre will provide a vital service to the local community. It will provide 60 places for children aged between 0 – 5 years, including 21 spaces for 0-2 year olds. There is a significant shortage of child care places for children in this age group and the modified development proposal will assist in addressing this shortfall.

The student housing accommodation will provide an alternative form of residential accommodation which will add to the social dynamics of the development.

The modified scheme also provides for an increase in on-site parking to provide parking for 115 vehicles. The car parking is to be located within a single basement car park accessed from Vine Street.

The proposed six-storey residential tower and the seven storeys of student housing exceed the maximum five-storey height approved by the Concept Plan. The amended proposal also exceeds the maximum height standards of 3 and 5 storeys as per the provisions of SEPP MD. The modification also increased the overall gross floor area of the project by some 1,865 m² from the approved Concept Plan. This represents an increase of 12%. The increase in floor space is largely a consequence of the inclusion of the student housing component.

The table below is a comparison between the approved Concept Plan scheme against the proposed modified development.

Precinct	Land Use	Approved Concept Plan	Exhibited EA for modified Concept Plan and Project Plan	PPR
SITE	Total GFA	15,500 m ²	17,365 m ²	17,370 m ²
	Retail/Commercial GFA	7,250 m ²	2,655 m ²	2,655 m ²
	Residential GFA	6,200 m ²	12,725 m ²	12,730 m ²
	Cultural/Community	2,050 m ²	1,985 m ²	1,985 m ²

Precinct	Land Use	Approved Concept Plan	Exhibited EA for modified Concept Plan and Project Plan	PPR
	GFA			
	Public Open Space	500 m ²	700 m ²	465m ² (Area A in Precinct 2 and Area B in Precinct 3) NOTE: This area does not include forecourt area in Precinct 1, shared zones on Eveleigh Street and Caroline Street or the rail bridge.
	1-11 Vine Street - Community Reuse.	Yes	No. Facility, located to 'Yanga', Cope Street, Redfern	No
	Car parking	71 spaces	115 spaces	115 spaces + 8 at grade spaces.
Precinct 1	Residential	62 dwellings	62 dwellings	62 dwellings
	Community	Gymnasium, Elders community/cultural centre	905 m ² Gymnasium	905 m ² Gymnasium
	Private and public open space	Yes	Yes	Private – Yes Public – Approximately 690m ² of land to be retained by AHC but accessible to the public in the forecourt area of retail tenancies and gym. Area excludes spaces occupied by child care centre car parking spaces and electricity substation kiosks
	Retail/commercial	No	340 m ²	340 m ²
Precinct 2	Residential	No	No	No
	Community	Health and respite Centre AHC Offices	AHC offices, 240 m ² Childcare Centre 365 m ²	AHC offices, 240 m ² Childcare Centre (CCC) 365m ²
	Private and public open space	Yes	Yes	Private - CCC Public – Area A totalling 235m ² to be dedicated to Council
	Retail/commercial	Yes	1,215 m ²	1,215 m ²
	Retail/commercial	No	1,100m ²	1,100m ²

Precinct	Land Use	Approved Concept Plan	Exhibited EA for modified Concept Plan and Project Plan	PPR
Precinct 3	Community	Yes	475 m ² Art Gallery	475 m ² Art Gallery
	Private and public open space	Yes	Yes	Public – Area B totalling 230m ² to be dedicated to SCC. Private – Ground floor rear courtyards to commercial tenancies and student housing
	Residential	Yes	5,385 m ² - 154 Bed - Student Housing	5,390 m ² - 154 Bed - Student Housing

APPENDIX F. MODIFICATION OF CONCEPT APPROVAL FOR MP 06_0101

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2012, I approve the modification to the concept plan referred to in Schedule 1, subject to the modified terms of the modified instrument of approval in Schedule 2 and the modified Statements of Commitment in Schedule 3.

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance
Department of Planning & Infrastructure

Sydney

2012

SCHEDULE 1

PART A – APPLICATION DETAILS

Application No.: MP06_0101 MOD 1

Proponent: Aboriginal Housing Company

Approval Authority: Minister for Planning

Land: Land bound generally by Louis Street, Vine Street, Eveleigh Street, the railway line and Lawson Street, Redfern.
Land to which this approval applies also includes:

- airspace to the north of the existing railway overbridge and north of Lawson Street;
- Eveleigh Lane;
- that part of Caroline Lane to the east of Lot A DP 439351 (108 Lawson Street Redfern);
- Eveleigh Street (between Caroline Street and Lawson Street); and
- Caroline Street (between Louis Street and Eveleigh Street).

The site comprises the following properties:

Street	House No.	Lot No(s)	DP
Louis	1-5	21	434387
	7 -33	1-14	33299
	35-37	1-2	206799
	39-59	1-11	33106
Caroline	2-10	1-5	33107
Eveleigh		29	374
		1	975453
	44-48	3130	975455
	50	321	131476
	52	1	525094
	54	322	131476

Street	House No.	Lot No(s)	DP
	56-58	B & A	75111
	60-64	A, B & C	107218
	66-68	Y & X	440163
	70-74	A, B & C	437340
	76	1	981953
	78	1	906105
	80-84	X, Y & Z	107216
	86	1	981953
	88-90	A & B	444916
	92-100	E – A	441990
	102	1	10425
Vine	1-11	6-1	436836
Caroline (south side)	1-15	A-H	33204
Eveleigh (south of Caroline)	104-106	A-B	438843
	108	1	653482
	110	1	583847
	112	1	113726
Lawson	104	104	131639
	106	B	439351
Eveleigh (East side)	49	1	709305
	51-57	A-D	437614
	59	2	907002
	61	B	906776
	63	188	77816
	65-69	1-3	438267
	71-75	A-C	437987
	77-79	1	996782
	81-83	B	326761
	85	B	81200
	87	1	996783
	89	1	741715
	91	1	779120
	93-95	A-B	439127
	97	1	797845
	99	1	94785
	101-105	1	88846
	107	1	708931
	109	1	996784
	111-119	1-5	230305
	121	1	995857
	123	1	803299

PART B – NOTES RELATING TO THE DETERMINATION OF MP06_0101 MOD 1

Inconsistencies between documents

In the event of any inconsistency between the modifications to this concept plan approval and the approved plans and documentation described in Schedule 2 or the Proponent's Statement of Commitments in Schedule 3, the modification to this concept plan approval prevail.

Responsibility for other approvals/agreements

The Proponent is solely responsible for ensuring that all additional consent and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environmental Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended)

Legal Notices

Any advice or notice to the consent authority shall be served on the Director General.

PART C – DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Advisory Notes	Advisory information relating to the approved development but do not form a part of this approval
AHC	Aboriginal Housing Company Limited
Council	Council of the City of Sydney
Department	Department of Planning and Infrastructure or its successors
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment Report prepared by Ludvik & Associates Pty Ltd
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Floor Space Ratio (FSR)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
Gross Floor Area (GFA)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
SEPP MD	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning and Infrastructure
MP06_0101	Concept Plan (as modified) for this proposal
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Aboriginal Housing Company Ltd (AHC) or any party acting on the approval
Regulation	Environmental Planning and Assessment Regulation, 2000 (as amended)
Storey	has the same meaning as in Schedule 3, Part 5, Redfern-Waterloo Authority sites of State Environmental Planning Policy (Major Development) 2005.
Subject site	Land described in Schedule 1 of this approval

SCHEDULE 2

CONDITIONS

PART A – TERMS OF APPROVAL

A1 Development Description

Concept approval is granted only to the carrying out of development within the concept plan area as described in the Environmental Assessment Report by Ludvik and Associates Pty Ltd titled "**Pemulwuy Project**" dated December 2011 (as amended by the Preferred Project Report dated August 2012) and in the "**Revised Statement of Commitments**" attached at Appendix 4 to the Preferred Project Report including:

- (1) The redevelopment of the site for a mix of commercial, retail, cultural, community and residential uses involving a maximum of 17,380m² of GFA comprised of:
 - (a) 2,655m² of retail/commercial GFA;
 - (b) 12,720m² of residential GFA including student housing; and
 - (c) 3,095m² cultural/community GFA including a gymnasium/fitness centre, 60 place child care centre, a gallery and offices for the AHC.
- (2) Landscaped open space areas as identified in Drawing No. ODA070 Issue F;
- (3) Maximum building heights and floor space ratios within Precincts 1, 2 and 3 as identified on Drawing No. ODA012 issue G with the exception that the maximum height of the building on Precinct 3 in which the student housing is located shall be a maximum of 7 storeys;
- (4) A basement car park with 115 car parking spaces (including 10 accessible spaces) to service the mix of uses and with the following allocation of spaces:

Resident Parking:

 - Townhouses and Apartments - 70 spaces
 - Student Accommodation - 3 spaces

Retail - 16 spaces
Commercial - 13 spaces
Gymnasium - 6 spaces
Childcare Centre - 4 spaces
Gallery - 3 spaces
Total - 115 spaces
- (5) Eight (8) at grade 90° angle car parking spaces to be located on the northern side of Caroline Street within Precinct 1.
- (6) Widening of the railway overbridge on the northern side of Lawson Street, east of Eveleigh Street.
- (7) Landscaping and public domain improvement works.

