

10 April 2013

NSW Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Architecture
Urban Design
Planning
Interior Architecture

Attention: Mark Schofield
Team Leader, Metropolitan and Regional Projects (South)

RE: North Eveleigh, Concept Plan Application MP 08_0015, Section 75W Modification

Dear Mark,

We write on behalf of City West Housing, a Registered Social Housing Provider, who intend to develop a site within the North Eveleigh Concept Plan area for an affordable housing development.

City West Housing wish to submit a Section 75W Modification application to modify the Approved Concept Plan MP 08_0015. The Concept Plan Approval for redevelopment of the North Eveleigh site was granted by the NSW Department of Planning and Infrastructure (formerly NSW Department of Planning) on 16 December 2008. The approval is for a number of buildings comprising mixed uses including commercial, retail, cultural, residential, community uses, car parking and public open space.

This application is made under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (historical version up to 8 July 2011). Major Project MP 08_0015 was approved under the now repealed Part 3A of the EP&A Act.

A concurrent State Significant Development Application (Reference No. SSD 5708) has been lodged by City West Housing for the development of a residential flat building, to be used for affordable housing, where building 'D4' is indicated within the Concept Plan MP 08_0015. The Concept Plan approval allows for the development of residential uses within building D4, a maximum height of 6 storeys, a maximum gross floor area of 6,480 m² and approves an indicative building footprint.

The development being sought in State Significant Development Application No. SSD_5708 exceeds the approved building envelope by 1 storey, in part, and has a larger building footprint.

As such, this application seeks to modify the Concept Plan approval by:

- amending the maximum height of the building from 6 storeys to 7 storeys, being an amendment of the maximum height from RL44.1 to RL48.1;
- extending the building footprint to the east and south to allow for a longer, L-shaped building; and
- amending the Approved Concept Plan MP08_0015 Conditions of Approval.

The proposed alteration to the maximum height is required to accommodate an additional level of units at the eastern end and mid-section of the building. The seventh storey also allows for partial activation of the open space at level six through enabling passive surveillance from adjoining units. Importantly, the proposed modification does not result in an over-development of the site. The concurrent State Significant Development Application is for a development with

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a gross floor area of 5,933 m², which is 547 m² less floor space than approved under the Concept Plan.

The proposed amended building footprint extends outside the footprint indicated in the Approved Concept Plan to allow for improved design, environmental performance and amenity outcomes. Aside from minor changes to the footprint at the building's eastern end, the most significant alteration is at the western end of the building (refer Architectural Drawing floor plans at **Attachment B**).

The proposal seeks to amend the Approved Concept Plan MP08_0015 Conditions of Approval (refer **Attachment A**) to include two new architectural drawings showing the amended height and footprint.

This report should be read in conjunction with the following attached documentation:

- **Attachment A:** Approval of Concept Plan MP08_0015, *issued by the NSW Department of Planning and Infrastructure, 16 December 2008;*
- **Attachment B:** Architectural drawings subject of this Section 75W MOD 1 Application, being drawings DA00-002 and DA02-005, as well as the full set of additional drawings for the proposed affordable housing scheme (for information purposes only), *prepared by Architectus Group Pty Ltd;* and
- **Attachment C:** Heritage Impact Statement, *prepared by Graham Brooks and Associates.*

1. The site and locality

The Approved Concept Plan relates to the whole 10.7 hectare North Eveleigh site. The North Eveleigh Concept Plan area stretches along the northern side of the railway lines from Redfern Station to the east and almost to Macdonaldtown station to the west (refer Location Plan at Error! Reference source not found. below). It is bounded by Wilson Street to the north, Little Eveleigh Street to the east, railway lines to the south, and Iverys Lane to the west.

The State Significant Development Application No. SSD_5708, and this application to amend the Concept Plan approval, relate to building D4/ Lot 3 DP 1175706 only, which is a 2,562 m² parcel within the larger North Eveleigh site. The boundary of building D4/ Lot 3 DP 1175706 is shown in red in Figure 1.

The North Eveleigh site is currently owned by RailCorp, who are in the process of selling the land to UrbanGrowth NSW Development Corporation. UrbanGrowth NSW Development Corporation is managing the renewal of the North Eveleigh site and have a conditional contractual arrangement to transfer the land known as Lot 3 DP 1175706 to City West Housing.

The site is within the City of Sydney Local Government Area (LGA).

The main vehicular access to the North Eveleigh site is via an entrance from Wilson Street at the far western end of the North Eveleigh site, near Queens Street and Forbes Street.