A2 Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 06_0101 (as modified by MOD 1) and with the Environmental Assessment, except where amended by the response to submissions and additional information to the response to submissions, and the following drawings prepared by Nordon Jago Architects:

Drawing No./Report	Revision	Name of Plan
Architectural Plans prepared by Nordon Jago Architects		
Overall Drawings – All Precincts		
ODA000	F	Cover Page

0DA011	D	Proposed Site Plan
0DA012	F	FSR & Building Heights
0DA013	C	Laneways
0DA070	F	Public Domain Areas
0DA300	B	Streetscape Elevations
0DA600	C	Massing View
0DA900	A	Materials and Finishes Board
Precinct 1		
1DA005	F	Precinct 1 Perspectives and Site Analysis
1DA091	E	Basement Level B1
1DA100	E	Plan Level 01 - Townhouses
1DA101	E	Plan Level 02 - Townhouses
1DA102	E	Plan Level 01.1 (Mezzanine)
1DA103	E	Plan Level 02 - Residential
1DA104	E	Plan Level 03-05 Typical
1DA120	E	Roof Plan
1DA150	A	Townhouse Typical Detail Plan/Section
1DA151	A	Townhouse Street Perspectives
1DA200	D	Sections A & B
1DA201	D	Section C & D
1DA300	D	North & West Elevations
1DA301	D	South & East Elevations
Precinct 2		
2DA005	F	Precinct 2 Perspectives and Site Analysis
2DA100	E	Level 1 Plan
2DA101	E	Level 2 Plan
2DA102	D	Level 3 Plan
2DA103	D	Level 4 Plan
2DA120	E	Roof Plan
2DA200	E	Sections
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Precinct 3		
3DA005	F	Precinct 3 Perspectives and Site Analysis
3DA100	E	Lower Ground & Ground Floor Plan
3DA101	E	Level 1 Plan
3DA102	E	Level 2 Plan
3DA103	E	Level 3 Plan
3DA104	E	Level 4 Plan
3DA105	B	Level 5 Plan
3DA106	B	Level 6 Plan
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DN160	D	Lawson Street Bridge Works
Report/Plan	Author	Date
Landscape Treatments		
Public Domain & Landscape Report	Scape	9 December 2011
Email to Greg Colbran (Dei Corp) regarding landscape treatments for townhouses	Andrew Turnbull, Scott Carver	23 August 2012
Acoustic Assessment		
Pemulwuy Acoustic Assessment	Koikas Consultants Pty Ltd	13 December 2011
Traffic Assessment		
Transport and Accessibility Impact Assessment	John Coady Consulting Pty Ltd	13 December 2011
Structural Assessment		
Structural report for Pemulwuy	Bonacci	12 December 2011
BASIX Assessment		
Precinct 1 BASIX Assessment	Windtech	13 December 2011
Precinct 3 BASIX Assessment	Windtech	13 December 2011
Site Investigation		
Geotechnical Assessment	SMEC Testing Services Pty Ltd	August 2010
Supplementary advice regarding groundwater conditions	SMEC Testing Services Pty Ltd	25 August 2010
Stormwater Drainage		
Stormwater Concept Plan SC 01	Neil Lowry & Associates	December 2011
Site Plan SC 02	Neil Lowry & Associates	December 2011
Construction Management		
Construction Management Methodology	Dei Corp	10 December 2011
Traffic and Pedestrian Management Plan	Lack Group	13 December 2011
Traffic Management Plan 2011/421	Lack Group	13 December 2011
Soil Water Management Plan Layout for Precinct 1 & 2, Redfern Dwg. No. C082 Rev A	Bonacci	March 2011
Soil Water Management Plan Layout for	Bonacci	March 2011

Precinct 3, Redfern Dwg. No. C083 Rev A		
Sediment Basin Detail Dwg No. C084 Dev A	Bonacci	March 2011
Wind Assessment		
Precinct 1 –Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 2 –Report No. WB028-01F06 (rev2)	Windtech	7 December 2011
Precinct 3 –Report No. WB028-01F07 (rev2)	Windtech	7 December 2011
Heritage Assessment		
Heritage Interpretation Strategy	NBRS	9 December 2011
Railway Corridor Retaining Wall	NBRS	9 December 2011

A3 Approval is not granted in relation to these matters

This approval does not give approval for subdivision of the land or development.

PART B – MODIFICATIONS TO CONCEPT PLAN

B1 PROPOSED LAND USES

The approved uses on the three Precincts under the concept plan are to be limited as follows:

Precinct	Approved uses
1	<ul style="list-style-type: none"> • 36 x two storey townhouses; • 26 units within an apartment building; • Retail, commercial and community uses (gymnasium); • Basement car park with 115 car parking spaces (including 10 accessible spaces) and bicycle storage facilities; and • Publicly open space areas.
2	<ul style="list-style-type: none"> • Commercial and community (child care centre) uses combined with private and public open space areas.
3	<ul style="list-style-type: none"> • Commercial and cultural (art gallery) uses; • Private and public open space areas; and • Student housing comprising 42 units (154 beds).

B2 OPEN SPACE PROVISION

All areas of public and private open space are to be provided as soon as practicable and to be completed prior to the issue of any occupation certificate.

B3 HERITAGE INTERPRETATION

- (1) A Heritage Interpretation Plan addressing the cultural and social significance of the area is to be submitted with the lodgement of the first application for any new building on the site.
- (2) Archival or oral historical research together with the local Aboriginal community into the nature and significance of the Aboriginal connections with the locality as a whole is to inform the preparation of an Interpretation Plan for the site.
- (3) The implementation of the heritage interpretation is to include the provision of interpretation elements within the publicly accessible open space and incorporated in the Public Art Strategy.

B4 TRANSPORT AND PEDESTRIAN MANAGEMENT

- (1) Vehicular access to the basement area shall be limited to one access/egress point onto Vine Street.
- (2) The development shall include the retention of the share zone along Eveleigh Street between Lawson Street and Caroline Street and the provision of a share zone along Caroline Street between Louis Street and Eveleigh Street. The share zones shall be provided in consultation with Council and RMS.
- (3) Secure bicycle parking facilities shall be provided in the basement car park on Precinct 1 for use by all components of the development.

PART C - FUTURE ASSESSMENT AND APPLICATION REQUIREMENTS

Pursuant to section 75P(1)(a) of the EP&A Act the following future environmental assessment requirements apply.

C1 SITE CONTAMINATION AND REMEDIATION

- (1) Prior to the lodgement of the first application, an appropriately detailed assessment of potential site contamination is to be undertaken by suitably qualified persons and submitted to the Department.
- (2) Should any contaminants be identified a Remediation Strategy and Remediation Action Plan appropriate for the use of the respective portions of the site, are to be prepared and submitted with all applications.
- (3) If required, any remediation strategy and remediation action plan may be implemented in a staged manner and should be in a rational and orderly manner.

C2 DESIGN EXCELLENCE

- (1) All future applications for any new building and for external works to existing buildings are to demonstrate design excellence in accordance with Schedule 3, Part 5, Division 3, clause 22 of *State Environmental Planning Policy (Major Projects) 2005*.
- (2) A Design Competition under clause 22(3) of Schedule 3, Part 5, Division 3 of the *State Environmental Planning Policy (Major Projects) 2005* is not required for any component of the approved Concept Plan.
- (3) The design of buildings is to be consistent with the objectives and relevant controls of the Redfern Waterloo Authority Built Environment Plan.

C3 SEPP 65

All future applications for the residential components under the Concept Plan are to demonstrate compliance, or fully justify any non-compliance, with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

C4 ESD AND SUSTAINABLE DESIGN

- (1) The future applications for residential development are to demonstrate compliance with the provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
- (2) Future applications are to consider and investigate options for reducing potable water consumption, provision of alternative water supply for non-potable uses, and the use of recycled water across the land subject of this Concept Plan.

C5 WIND IMPACTS

A detailed wind impact assessment is to be undertaken by suitably qualified persons for any new building exceeding four storeys in height and is to occur as building design(s) are being developed and prior to the lodgement of any application, and should consider the following:

- (a) main entries to buildings being located away from building corners;
- (b) the use of canopies/awnings to assist in effective wind amelioration; and
- (c) the use of other wind amelioration measures as necessary.

C6 LANDSCAPING AND TREE REMOVAL

- (1) A detailed landscape plan is to be submitted with any subsequent application.
- (2) The landscape plan(s) must identify any existing trees or other vegetation to be retained, any necessary protection measures during construction, and the provisions of new planted areas which are to provide appropriate levels of privacy between units but must ensure that the principles of 'Safety through Design' are achieved.

C7 DEDICATION OF PUBLIC OPEN SPACE AND ROADWAYS

- (1) The Proponent must either:
 - (a) Offer for dedication as public spaces to Council, public parks, roads and public domain; or
 - (b) create Right of Ways and Easements to allow public access to public parks, roads and public domain.
- (2) The areas and location of public open space areas are to be in accordance with the approved Concept Plan.
- (3) The following are to accompany any future application for public parks, roads and public domain:
 - (a) A landscape plan demonstrating a proposed landscape scheme for the public domain areas is to be prepared in consultation with and is subject to approval by Sydney City Council. ;
 - (b) Commitments by the applicant advising the proposed timing of the proposed landscape works, roadworks and dedication of the proposed open space and roadways or creation of any Easement or Right of Ways.
- (4) If Council refuses the dedication of any public space(s), then 1(b) of this condition shall be applied to enable public access. Details are to be provided with the relevant future application(s).

C8 SITE SERVICING

Emergency vehicles must have adequate access to and within the site.

C9 SYDNEY WATER

- (1) Future applications are to consider the impacts on Sydney Water stormwater infrastructure. Prior to lodgement of any application consultation with Sydney Water regarding any potential impacts on this infrastructure is to occur.
- (2) The applicants for future applications are also to liaise with Sydney Water to:
 - (a) ensure water and sewer infrastructure are appropriately sized to correlate with the requirements of the Water Management Plan.
 - (b) investigate the potential of having a reticulated recycled water scheme for the development.

C10 WATER TABLE / GROUNDWATER

The future application(s) involving basement structures are to provide details of how the water table and ground water will be managed during and after construction of any basement car parking area.

C11 RAILCORP

Future application(s) must address the following requirements of RailCorp:

(1) Corridor Protection

Prior to the lodgement of an application seeking approval for any structure on Precinct 3 or for the widening of the rail bridge as shown on the approved plans referred to in Condition A2, the following are to be prepared in accordance with Railcorp's requirements and lodged with the relevant application:

- (a) a Geotechnical and Structural report
- (b) an Excavation and Construction methodology

-
- (c) cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.

(2) Derailment protection

Prior to the lodgement of any application seeking approval for new structures located within 20m of the rail corridor, a derailment protection risk assessment in accordance with Australian Standard AS5100 must be prepared and lodged with the application. Where the risk assessment has identified a need for derailment protection, or where required by the Australian Standard, the applicant is to incorporate those measures into the design and engineering details of the building, and to submit those with the application.

(3) Drainage

The final drainage solution should be developed in consultation with Railcorp, prior to the lodgement of the any application for new development. The final drainage solution shall address the following matters:

- (a) Demonstrate that drainage and stormwater within the site can be managed without any adverse impact on the rail corridor.
- (b) That stormwater runoff from all impervious surfaces on the property is collected and conveyed to a point suitable for integration with the constructed stormwater drainage system.
- (c) Details of the future care and control of the drainage system.

(4) Noise and Vibration

An acoustic assessment is to accompany any application for a new building, and is to identify any noise attenuation measures for the proposed building appropriate to its intended use.

(5) Balconies and Windows

Any proposed balcony or window that is within 20m of the rail corridor is to incorporate adequate measures that prevent the throwing of objects onto the rail corridor.

(6) Reflective material

Future structures located along the rail corridor are to minimise the use of reflective material such as mirrored glass and metal finishes.

(7) Fencing and Landscaping

Prior to the lodgement of the any application for new buildings, design guidelines are to be prepared regarding the fencing to be used/constructed along the entire common boundary with the rail corridor. The fencing guidelines and specifications are to be developed in consultation with RailCorp and submitted with any application.

- (8)** Both parties to the abovementioned consultation shall act reasonably and RailCorp is not to unreasonably prevent a resolution / agreement from being reached. In the event that a resolution / agreement is unable to be reached within 3 months, the matter is to be referred to the Director General for determination. All areas of disagreement and the position of each party are to be clearly stated to enable this determination to be made.

Schedule 3 Modified Statements of Commitment

No.	Subject	Commitment	Timing
1.	Authority Approvals	All necessary approvals and permits required for the construction of the buildings under State and Commonwealth legislation are to be obtained.	Prior to the carrying of work
2.	Demolition	Demolition works are to be carried out in accordance with the requirements of AS 2601-2001: <i>Demolition of Structures</i> .	During the demolition of the existing buildings
3.	Remediation	Any soil contamination encountered during the construction phase is to be remediated in accordance with relevant <i>Australian Standards, Codes and guidelines</i> .	As part of site preparation works and prior to the commencement of building works
4.	Building Works	The buildings are to be constructed in accordance with the plans approved in the Project Approval, the relevant Construction Certificate and in accordance with the <i>Building Code of Australia</i> .	Ongoing from the commencement of construction
5.	Construction Management	Construction work is to be carried out in accordance with the Demolition and Construction Management Plan to be submitted prior to the issue of a Construction Certificate. All contractors/suppliers will be advised of the Management Plan and will be required to adhere to those requirements throughout the construction phase. Erosion and sediment control measures are to be installed and maintained for the duration of the construction works and until all ground disturbed by the works is stabilised. Measures are to be taken to mitigate dust emanating from the site to protect the amenity of surrounding properties during the construction phase.	Ongoing from the commencement of construction
6.	Waste Management	Wastes associated with demolition works, construction work and the on-going operation of the buildings are to be managed in accordance with the Waste Management Plan submitted with the application for Project Approval. The removal of all wastes, including asbestos based wastes, is to be undertaken in accordance with the regulations and requirements of the NSW Government and relevant codes of practice and guidance notes.	Ongoing from the commencement of demolition works
7.	Public Domain	Public domain works are to be constructed in accordance with the report and plan prepared by Scape.	As part of construction works
8.	Safety and Security	All outdoor lighting is to be installed in accordance with <i>AS/NZ 1158.3:1999 - Pedestrian Area (Category P) Lighting</i> and <i>AS 4282:1997 - Control of the Obtrusive Effects of Outdoor Lighting</i> .	As part of construction works
9.	Rail Infrastructure	The structural integrity of the existing and proposed rail infrastructure in the vicinity of the site is to be maintained in accordance with the recommendations contained in the reports prepared by SMEC Testing Services Pty Ltd and Bonacci Group Pty Ltd.	Ongoing from the commencement of demolition works
10	Acoustic & Vibration	The buildings are to be constructed in accordance with the recommendations contained in the report prepared by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.	As part of construction works
11	Road Traffic Facilities	The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be	As part of construction works