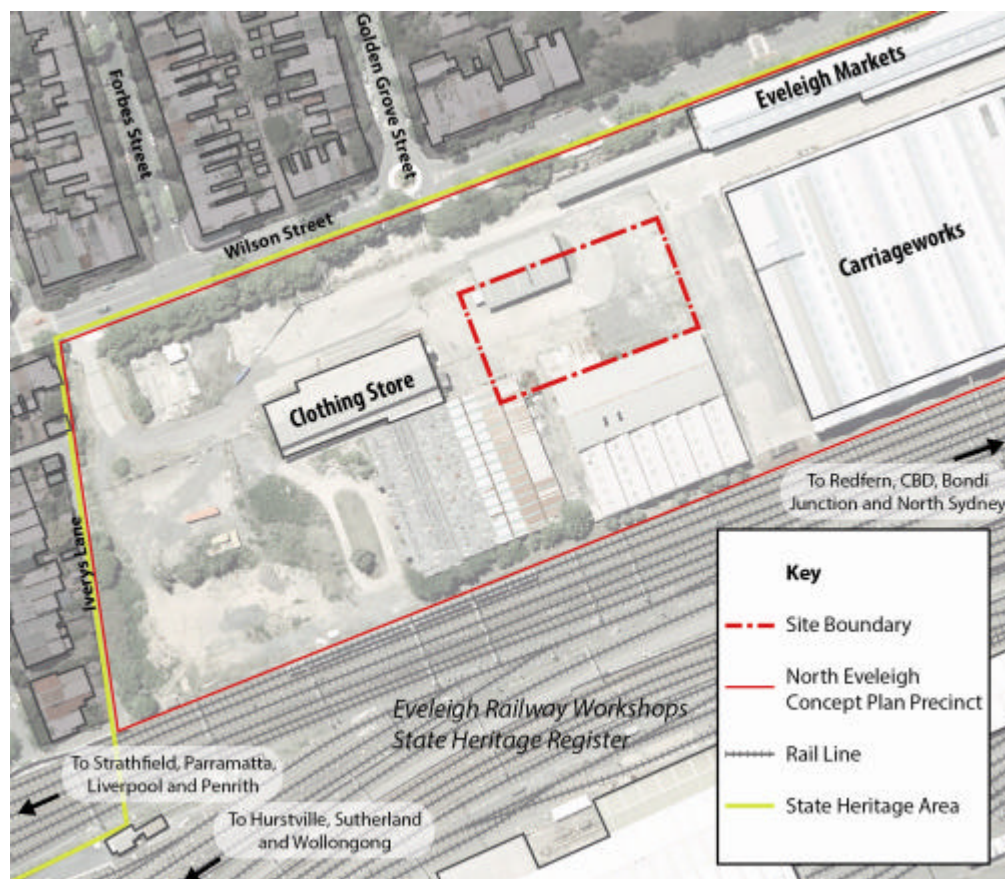


Figure 1 - Location Plan. The red dotted line shows the outline of Lot 3 DP 1175706, which is known as building 'D4' in the Concept Plan approval.

2. Development consent history

The subject site is part of the broader North Eveleigh Concept Plan precinct. The following previous development consents are applicable to the proposed development and subject site:

- **Approved Concept Plan MP 08_0015:** In January 2008, the then Redfern Waterloo Authority submitted a Preliminary Environmental Assessment for a mixed use residential, commercial, cultural and open space precinct at North Eveleigh. The Concept Plan was exhibited between 1 May 2008 and 12 June 2008. Following the submission of the Preferred Project Report, the Concept Plan was approved on 16 December 2008.
- **Part 5 Approval for Infrastructure Works:** On 2 November 2012, approval was granted by Sydney Metropolitan Development Authority under Part 5 of the EP&A Act for Infrastructure works to be undertaken on the North Eveleigh site. This was accompanied by a Section 60 Heritage Approval issued by the Heritage Branch.
- **Development Application 2013/367:** This DA was submitted by UrbanGrowth NSW Development Corporation to the City of Sydney Council in March 2013, seeking consent for a local park and a pocket park, including adaptive re-use of heritage elements and the creation of pedestrian access from Wilson Street. A condition of the 2008 Concept Plan Approval requires that an application for the parks is lodged concurrently with the first application for new floor space on the site.
- **State Significant Development Application SSD_5708:** This application for affordable housing units is to be submitted concurrently with the Section 75W Modification to the Department of Planning and Infrastructure in response to the Director General's Requirements issued for the project. The application will be the first for new floor space in the Concept Plan area.

3. The Proposed Modifications

The modifications proposed by this Section 75W Application are as follows:

- amend the height limit for the subject site from 6 storeys to 7 storeys (maximum RL to increase from 44.1 to 48.1);
- extend the building footprint for the affordable housing site to include the full extent of the proposed building; and
- amend the Approved Concept Plan Conditions of Approval MP08_0015.

The proposed modifications are described in detail below.

Amend height limit

The height limit is to be amended to increase the maximum height from 6 storeys to 7 storeys and from RL 44.1 to RL 48.1. The increase in the height limit will permit the eastern end and mid-section of the affordable housing building to have an extra storey above the currently approved building height of six storeys. This also enables the building to be in keeping with the adjacent Carriage Workshop to its east, which steps up by an extra level at its western end. Amended Concept Plan drawings DA00-002 and DA02-005 are attached at **Attachment B**.

Extend the building footprint

The building footprint for the affordable housing site requires extending to accommodate the building, which sits slightly outside of the approved footprint for the site in the Approved Concept Plan.

The Approved Concept Plan gives an indication of the building footprint, however following detailed design of the building, achievement of the development potential of the site requires amendment of the footprint to allow the building to extend over the boundaries.

The alteration of the footprint is minimal for the majority of the building, with a more substantial alteration required at the western end of the building where it is increased in length to the south, creating an L-shaped envelope. This enables the accommodation of one additional apartment throughout all levels of the building. The proposed L-shaped building improves the appearance of the building from the western Wilson Street entrance, as it wraps around the corner and conceals the basement parking entry.

The proposed building has a gross floor area of 5932.8 m² which is less than the Approved Concept Plan gross floor area of 6480 m².

Amend Conditions of Approval MP08_0015

It is proposed to amend the conditions of approval as shown below, with additions in red and deletions struck-through:

“SCHEDULE 2

RECOMMENDED MODIFICATIONS TO CONCEPT PLAN APPROVAL

MAJOR PROJECT NO. 08_0015

PART A – TERMS OF APPROVAL

A1 Development Description

Concept approval is granted only to the carrying out of development solely within the concept plan area as described in the document titled “**North Eveleigh Concept Plan**” prepared by Urbis dated 28 March 2008 and in the document titled “**North Eveleigh Concept Plan Response to Key Issues, Preferred Project Report and Revised Statement of Commitments**” prepared by the Redfern-Waterloo Authority dated September 2008 including:

- (1) The redevelopment of the site for a mix of commercial, retail, cultural, community and residential uses involving a maximum of 177,527m² of GFA comprised of:
 - (a) A maximum of 55,672m² commercial GFA;
 - (b) A maximum of 4,000m² retail GFA;
 - (c) A maximum of 22,796m² cultural / community GFA; and
 - (d) A maximum 95,059m² residential GFA.
- (2) Maximum building heights and envelopes within development blocks as identified in *Drawing Land Use Plan Eastern Site and Land Use Plan Central and Western Sites* prepared by Bates Smart dated October 2008 of the Preferred Project.
- (3)

A2 Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 08_0015 and with the Environmental Assessment, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, and the following drawings prepared by Bates Smart, as modified by the Section 75W Modification letter prepared by Architectus dated 10 April 2013 and the drawings prepared by Architectus listed below.

Amended Concept Plan Drawings prepared at Appendix 1 of the Preferred Project Report, except where modified by the Amended Concept Plan Drawings Prepared by Architectus for the Section 75W modification.			
Drawing no.	Revision	Name of Plan	Date
		Land Use Plan – Eastern Site	October 2008
		Land Use Plan – Central and Western Sites	October 2008
		Open Space Plan	October 2008
		Parks and Public Domain Plan	November 2008
		Eastern Site Sections	September 2008
		Western Site Sections	September 2008
		Longitudinal Sections (Section E)	September 2008
		Longitudinal Sections (Section F)	September 2008

		Site Sections – Sight Lines from Wilson Street	September 2008
		Indicative Parking Provision Eastern Site	September 2008
		Indicative Parking Provision Central and Western Sites	September 2008
DA00-002	A	2008 Concept Plan Approved use & Envelopes	27 March 2013
DA02-005	A	Context Elevation & Section	27 March 2013

except for as modified by the following pursuant to section 75O(4) of the Act.”