No.	Subject	Commitment	Timing
		established.	
12	Car Parking, Loading & Access	One hundred and fifteen (115) off-street car parking are to be provided in accordance with AS2890.1-2004: <i>Parking Facilities - Part 1: Off-Street Car Parking</i> . Loading facilities are to be established in accordance with the approved plan and AS2890.2-2002: <i>Parking Facilities - Part 2: Off-Street Commercial Vehicle Facilities</i> .	As part of construction works
13	Retail & Commercial Uses	Development applications for the commencement of the use of the retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.	Prior to the commencement of use of retail and commercial tenancies
14	Ecologically Sustainable Development	The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd.	As part of construction works
15	Heritage/Archaeology	Appropriate action is to be taken should any matter of archaeological significance be revealed during the excavation program.	During excavation works
16	Stormwater Drainage	<i>Stormwater drainage works are to be carried out in accordance with the plans prepared by Neil Lowry & Associates.</i>	As part of construction works
17	Access & Facilities for People with a Disability	<i>Access facilities are to be provided in accordance with AS1428-2001 - Access for Design and Mobility - New Building Work.</i> <i>57 of the dwellings in Precinct 1 are to be constructed in accordance with AS4299-1995 - Adaptable Housing, together with 3 of the student housing dwellings in Precinct 3.</i>	As part of construction works
18	Public Utilities	<i>The buildings are to be connected to the required water, sewerage and electricity infrastructure in accordance with the requirements of Sydney Water Corporation and Energy Australia. Other utilities, such as gas and telecommunications, are to be connected in accordance with the requirements of the service providers.</i> <i>The provision and/or adjustment of public utility infrastructure is to be carried out in accordance with the requirements of the relevant public authority.</i> <i>Any easements required to facilitate the provision of utility infrastructure are to be granted to the relevant public authority.</i>	As part of construction works
19	Development Contributions	<i>All reasonably required contributions are to be paid.</i>	When required
20	Occupation of the Building	<i>All required certificates are to be provided to the Principal Certifying Authority and an occupation certificate issued prior to the occupation of the buildings.</i>	Prior to occupation of the building
21	Community Consultation	<i>The Aboriginal Housing Company will continue to liaise with the local community during the construction phase.</i>	Ongoing
22	Child Care Centre	<i>The child care centre is to be constructed and operated in accordance with the requirements of the Department of Community Services.</i>	Ongoing
23	Dwellings in Precinct 1	<i>The sixty-two (62) dwellings in Precinct 1 are to be retained in the ownership of the Aboriginal Housing Company.</i> <i>These dwellings are to be managed by the Aboriginal Housing Company to provide affordable housing for the local Aboriginal and Torres Strait Islander Community</i>	Ongoing

APPENDIX G. PROJECT APPROVAL

Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2012, I approve the Project Application referred to in Schedule 1, subject to the Conditions as noted in Schedule 2 and the Proponent's Statements of Commitment at Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance
Department of Planning & Infrastructure

Sydney

2012

SCHEDULE 1

Application No.:

MP11_0093

Proponent:

Aboriginal Housing Company

Approval Authority:

Minister for Planning

Land:

Land bound generally by Louis Street, Vine Street, Eveleigh Street, railway line and Lawson Street, Redfern.

Land to which this approval applies also includes:

- airspace to the north of the existing railway overbridge and north of Lawson Street;
- Eveleigh Lane;
- that part of Caroline Lane to the east of Lot A DP 439351 (108 Lawson Street Redfern);
- Eveleigh Street (between Caroline Street and Lawson Street); and
- Caroline Street (between Louis Street and Eveleigh Street).

The site comprises the following properties:

Street	House No.	Lot No(s)	DP
Louis	1-5	21	434387
	7-33	1-14	33299
	35-37	1-2	206799
	39-59	1-11	33106
Caroline	2-10	1-5	33107
Eveleigh		29	374
		1	975453
	44-48	3130	975455
	50	321	131476
	52	1	525094

Street	House No.	Lot No(s)	DP
	54	322	131476
	56-58	B & A	75111
	60-64	A, B & C	107218
	66-68	Y & X	440163
	70-74	A, B & C	437340
	76	1	981953
	78	1	906105
	80-84	X, Y & Z	107216
	86	1	981953
	88-90	A & B	444916
	92-100	E - A	441990
	102	1	10425
Vine	1-11	6-1	436836
Caroline (south side)	1-15	A-H	33204
Eveleigh (south of Caroline)	104-106	A-B	438843
	108	1	653482
	110	1	583847
	112	1	113726
Lawson	104	104	131639
	106	B	439351
Eveleigh (East side)	49	1	709305
	51-57	A-D	437614
	59	2	907002
	61	B	906776
	63	188	77816
	65-69	1-3	438267
	71-75	A-C	437987
	77-79	1	996782
	81-83	B	326761
	85	B	81200
	87	1	996783
	89	1	741715
	91	1	779120
	93-95	A-B	439127
	97	1	797845
	99	1	94785
	101-105	1	88846
	107	1	708931
	109	1	996784
	111-119	1-5	230305
	121	1	995857
	123	1	803299

Project:

Development of The Pemulwuy Project, Redfern for mixed uses including:

- commercial;
- retail;
- residential; and;
- community uses.

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
Advisory Notes	Advisory information relating to the approved development but do not form a part of this approval
BCA	Building Code of Australia
Certifying Authority	Has the same meaning as Part 4A of the Act
Council	Council of the City of Sydney
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment Report prepared by Ludvik & Associates Pty Ltd
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Floor Space Ratio (FSR)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
Gross Floor Area (GFA)	has the same meaning as in the Standard Instrument (Local Environmental Plans) Order 2006.
Redfern LAC	Redfern Local Area Command
SEPP MD	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning and Infrastructure
MP06_0101	Concept Plan (as modified) for this proposal
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PCA	Principle Certifying Authority (Part 4A of the Act)
PPR	Preferred Project Report
Proponent	Aboriginal Housing Company Ltd (AHC) or any party acting on the approval
Regulation	Environmental Planning and Assessment Regulation, 2000 (as amended)
RMS	NSW Roads and Maritime Services or its successors
Storey	has the same meaning as in Schedule 3, Part 5, Redfern-Waterloo Authority sites of <i>State Environmental Planning Policy (Major Development) 2005</i> .
Subject site	Land described in Schedule 1 of this approval

SCHEDULE 2
PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

Development is granted for the carrying out of the development described below:

- 17,370m² of gross floor area comprising:
 - 2,655m² of retail/commercial gross floor area;
 - 12,730m² of residential gross floor area comprising:
 - 36 townhouses (5 x 2 bedroom, 18 x 3 bedroom and 13 x 4 bedroom);
 - 26 apartments (21 x 2 bedroom and 5 x 3 bedroom);
 - 154 student housing bedrooms in 42 units.
 - 3,095m² of cultural/community gross floor area, including a gymnasium/fitness centre, gallery, 60 place child care centre and offices for AHC;
- Basement car park for 115 vehicles including 10 accessible spaces;
- 8 at grade 90° angle spaces along the northern side of Caroline Street; and
- Landscaping and public domain improvement works.

A2 Terms of Approval

The development will be undertaken in accordance with MP06_0101 and MP No. 11_0093 and the Environmental Assessment dated December 2011, prepared by Ludvik and Associates Pty Ltd, except where amended by the Preferred Project Report dated August 2012, prepared by Ludvik and Associates Pty Ltd, and the following drawings:

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BASIX Assessment		
Precinct 1 BASIX Assessment	Windtech	13 December 2011
Precinct 3 BASIX Assessment	Windtech	13 December 2011
Site Investigation		
Geotechnical Assessment	SMEC Testing Services Pty Ltd	August 2010
Supplementary advice regarding groundwater conditions	SMEC Testing Services Pty Ltd	25 August 2010
Stormwater Drainage		
Stormwater Concept Plan SC 01	Neil Lowry & Associates	December 2011
Site Plan SC 02	Neil Lowry & Associates	December 2011

Construction Management		
Construction Management Methodology	Dei Corp	10 December 2011
Traffic and Pedestrian Management Plan	Lack Group	13 December 2011
Traffic Management Plan 2011/421	Lack Group	13 December 2011
Soil Water Management Plan Layout for Precinct 1 & 2, Redfern Dwg. No. C082 Rev A	Bonacci	March 2011
Report/Plan	Author	Date
Soil Water Management Plan Layout for Precinct 3, Redfern Dwg. No. C083 Rev A	Bonacci	March 2011
Sediment Basin Detail Dwg No. C084 Dev A	Bonacci	March 2011
Wind Assessment		
Precinct 1 –Report No. WB028-01F02 (rev2)	Windtech	7 December 2011
Precinct 2 –Report No. WB028-01F06 (rev2)	Windtech	7 December 2011
Precinct 3 –Report No. WB028-01F07 (rev2)	Windtech	7 December 2011
Heritage Assessment		
Heritage Interpretation Strategy	NBRS	9 December 2011
Railway Corridor Retaining Wall	NBRS	9 December 2011

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

A3 Inconsistency Between Documents

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statements of Commitment (Schedule 3), the conditions of this approval prevail.