4. Modification of Minister’s Approval

This section sets out the requirements of Section 75W of the EP&A Act 1979 (historical version up to 8 July 2011).

Section 75W Modification of Minister’s Approval

Section 75W of the EP&A Act states the following:

“75W Modification of Minister’s approval

(1) *In this section:*

“Minister’s approval” means an approval to carry out a project under this Part, and includes an approval of a concept plan.

“Modification of approval” means changing the terms of a Minister’s approval including:

(a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*

(b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval*

(2) *The proponent may request the Minister to modify the Minister’s approval for a project. The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*

(3) *The request for the Minister’s approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modifications that the proponent must comply with before the matter will be considered by the Minister.*

(4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*

(5) *The proponent of a project to which Section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.*

(6) *Subsection (5) does not apply to a request to modify:*

(a) *An approval granted by or as directed by the Court on appeal, or*

(b) *A determination made by the Minister under Division 3 in connection with the approval or a concept plan.”*

The proponent, City West Housing, requests that the NSW Department of Planning and Infrastructure, as the consent authority, approve the proposed modifications to the approved Concept Plan Application MP08_0015.

No provisions of Section 75W of the EP&A Act impose any prohibition or limitations on the proposed modifications. Therefore, it is considered that the proposed modifications satisfy the provisions of this Section.

The modifications are described in detail under **Section 3** above.

5. Environmental Planning Instruments and Policies

The following Environmental Planning Instruments and Policies are applicable to the subject site:

- **State Environmental Planning Policy (Major Development) 2005**

The North Eveleigh site is now identified as a State Significant Development in the State Environmental Planning Policy (State and Regional Development) 2011 because it has a project value in excess of \$10 million and is within the Redfern Waterloo Area.

- **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The aims of the policy include to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the effective delivery of new affordable rental housing.

Division 5 of the SEPP applies to residential flat buildings delivered by social housing providers, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument.

As the Approved Concept Plan under the former Part 3A of the EP&A Act and Major Development SEPP permits residential flat buildings, then this division (and therefore the Affordable Housing SEPP) does not apply to the proposed development.

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

The proposed modifications to the height and footprint permit the achievement of the BASIX targets for energy efficiency for the proposed development, as follows:

- Water efficiency: 43 (40 to pass);
- Thermal comfort: Pass; and
- Energy Efficiency: 31 (20 to pass).

- **State Environmental Planning Policy 55 (Remediation of Contaminated Sites)**

SEPP 55 requires that an assessment is made of the level of contamination of a site prior to the carrying out of development on land. It is also required that a site be remediated to an appropriate level for proposed future use, if necessary.

The subject site is being remediated as part of the Early Works REF for site, remediation and infrastructure works, approved under Part 5 of the EP&A Act. Remediation is to be completed on the subject site prior to any construction works being undertaken for the proposed development. Accordingly, the subject site will be suitable for the proposed residential use.

- **State Environmental Planning Policy 65 (Design Quality of Residential Flat Development)**

The proposed development of the site, enabled by this Section 75W Modification, is generally consistent with SEPP 65 and the accompanying RFDC.

- **State Environmental Planning Policy (Infrastructure) 2007**

The Infrastructure SEPP seeks to facilitate the effective delivery of infrastructure.

Clause 85 "*Development immediately adjacent to rail corridors*" applies to development within or adjacent to a rail corridor, which:

- (a) is likely to have an adverse effect on rail safety, or

(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or

(c) involves the use of a crane in air space above any rail corridor.

The proposed development of the site does not involve these uses and will not impact on rail safety. As such, Clause 85 is not applicable.

Clause 86 *“Excavation in, above or adjacent to rail corridors”* requires concurrence from RailCorp where excavation is to a depth of at least 2m on land within or above a rail corridor, within 25m (measured horizontally) of a rail corridor or within 25m (measured horizontally) of the ground directly above an underground rail corridor.

Verbal confirmation has been received from RailCorp that the location of the rail corridor is in excess of 25 metres from the site of the proposed affordable housing scheme. Therefore, Clause 86 is not applicable. The rail corridor is shown on Architectural Drawing no. DA 02-005 at **Attachment B**.

Clause 87 Impact of rail noise or vibration on non-rail development provides noise controls for residential uses adjacent to rail lines. Refer to the concurrent State Significant Development Application for the subject development for assessment of the detailed design against this clause.