A4 Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A5 Approval is not granted in relation to these matters

This approval does not give approval for:

- a) The provision of any mechanical plant or equipment. Separate approval may be required in relation to the installation of mechanical plant and equipment relating to the use of the proposed development.
- b) Subdivision of the development.
- c) Right hand turns from Lawson Street into Eveleigh Street, with the exception of emergency vehicle access.

A6 Lapsing of Approval

This approval will lapse 5 years from the date of commencement of approval, unless:

- 1) a shorter period of time is specified by the Regulations or

2) the development has physically commenced.

A7 No Approval for Road Works External to the site

This approval does not include any of the road works proposed which are external to the site. Such works include:

a) the relocation of the intersection of Vine Street and Abercrombie Street.

Separate application will be required to be made to Council in relation to these works.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Design Modifications

The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority must specify the following modifications:

- (a) Treatments to address potential privacy issues and manage solar access to the windows and balconies of the western elevation of the student housing accommodation on Precinct 3 are to be provided. Any changes to the external finishes of the building in order to address these issues shall be fixed in such a way to ensure the rooms have access to natural light and views from the windows and balconies are directed away from eastern facing windows to the residential building on Precinct 1.
- (b) Swept path plans demonstrating that vehicular movements into and out of the rear of 108 Lawson Street Redfern can be achieved from Caroline Lane in accordance with Australian Standard AS 2890.1.
- (c) The western facing windows of townhouses and apartments are to be provided with screening to allow for passive control of afternoon sun.

B2 Waste Management

Prior to the issue of a Construction Certificate, the Proponent is to submit a Waste Management Plan for the management of operational waste for the various components of the development. This plan is to address:

- a) Practical removal of waste storage containers, including recycling bins, from the lower ground area of the building on Precinct 1 for collection.
- b) An education program to encourage use of the recycling facilities for the residents of the apartment building on Precinct 1.
- c) Practical removal of waste storage containers, including recycling bins, from the storage facilities of the building on Precinct 2 for collection.
- d) Details of waste management for the commercial tenancies in Precinct 3 (NOTE: Use of the garbage room under the gallery is not practical for these tenancies).
- e) Details of the ventilation of waste storage areas which do not have access to natural ventilation.
- f) Management of the removal of bins from the waste storage areas for collection and their removal following collection.

The Waste Management Plan shall be to the satisfaction of Council.

B3 Acoustic Treatments

The following details as recommended in the Koikas Consultants Pty Ltd Acoustics Assessment dated 13 December 2011 are required to be submitted with the Construction Certification application:

- a) The maximum vibration limit is to be specified by a consulting geotechnical engineer prior to commencement of excavation;
- b) The specifications shall include reference to building materials capable of achieving the recommended acoustic attenuation in accordance with Section 6.5 of the Koikas assessment.
- c) Compliance with the recommendations of Section 10.1 of the Koikas assessment in relation to BCA requirements.

B4 Construction Management Plan

A detailed construction management plan (CMP) is to be submitted with the Construction Certificate application. The CMP is to include the following details:

- a) Details as specified in Section 5.5 of the Koikas Acoustic Assessment
- b) A detailed demolition and construction waste management plan. The demolition and construction waste management plan must address:
 - i. Procedures for the removal and disposal of asbestos cement products, including procedures for notification of all adjoining and nearby properties that asbestos materials are to be removed;
 - ii. Classification of waste materials;
 - iii. Investigation for recycling and reuse of demolition materials;
 - iv. Location of waste storage facilities.
- c) A detailed traffic and pedestrian management plan, including haulage and delivery routes, delivery times and the number and type of vehicles to be used during construction and demolition.

- d) Details of arrangements for parking of construction workers vehicles.
- e) Loading and unloading of vehicles:
 - i. If, during construction, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
 - ii. A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- f) An undertaking in relation to inspection and maintenance of erosion and sediment control barriers.
- g) Details of dust and debris control.
- h) Details of how tracking of soil and materials from the site will be managed.
- i) Details of the protection of public and private property.
- j) Details regarding tree protection.
- k) Site management details.

The CMP is to be prepared in consultation with Council and Redfern LAC to ensure the concerns of these authorities are appropriately addressed.

Details of written consultation with Council and Redfern LAC are to be provided to the PCA with the Construction Certificate application.

B5 Geotechnical Certification

Prior to the issuing of a Construction Certificate, a Geotechnical inspection report/certificate confirming that the development site is suitable for the proposed development must be provided to the principal certifying authority. The certificate must be in accordance with the relevant requirements of the Building Code of Australia and be prepared by an appropriately qualified person.

B6 Structural Certification

Structural drawings prepared by suitably qualified practicing structural engineer are required to be submitted with the Construction Certificate application.

B7 Footpath Damage Bank Guarantee Eveleigh Street, Caroline Street And Lawson Streets

A Footpath Damage Bank Guarantee must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges and is to be calculated for the footways affected by works away from the central Pemulwuy space. This has been determined as being 65 linear metres of concrete unit paving footway and 330 linear metres of asphalt footway. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

B8 Reflectivity

The PCA must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

B9 Materials and Finishes

The Principal Certifying Authority must be satisfied that the materials and finishes proposed buildings to be used in this development are in accordance with the approved plans, as amended by conditions of the approval. This condition does not relate to the materials and finishes of the public domain area which will require the separate approval of Council (refer condition B15).

B10 Long Service Levy

Receipt of payment of the Long Service Payments Corporation in accordance with Section 34 of Building Construction Industry Payments Act 1986 must be presented to the PCA prior to issue of a Construction Certificate.

B11 Alignment Levels

- a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.

B12 Stormwater and Drainage - Major Development

On-site detention, treatment and re-use is encouraged.

- a) Prior to a Construction Certificate being issued, details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- c) The requirements of Sydney Water with regard to the onsite detention of stormwater as specified in their submission dated 10 February 2012 must be complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to a Construction Certificate being issued.
- d) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

Any direct connection of stormwater to Sydney Water's stormwater channel will need to comply with Sydney Water's connection requirements. Should this be proposed the Proponent will be required to lodge a stormwater connection application with a Sydney Water accredited Water Servicing Coordinator.

B13 Water Sensitive Urban Design (WSUD)

The proposed development is required to meet contemporary stormwater quality targets. A WSUD Strategy and MUSIC model is required to be prepared and submitted to Sydney Water prior to the issue of a Construction Certificate for the development.

B14 Photographic Record / Dilapidation Report – Public Domain

Prior to a Construction Certificate being issued, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-

- a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) Each image is to be numbered and cross referenced to a site location plan;
- d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

B15 Public Domain Hold Points

- a) Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- b) Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period

B16 Landscaping

- a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) Location, numbers and type of plant species;
 - (iv) Details of planting procedure and maintenance;
 - (v) Details of drainage and watering systems.
- b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

B17 Car Parking

The off street car parking facilities shall comply with the minimum requirements of Australian Standard AS/NZS 2890.1 – 2004 Parking facilities Part 1: Off-street car parking (with the exception of the accessible spaces which must comply with AS 2890.6 – 2009).

The layout of the basement car park, including driveway, ramp grades, aisle widths and sight distances are to be designed in accordance with AS 2890.2 – 2002.

B18 Dilapidation Report

Dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practicing structural engineer and submitted for the approval of the Principal Certifying Authority:

- a) prior to the issue of a Construction Certificate and commencement of demolition/excavation works; and
- b) on completion of construction demolition/excavation works.

A specific site dilapidation report shall be provided in relation to 108 Lawson Street in accordance with the undertaking from Dei Corp to Marcello Araldi dated 19 September 2012.

B19 Electricity Substation

If an electricity substation is required for the development, the Proponent shall liaise with the applicable energy supplier in relation to the size and location of the substation. In this regard, any substation(s) shall be located in an area which is not visually prominent and does not detract from the amenity of the public domain. Details of the location of the substation(s) are to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued.

NOTE: The location of the substations is not approved as part of this plan. The Proponent is to negotiate an alternative location for the substations with Council and Ausgrid.

B20 Survey of Utility Services

To ensure that utility authorities are advised of the development prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

B21 Adaptable Housing

Prior to a Construction Certificate being issued, the following information is required to be submitted to the PCA:

- a) Confirmation that 57 of the residential units and 3 of the student housing units are able to be adapted for people with a disability in accordance with the Building Code of Australia and City of Sydney Access DCP 2004;
- b) Compliance with Australian Standard AS4299, is to be submitted to the Certifying Authority.

This advice is to be prepared by an appropriately qualified access consultant.