- **State Regional Environmental Plan 26 – City West**

SREP 26 (now deemed SEPP) includes planning principles of regional significance for the Eveleigh Precinct. One of the principles is that the heights and scale of new buildings are to respect existing buildings in the locality, particularly heritage items and buildings in conservation areas. The proposed modifications to height and footprint are compatible with existing buildings in the locality including the adjacent heritage item. Refer Section 6 of this letter – Likely Impacts and the Heritage Impact Statement at **Attachment C**.

- **State Environmental Planning Policy 32 – Urban Consolidation**

The policy aims to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development. The proposed development, enabled by this Section 75W Modification, is consistent with the applicable provisions of the Urban Consolidation SEPP.

- **State Environmental Planning Policy (State and Regional Development) 2011**

The development proposed for the site is identified as State Significant Development under the State and Regional Development SEPP as it is part of the Redfern-Waterloo site and it has a CIV in excess of \$10million.

The proposed development application for the affordable housing scheme is being submitted as a State Significant Development Application as required by this SEPP.

6. Likely Impacts

The following impacts are addressed in relation to the proposed modifications:

Height

The proposed building height is RL 48.1. The Approved Concept Plan design envelope has a height of RL 44.1. There will be minimal adverse impacts as a result of the increased building height, and there will be a number of positive impacts, as follows:

- The view from Wilson Street to the site will be blocked by the approved four storey residential development located within the Concept Plan area, along the southern side of Wilson Street (refer to **Figure 2** below).

- The proposed building's total GFA of 5932.8m² is less than the Approved Concept Plan GFA of 6480m².
- The building will be slimmer and broader than a building built within the Concept Plan envelope to help to achieve cross ventilation and solar access for a greater number of apartments.
- The additional height at the proposed building's eastern end reflects and complements the additional height at the western end of the Carriage Workshop.
- The additional height in the building's north-eastern corner emphasises the location of the building's main entrance at this corner.
- It would be unreasonable not to permit the additional storey proposed as part of this application, as that would result in a significant loss of affordable housing units.
- The seventh storey allows for partial activation of the open space on level six through enabling passive surveillance from adjoining units.
- The additional height allows for articulation of the roofline to enhance the visual appearance of the development.

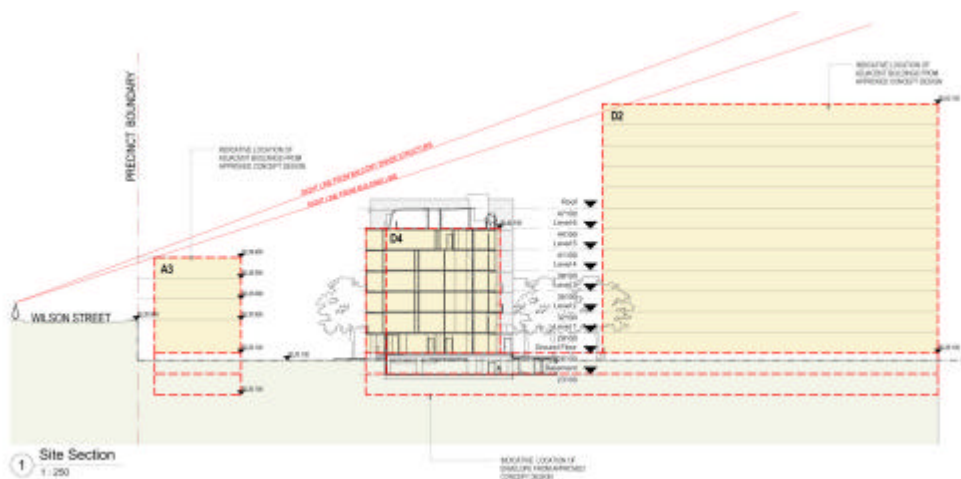


Figure 2. Wilson Street view lines

Built form and urban design

The proposed L-shaped envelope for the building enables the strengthening of the side street and allows vehicular access directly into the built form (rather than an unattractive open cut). This design approach also enables the building to engage with the rear alignment of the adjacent heritage Clothing Store to its west. The result is a building that sits comfortably in its context.

Rather than compete with the site's significant and now public buildings, the massing and architectural expression of the proposed development softens and articulates the Approved Concept Design envelope. On a flat site in this significant context, the Approved Concept Design envelope is potentially overwhelming.