B22 BASIX Certificates

A copy of the required completed BASIX certificates must be lodged with the Construction Certificate application and the items nominated as part of the BASIX certificate must be specified on the Construction Certificate plans.

B23 Security Measures

Prior to the issue of a Construction Certificate for the proposed development, the Proponent is to provide written evidence to the PCA that they have liaised with the Redfern Local Area Command of the NSW Police in relation to the installation of security devices and any other crime prevention initiatives.

B24 Loading Areas

The Proponent is to prepare a Plan of Management addressing how businesses within the development can be serviced without impacting on the roadways. The Plan of Management should address:

- Frequency of deliveries
- Types of vehicles
- Management of removalist vehicles servicing the residential dwellings.

Should the Plan of Management involve loading from streets, the approval of Council to the Plan of Management will be required to be provided. Use of streets as a loading area may require the creation of formal loading zones in which case the approval of the relevant Traffic Committee and Council will be required.

RailCorp Conditions

B25 Geotechnical and Structural Stability and Integrity

Prior to the issue of a Construction Certificate or excavation works commencing (which ever may occur first) for Precinct 3 or bridge widening, the Proponent shall submit the following items for RailCorp approval/certification:

- A final Geotechnical and Structural report that meets RailCorp's requirements. The Geotechnical and Structural Report shall also evaluate the stability of the embankment and the retaining wall from future demolition, excavation, piling/piers/footings and the loading and ground deformation of future buildings.
- Construction methodology with details pertaining to structural support during excavation and piling/piers/footings.
- Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.
- And if deemed necessary by RailCorp following the review of the above matters, the following:
 - i. Track monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.
 - ii. A rail safety plan.
 - iii. Machinery to be used during excavation/construction.
 - iv. Any other matter in order to protect the rail corridor.

The Principle Certifying Authority shall not issue the Construction Certificate, or bridge widening works are to commence, until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

The Proponent is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

All piling and excavation works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

B26 Building, Balconies and Window Design

Windows and other external features (eg roof terraces and external fire escapes) in the building on Precinct 3 that are within 20m and face the rail corridor must be installed with measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

B27 Use of Lights and Reflective Materials

The design, installation and use of lights, signs and reflective materials in Precinct 3, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

B28 Demolition, Excavation and Construction Impacts

Prior to the issue of a Construction Certificate for any building on Precinct 3 or bridge widening works a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on the rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate, or bridge widening works to commence, until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

B29 Crane and Other Aerial Operations

Prior to the issuing of a Construction Certificate the Proponent is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

B30 Requirement for the Proponent to enter into an Agreement with RailCorp

Prior to the issuing of a Construction Certificate for Precinct 3 and the bridge widening works the Proponent is required to enter into an Agreement with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development.

The Proponent is advised that a separate Interface Agreement may also be required for the proposed bridge widening works and if required such an Agreement must be entered into either prior to the Construction Certificate or on completion of works, as advised by RailCorp.

The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp advising that an Agreement has been entered into.

No bridge widening works are to commence until written confirmation has been received from RailCorp approving the bridge widening works and an Agreement has been entered into.

PART C – PRIOR TO CONSTRUCTION

C1 Construction Certificate

Prior to commencement of any demolition, excavation or construction works associated with the approved development, it is necessary to obtain a Construction Certificate (CC). A CC may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the CC are to be amended to satisfy all relevant conditions of this approval.

C2 Site Fencing

The construction site must be enclosed with a 1.8m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority prior to commencement of any works or demolition on site. The written endorsement of Council and Redfern LAC to the location and design of the site fencing shall be submitted to the PCA prior to installation of the fencing.

C3 Erosion and Sediment Control

Erosion and sediment control devices are to be installed, as necessary, prior to the commencement of any demolition, excavation or construction works on the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum of three months following completion of the project, where necessary.

C4 Preservation of Survey Marks

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

A fee will apply for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

C5 Demolition, Excavation and Construction Management

Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifying Authority:

- i. Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.
- ii. A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- iii. An Excavation Work Method Statement prepared by an appropriately qualified person.

C6 Utility Services

Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Ausgrid, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the Proponent.

C7 Rail Corridor Alignment

Prior to the commencement of works on Precinct 3, a Registered Surveyor is to peg-out the property boundary along the rail corridor alignment to ensure that no works are undertaken on RailCorp land.

C8 Archival Recording of Murals

An archival recording of all murals should be undertaken prior to any works being undertaken, including removal of part or whole of the brick wall along the northern side of Lawson Street and the block wall running parallel to Eveleigh Street and located between Eveleigh Street and the railway corridor.

These records are to be held by Aboriginal Housing Company and a copy provided to the Director General.

C9 Public Domain

Prior to the commencement of construction, the Proponent must obtain Council's written endorsement regarding the material, finishes and treatment of the public domain areas within the site.

Council will require three copies of a detailed Public Domain Plan. This Plan must be prepared by an architect, urban designer or landscape architect and be lodged with Council's Public Domain Section and endorsed by Council prior to the commencement of public domain works.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

The detailed documentation shall be provided at a level and standard suitable for construction purposes. Documentation shall include but not be limited to:

- a) A1 sized public domain plans at scale 1:200;
- b) Cross sections and Elevations at scale 1:100;
- c) Include specifications for the proposed works;
- d) Ensure maximum footpath cross falls of 2.5% from building line to top of kerb;
- e) Long Sections at scale 1:200;
- f) Construction details at appropriate scale;
- g) Schedules and specification;
- h) Services;
- i) Entire scope of works on Council property and that proposed to be dedicated including intersection treatments with the proposed new road pavements, line marking, parking, kerb and gutters (as relevant);
- j) Civil and stormwater infrastructure;
- k) Footpaths and pavements, treatment to the right of carriageway, road restoration;
- l) Street tree planting;
- m) utility poles, and service pits;
- n) Species, quantity, spacing, sizes of planting, staking and/or tree guard;
- o) Materials and finishes;
- p) Furniture and fixtures;
- q) Street lighting, pedestrian lighting and feature lighting;
- r) Drainage lines, and pits; and
- s) Extent of temporary works and permanent features to be clearly shown, including furnishing and/or footings, finished surfaces, service and planting.

The documentation shall also provide detailed design for safety and security which encompasses the following:

1. The through site links (or shared zones and pedestrian streets as appropriate), shall be designed and developed in accordance with the following principles:
 - a) Safe, passive surveillance, activity and night time use and provision for active surveillance at clearly defined entry points;
 - b) Equitable and easy access by the provision of a continuous paths of travel (consistent with AS 2107);
2. Well lit to safety standards (AS1158 pedestrian lighting). Use of metal halide (white) lighting, giving regard to highlighting any unique architectural features;
3. Uninhibited public access 24 hours a day to all public and communal areas;
4. Direct route with direct views from adjacent streets or public domain and provide clear, unencumbered sight lines;

Note: A Public Domain Works Guarantee deposit will be required for the public domain works associated with the shared zones adjoining Lawson Street down Eveleigh Street and along Caroline Street, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. This is separate to and in addition to the Footway Damage Bank Guarantee. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The public domain plan will need to be endorsed by both Council and Redfern LAC to ensure it meets the requirements of those authorities prior to final approval of the Director General.

C10 Public Art / Cultural interpretation

The proponent must liaise with the Council in relation to the proposed culturally interpretive art works visible from the public domain. In this regard, a detailed Cultural Art Plan will be prepared and a copy of the same will be provided to Council's Public Art Committee for comment and endorsement, prior to final approval by the Director-General.

RailCorp Conditions

C11 Services Searches

Prior to the commencement of the Lawson Street Bridge works the Proponent shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the Proponent must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.

C11 Survey

The Proponent shall provide an accurate survey locating the Precinct 3 development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative. Written confirmation of RailCorp's satisfaction is to be provided to the PCA.

C12 Stray Currents and Electrolysis from Rail Operations

Prior to the commencement of the Lawson Street Bridge works the Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Proponent must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.

C13 Dilapidation Surveys

Prior to the commencement of bridge widening works, on completion of bridge widening works and 12 months from the completion of bridge widening works, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

C14 Fencing

Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

C15 Derailment Protection

Prior to the commencement of bridge widening works the Proponent shall provide to RailCorp for its endorsement a report demonstrating that the structural design of the bridge widening satisfies the requirements of Australian Standard AS5100. Bridge widening works are not to commence until written confirmation has been provided by RailCorp that this condition has been satisfied.

PART D – DURING CONSTRUCTION

D1 Approved Plans to be on site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D2 Hours of Work

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

- a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 6.00pm on Mondays to Fridays, inclusive, and 7.00am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- b) All work, including demolition, excavation and building work must comply with the City of Sydney Building Sites Noise Code and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

D3 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

D4 Use of Mobile Cranes

The following requirements apply:

- a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

D5 Compliance with Construction and Traffic Management Plans

All development activities and traffic movements must be carried out in accordance with the approved Construction and Traffic Management Plans. All controls in the Plans must be maintained at all times. A copy of the Plans must be kept on-site and made available upon request.

D6 Construction Noise

Noise from the construction, excavation and demolition activities associated with the development shall comply with the NSW Department of Environment and Heritage Noise Guidelines 2009.

D7 Dust Control

Dust control measures shall be implemented during all periods of earthworks, demolition, excavation and construction in accordance with the requirements of NSW Department of Environment and Heritage.

D8 Covering of Loads

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

D9 Vehicle Cleansing

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

D10 Archaeological Discovery During Excavation

- a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

D11 Dial before you dig

Care is to be taken during excavation and demolition to ensure existing cables are not damaged.

RailCorp Conditions

D12 Physical Access to RailCorp's Facilities

No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.

Where the Proponent proposes to enter or use the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its conditions have been satisfied.

D13 Adjacent Heritage Structures

As the proposed development is located in close proximity of railway heritage items, the Proponent is required to retain the services of a heritage expert/architect to supervise works that are in close proximity to the heritage item in order to conserve heritage values.

D14 Scaffolding

No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from RailCorp. To obtain approval the Proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

D15 Track Possessions and Power Outages

The proposed demolition, excavation and construction works that directly abut the rail corridor need to be undertaken in a safe and controlled manner to avoid any impacts on the rail corridor or train services. As such track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) may be required to undertake the proposed works. The Proponent is therefore required to obtain RailCorp's written advice as to the need for track possessions and/or power outages and to comply with RailCorp's requirements that may involve, but not be limited to:

- The need to enter into an Agreement to enable this work to be planned and to proceed in a safe and controlled manner.
- Cost of supervision, design checks, meetings, approvals and service searches is to be borne by the Proponent.
- In the event that the Proponent requires access to the rail corridor prior to entering into an Agreement, the entering into a Release & Indemnity agreement, which will cover all railway parties from any possible claims whilst the Proponent is carrying out any work within or adjacent to the railway corridor.
- Appropriate level of insurance.

D16 Safe Working Rules

All works are to be carried out in accordance with RailCorp's standards, Safeworking rules and regulations, including the Network Rules and Procedures. It should be noted that RailCorp's representative might impose

conditions on the methods to be used and require the provision of on-site Safeworking supervision for certain aspects of the works.

D17 Access Management

Prior to the commencement of works an Agreement/Deed shall be entered into with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring the appropriate safety and technical standards are complied with throughout the development. The cost of any agreement/deed, including supervision, design checks, meetings, approvals and services searches is to be borne by the Applicant. It should be noted that this agreement/deed may include, but not be limited to, the following issues:

- Design, excavation and construction assessments and sign-offs.
 - Environmental, insurance and OHS requirements.
 - Indemnities from claims arising out the development
 - Safe working rules and procedures.
 - Construction bonds.
-

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS

E1 Occupation Certificate

Occupation or use, either in part or full, is not permitted until an Occupation Certificate (OC) has been issued. The OC must not be issued unless the buildings are suitable for occupation or use in accordance with its classification under the BCA and until all preceding conditions of this approval have been complied with. Where Council is not the PCA, a copy of the OC must be provided to Council.

E2 Plan of Management –Car Parking Areas

Prior to the issue of an Occupation Certificate (OC) for the development a Plan of Management for the car parking areas (basement and at grade) is to be prepared and submitted to the PCA for approval.

The Plan of Management shall identify:

- Security procedures.
- Distribution of car parking spaces for the various uses throughout the development and designation of the spaces for the various uses.
- Emergency procedures.
- Signposting

The Plan of Management must also address the management of the at grade car parking spaces (on the forecourt area of Precinct 1). In this regard the Proponent is required to consult with Council regarding options for management of these spaces and enforcement of parking restrictions. The written endorsement of Council to the Plan of Management shall be submitted with the application for Occupation Certificate. A copy of the endorsed Plan of Management shall be provided to the Director General.

E3 Plan of Management – Child Care Centre

Prior to the issue of an Occupation Certificate for the child care centre, a Plan of Management for the centre is to be prepared and submitted to the PCA for approval.

The Plan of Management shall include the following details:

- Hours of operation.
- Security procedures
- An emergency evacuation plan that encompasses the requirements of the NSW Fire Brigade and outlines the procedures by which staff will be trained in emergency procedures.
- Compliance with recommendations of Section 7.6 of Koikas Acoustic Assessment.
- Landscape details.
- Compliance with the requirements of *Children (Education and Care Services) Supplementary Provisions Regulation 2012* and Sydney City Council Child Care Centres Development Control Plan 2005.

E4 Compliance with BASIX requirements

The PCA must be satisfied that all commitments listed in each relevant BASIX Certificate for the development have been fulfilled prior to an Occupation Certificate being issued.

E5 Travel Plan

Prior to the issue of an Occupation Certificate for the development, the Proponent must prepare a Green Travel Plan. The Green Travel Plan shall include details of train and bus timetables and illustrations of routes between the site and various destinations. The Travel Plan is to be submitted to Council for approval prior to issue of an Occupation Certificate.

E6 Public Domain

The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

E7 Site Landscaping

All landscaping in accordance with the detailed landscape plan referred to in condition B17 is to be completed prior to an Occupation Certificate being issued.

E8 Acoustic Certification

Prior to the issue of an Occupation Certificate for the development, certification from an accredited Acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants is required to be provided. The certification shall indicate that the acoustic mitigation measures outlined in the Koikas acoustic assessment and relevant Australian Standards have been suitably incorporated into the development and that relevant noise criteria have been satisfied.

E9 Student Housing Manager

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

E10 Waste Management

Prior to the issue of an Occupation Certificate, the approval of Council must be obtained in relation to the waste and recycling management facilities and ensure arrangements are in place for waste collection by Council.

E11 Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate being issued.

E12 Fire Safety Certificate

A Fire Safety Certificate must be submitted to the PCA for all items listed in the Fire Safety Schedule prior to issue of an Occupation Certificate. A copy of the Fire safety Certificate must be submitted to Council if it is not the PCA.

E13 Easement for Public Access

Prior to the issue of an Occupation Certificate for this development, an easement for Public Access shall be created over the forecourt area of Precinct 1. The Proponent must consult with Council to establish if this easement is required to include the 8 car parking spaces along the Caroline Street frontage of Precinct 1.

E14 Site Consolidation

The allotments comprising the subject site are to be consolidated into three lots, corresponding to the three development precincts prior to issue of an Occupation Certificate for this development.

E15 Signposting of Share Ways

The share ways shall be signposted in accordance with RMS standard requirements.

E16 Contribution levied under Redfern- Waterloo Authority Contributions Plan (RWCP)

In accordance with the provisions of the RWCP, prior to the issue of an Occupation Certificate for the development, the Proponent shall either:

- a) pay a contribution of \$1.4 million (based on 2% of the estimated development cost); or

- b) undertake public domain improvement works to a minimum value of \$1.4 million (or 2% of the estimated cost of the development). Such works could include widening of the railway overbridge, pavement treatment to the share ways, improved lighting to the public domain and/or landscaping and street tree planting.

Evidence of the costs of the public domain improvement works shall be provided to Council and the Director General.

E17 Contribution levied under Redfern- Waterloo Authority Affordable Housing Contributions Plan (RWAHCP)

In accordance with the provisions of the RWAHCP, prior to the issue of an Occupation Certificate for the development, the Proponent shall either:

- a) pay an affordable housing contribution of \$1,271,118 (based on a rate of \$73.12/m² of GFA). This rate is indexed and a final calculation of the amount owing will be made prior to payment; or
- b) Upon:
- i. Registration of the Aboriginal Housing Company Limited as a community housing provider under the *Housing Act 2001 (NSW)*; and
 - ii. The registration of a restriction as to user under Section 88B of the *Conveyancing Act 1919*, (or similar restrictive covenant on the Title of the consolidated allotments), to the effect that the 62 dwellings on Precinct 1 will be provided as affordable housing in perpetuity.