In terms of massing, the proposed building has been articulated into three main components. Slightly set back from the alignment of the Carriage Workshop, the eastern brick element houses larger apartments which take advantage of its dual aspect. In raising the top storey, the main entry is emphasized and the upper outdoor space is better integrated into the building's fabric and provided with passive surveillance.

At street level, vistas are enhanced to both the main axis and side streets through the proposal's use of alignment, massing, material and landscape.

Lower level balconies project from three bedroom units at ground level, with stairs down to secure lower gardens. This enables greater engagement and visual interactivity with the street.

Passive surveillance from west, north and east facing living spaces and balconies will ensure that adjacent streets and open spaces are active, safe and secure. At upper levels, a variety of roof types including a roof garden, its adjacent brick level, a zinc upper level and service roofscape provide a rich mixture of materials and forms, integrated around the requirements of contemporary living.

Overshadowing

Shadow diagrams are provided with the Architectural Drawings at **Attachment B**. The drawings indicate that the proposed development within the modified building envelope will not have unreasonable overshadowing impacts on the public domain. The private open space to the rear of the proposed development will receive adequate solar access throughout the year.

The overshadowing diagrams also show the shadow that would be cast by the envelope approved by the Concept Plan. The proposed development, which has a more articulated roof line, and exceeds the Concept Plan envelope by one storey for part of the building, is not considered to create any unreasonable additional overshadowing.

Heritage impacts

A Heritage Impact Statement has been prepared by Graham Brooks and Associates (refer **Attachment C**) for MP 08_0015 Mod 1 and State Significant Development Application No. SSD_5708. The Statement notes that the heritage impacts of the adaptive reuse of the North Eveleigh site were considered in the approval of the Concept Plan. Impacts were identified and measures for their mitigation were included in the conditions of approval. No additional mitigation measures are recommended in the Heritage Impact Statement in relation to the proposed modifications.

There will be no further heritage impacts resulting from the proposed design for the affordable housing scheme. The aesthetic, technical and social significance of the adjacent former railway buildings, the Carriage Workshop, Blacksmiths' Shop and Clothing Store, will not be compromised by the proposed development.

Although the proposed new building is slightly higher than the adjacent Carriage Workshop it will not dominate, or visually challenge this building given the commanding scale and form of the former industrial building. Similarly, the Blacksmiths' Shop has a strong linear form that will not be overwhelmed by the proposed development.

The Clothing Store building to the west has a strong, sober presentation and is setback from the alignment of the Carriage Workshop and the proposed building. As such, it will remain a prominent building in the revitalised precinct.

The proposed design for the building is considered to be sympathetic to the heritage items for the following reasons:

- It continues the strong linear presentation of the existing buildings in the former railway yard.
- The higher element on the eastern side of the building emulates the presentation of the western bay of the Carriage Workshop without dominating this heritage item.
- The contemporary facade design reflects the materials and repetitive rhythmic design of the adjacent Carriage Workshop without mimicking the form of the heritage item.
- The use of masonry elements in the facades of the proposed building reflect the materials of the adjacent buildings
- The site landscaping includes the reuse of salvaged materials from the wider site.

Should any unexpected relics be disturbed during excavation of the site they must be managed under the Archaeological provisions of the NSW Heritage Act.

It is noted that concurrence under the Heritage Act 1977 is not required for the modification of this approval.

7. Conclusion

The proposed modifications under Section 75W of the EP&A Act 1979 require the amendment of the Concept Plan Approval MP08_0015 and Conditions of Approval by referencing new plans which:

- Amend the height limit for the subject site from 6 storeys to 7 storeys (maximum RL to increase from 44.1 to 48.1); and
- Extend the building footprint for the affordable housing scheme to include the full extent of the proposed building.

These proposed modifications to the Approved Concept Plan result in a building that better aligns with adjacent, heritage-listed buildings, performs well environmentally, creates good internal amenity, achieves high quality design, creates 88 new affordable housing units and makes a positive contribution to the significant North Eveleigh site.

The proposed modifications will not result in any significant environmental impacts beyond those which could be expected from the originally approved development outcome.

It is recommended that this Section 75W application be approved by the Minister for Planning and Infrastructure.

Please do not hesitate to contact me on 8252 8400 or jane.grose@architectus.com.au if you have any questions or require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Grose', with a stylized, cursive script.

Jane Grose
Associate and Urban Planner

ATTACHMENT A: CONCEPT PLAN APPROVAL MP08_0015

ATTACHMENT B: ARCHITECTURAL DRAWINGS

ATTACHMENT C: HERITAGE IMPACT STATEMENT