The contribution levied under the RWAHCP will be waived.

Evidence of the registration of AHC as a community housing provider and the restriction on the title of the land shall be provided to the Director General prior to the issue of an Occupation Certificate for the development.

RailCorp Conditions

E18 Dilapidation Surveys

Prior to the issue of the Occupation Certificate for Precinct 3 and 12 months from the completion of works at Precinct 3, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

E19 Maintenance of Development

The Proponent must provide a plan of how future maintenance of the Precinct 3 development is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupation Certificate. The Principle Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.

E20 Maintenance of Bridge Widening

The Proponent must provide a plan of how future maintenance of the bridge widening is to be undertaken. The maintenance plan is to be submitted to RailCorp for endorsement prior to the commencing of the bridge widening works. These works are not to commence until written approval of the maintenance plan has been provided by RailCorp.

E21 As-Built Drawings

Prior to the issuing of an Occupation Certificate for Precinct 3 and on the completion of the bridge widening works the Applicant is to submit the as-built drawings to RailCorp. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement (apart from those encroachments approved by RailCorp).

PART F – OPERATIONAL CONDITIONS

F1 Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

F2 Shop Fronts

- a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type.

F3 Plan of Management for Student Housing

The student housing must be operated / managed in accordance with the Plan of Management, dated 1 August 2012 and submitted with the PPR.

F4 Intruder Alarms

Should intruder alarm/s be installed these must operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2008 under the Protection of the Environment Operations Act, 1997.

F5 Intercom for Basement Car Park

An intercom must be installed at the entry to the basement car park entry and be at least 6m clear of the property boundary, wired to all units and the management office. The intercom must comply with 'Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23'.

F6 Signs At Egress

The following signs must be provided and maintained within the site at the point of vehicle egress from the basement car park:

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

F7 Signposting

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

No sign(s) shall be erected without the prior approval of Council and the relevant Traffic Committee.

F8 Licensing of Child Care Centre

- a) A license to operate the child care centre must be obtained from the NSW Department of Family and Community Services prior to commencement of operations at the child care centre.
- b) Full compliance with any licensing requirements of the NSW Department of Family and Community Services is required.

F9 Child Care Centre maximum capacity

The total number of children at the centre at any one time must not exceed 60 children.

F10 Awning Maintenance

The awnings must be inspected and maintained to ensure their structural integrity, aesthetic and functional quality.

F11 Paving Materials

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

F12 Separate approval for retail and commercial tenancies

Separate development approval is required prior to use and occupation of any of the retail and commercial tenancies approval as part of this development.

F13 Car Park Management

The car parking area(s) shall be managed in accordance with the approved Plan of Management.

F14 Use of Share Ways

Use of the share ways within the development site shall be in accordance with RMS requirements for share ways.

RailCorp Conditions**F15 Drainage**

Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and is not allowed to be discharged into the rail corridor unless prior approval has been obtained from RailCorp.

Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

F16 Pollution Control

During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

F17 Graffiti, Screening and Landscaping

To ensure that graffiti can be easily removed, the Proponent is to ensure that fencing and buildings along the rail corridor is coated with anti-graffiti paint or other coating.

Schedule 3

Statements of Commitment

No.	Subject	Commitment	Timing
1.	Authority Approvals	All necessary approvals and permits required for the construction of the buildings under State and Commonwealth legislation are to be obtained.	Prior to the carrying of work
2.	Demolition	Demolition works are to be carried out in accordance with the requirements of AS 2601-2001: <i>Demolition of Structures</i> .	During the demolition of the existing buildings
3.	Remediation	Any soil contamination encountered during the construction phase is to be remediated in accordance with relevant <i>Australian Standards</i> , Codes and guidelines.	As part of site preparation works and prior to the commencement of building works
4.	Building Works	The buildings are to be constructed in accordance with the plans approved in the Project Approval, the relevant Construction Certificate and in accordance with the <i>Building Code of Australia</i> .	Ongoing from the commencement of construction
5.	Construction Management	Construction work is to be carried out in accordance with the Demolition and Construction Management Plan to be submitted prior to the issue of a Construction Certificate. All contractors/suppliers will be advised of the Management Plan and will be required to adhere to those requirements throughout the construction phase. Erosion and sediment control measures are to be installed and maintained for the duration of the construction works and until all ground disturbed by the works is stabilised. Measures are to be taken to mitigate dust emanating from the site to protect the amenity of surrounding properties during the construction phase.	Ongoing from the commencement of construction
6.	Waste Management	Wastes associated with demolition works, construction work and the on-going operation of the buildings are to be managed in accordance with the Waste Management Plan submitted with the application for Project Approval. The removal of all wastes, including asbestos based wastes, is to be undertaken in accordance with the regulations and requirements of the NSW Government and relevant codes of practice and guidance notes.	Ongoing from the commencement of demolition works
7.	Public Domain	Public domain works are to be constructed in accordance with the report and plan prepared by Scape.	As part of construction works
8.	Safety and Security	All outdoor lighting is to be installed in accordance with AS/NZ 1158.3:1999 - <i>Pedestrian Area (Category P) Lighting</i> and AS 4282:1997 - <i>Control of the Obtrusive Effects of Outdoor Lighting</i> .	As part of construction works
9.	Rail Infrastructure	The structural integrity of the existing and proposed rail infrastructure in the vicinity of the site is to be maintained in accordance with the recommendations contained in the reports prepared by SMEC Testing Services Pty Ltd and Bonacci Group Pty Ltd.	Ongoing from the commencement of demolition works

No.	Subject	Commitment	Timing
10	Acoustic & Vibration	The buildings are to be constructed in accordance with the recommendations contained in the report prepared by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.	As part of construction works
11	Road Traffic Facilities	The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be established.	As part of construction works
12	Car Parking, Loading & Access	One hundred and fifteen (115) off-street car parking are to be provided in accordance with AS2890.1-2004: <i>Parking Facilities - Part 1: Off-Street Car Parking</i> . Loading facilities are to be established in accordance with the approved plan and AS2890.2-2002: <i>Parking Facilities - Part 2: Off-Street Commercial Vehicle Facilities</i> .	As part of construction works
13	Retail & Commercial Uses	Development applications for the commencement of the use of the retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.	Prior to the commencement of use of retail and commercial tenancies
14	Ecologically Sustainable Development	The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd.	As part of construction works
15	Heritage/Archaeology	Appropriate action is to be taken should any matter of archaeological significance be revealed during the excavation program.	During excavation works
16	Stormwater Drainage	<i>Stormwater drainage works are to be carried out in accordance with the plans prepared by Neil Lowry & Associates.</i>	As part of construction works
17	Access & Facilities for People with a Disability	<i>Access facilities are to be provided in accordance with AS1428-2001 - Access for Design and Mobility - New Building Work.</i> <i>57 of the dwellings in Precinct 1 are to be constructed in accordance with AS4299-1995 - Adaptable Housing, together with 3 of the student housing dwellings in Precinct 3.</i>	As part of construction works
18	Public Utilities	<i>The buildings are to be connected to the required water, sewerage and electricity infrastructure in accordance with the requirements of Sydney Water Corporation and Energy Australia. Other utilities, such as gas and telecommunications, are to be connected in accordance with the requirements of the service providers.</i> <i>The provision and/or adjustment of public utility infrastructure is to be carried out in accordance with the requirements of the relevant public authority.</i> <i>Any easements required to facilitate the provision of utility infrastructure are to be granted to the relevant public authority.</i>	As part of construction works
19	Development Contributions	<i>All reasonably required contributions are to be paid.</i>	When required
20	Occupation of the Building	<i>All required certificates are to be provided to the Principal Certifying Authority and an occupation certificate issued prior to the occupation of the buildings.</i>	Prior to occupation of the building
21	Community Consultation	<i>The Aboriginal Housing Company will continue to liaise with the local community during the construction phase.</i>	Ongoing
22	Child Care Centre	<i>The child care centre is to be constructed and</i>	Ongoing

No.	Subject	Commitment	Timing
23	Dwellings in Precinct 1	<p>operated in accordance with the requirements of the Department of Community Services.</p> <p>The sixty-two (62) dwellings in Precinct 1 are to be retained in the ownership of the Aboriginal Housing Company.</p> <p>These dwellings are to be managed by the Aboriginal Housing Company to provide affordable housing for the local Aboriginal and Torres Strait Islander Community</p>	Ongoing