

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF THE REDEVELOPMENT OF THE FORMER RACHEL FORSTER HOSPITAL SITE FOR  
RESIDENTIAL DEVELOPMENT CONCEPT PLAN  
(MP No. 07\_0029)

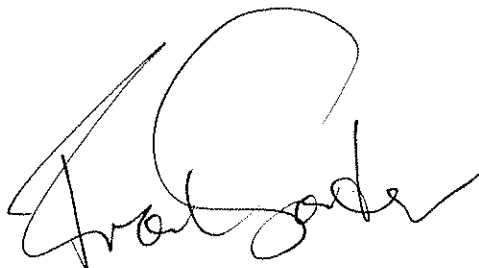
(File No. S07/00355)

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) under Section 75O, to approve the concept plan referred to in Schedule 1 subject to the modifications in Schedule 2 and Statement of Commitments in Schedule 3;
- (b) under section 75P(1)(b), that development with a capital investment value of less than \$5 million (other than development for the purpose of open space) be subject to Part 4 of the Act; and
- (c) under sections 75P(1)(a) and 75P(2)(c) that future development be subject to the requirements set out in Part B of Schedule 2.

The reason for the modifications are:

- (a) to prevent and/or minimise adverse environmental impacts;
- (b) to set requirements for the future project application; and
- (c) to ensure an acceptable built form outcome for the site.



Frank Sartor MP  
Minister for Planning

Sydney,

 2007

# SCHEDULE 1

## PART A — TABLE

Application made by:	Redfern Waterloo Authority (RWA)
Application made to:	Minister for Planning
On land comprising:	134-144 Pitt Street Redfern Lot 7 DP 664804
Local Government Area	City of Sydney
For the carrying out of:	A detailed description of the proposal approved to is described in Modification A1, Part A, Schedule 2
Capital Investment Value	\$44.13 million
Type of development:	Concept approval under Part 3A of the EP&A Act
Determination made on:	October 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

## PART B — NOTES RELATING TO THE DETERMINATION OF MP No. 07\_0029

### Responsibility for other approvals / agreements

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

### Appeals

The Proponent has the right to appeal to the Land and Environment 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

In this approval the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Council** means City of Sydney Council.

**Department** means the Department of Planning or its successors.

**Director General** means the Director General of the Department of Planning.

**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.

**Minister** means the Minister for Planning.

**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

**Regulations** means the Environmental Planning and Assessment Regulation, 2000 (as amended).

**RWA** means the Redfern-Waterloo Authority.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

**Rachel Forster Concept Plan** means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

## SCHEDULE 2

### TERMS OF APPROVAL AND MODIFICATIONS – RACHEL FORSTER CONCEPT PLAN No. 07\_0029

#### PART A – TERMS OF APPROVAL

##### **A1. Development Description**

Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled ***“Environmental Assessment Former Rachel Forster Hospital 134-150 Pitt Street Redfern (Volume 1 & 2)”*** prepared by SJB Planning dated 28 June 2007 including:

- (1) A residential development involving a maximum floor space ratio of 2:1 which equates 13,846m<sup>2</sup> gross floor area (GFA).
- (2) Maximum building heights and envelopes for each of the four residential development blocks.
- (3) Retention and adaptive reuse of the existing heritage building and colonnade on the site.
- (4) Public domain and landscape concept, including communal open space and pedestrian connections.

##### **A2. Development in Accordance with Plans and Documentation**

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
  - (a) ***“Environmental Assessment Former Rachel Forster Hospital 134-150 Pitt Street Redfern (Volume 1 & 2)”*** prepared by SJB Planning and dated 28 June 2007.
  - (b) ***Draft Statement of Commitments*** prepared by SJB Planning and dated 28 June 2007.
- (2) In the event of any inconsistencies,
  - (c) the Statement of Commitments in (1)(b) prevails to the extent of any inconsistency in the plans and documentation identified in (1)(a), and
  - (d) the modifications of the Concept Plan approval identified in Part B Schedule 2 prevail over the documentation listed in (1) above.

##### **A3. Lapsing of Approval**

Approval of the Rachel Forster Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

##### **A4. Determination of Future Applications**

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 07\_0029 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A, B & C of Schedule 2.

## **PART B – MODIFICATIONS TO CONCEPT PLAN**

### **B1. BUILT FORM**

- (1) Approval is given for residential development involving a maximum of 13,846m<sup>2</sup> gross floor area (GFA) equating to a maximum floor space ratio (FSR) of 2:1.
- (2) Approval is given for the maximum building heights and envelopes identified in *Drawing A011 and A012 of Appendix A* of the Environmental Assessment.
- (3) Despite (1) and (2) above the future project application is to provide a comparison, and outline any variations from the above maximum GFA, heights and envelopes.

### **B2. DESIGN EXCELLENCE**

The future project application is to demonstrate design excellence in accordance with Schedule 3, Part 5, Division 3, Clause 22 of *State Environmental Planning Policy (Major Projects) 2005*.

### **B3. CORNER BUILDING DESIGN**

The design of Building 3, at the corner of Pitt and Albert Streets, is required to be designed so as to appropriately address and acknowledge both street frontages. This is to be achieved through the detailed architectural design resolution of the building and is to be demonstrated in the future project application.

### **B4. SEPP 65**

The future project application is 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*.

### **B5. LANDSCAPING AND TREE REMOVAL**

The recommendations contained in the Conclusion of the Arboricultural Assessment and Development Impact Report prepared by Guy Paroissien Landscape Matrix Pty Ltd (Appendix E of the Environmental Assessment) are to be adopted and incorporated in to the detailed design of the future project application, including replacement trees.

### **B6. CAR PARKING**

Final car parking numbers are to be determined and resolved at Project Application stage, depending upon the final number of units proposed.

### **B7. BASIX**

The future project application is to demonstrate compliance with the provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

### **B8. HERITAGE AND ARCHAEOLOGY**

In addition to the Proponent's Draft Statement of Commitment No. 6 and 7 the heritage interpretation of the well structure and approach to adapt it into the publicly accessible open space is to be submitted with the future Project Application, following consultation with the Department of Planning and NSW Heritage Office.

#### **B9. DEVELOPER CONTRIBUTIONS**

To meet the demand for additional public facilities and infrastructure generated by the development on the site contributions will be as required by the Minister based on the *Redfern-Waterloo Authority Contributions Plan 2006*, or other applicable Contributions Plan as advised by the Redfern-Waterloo Authority at the time that the future project application is determined.

#### **B10. AFFORDABLE HOUSING CONTRIBUTION**

To contribute to the provision or refurbishment of affordable housing within the Redfern-Waterloo Operational Area, contributions will be as required by the Minister based on the *Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006*, or other applicable Affordable Housing Contributions Plan as advised by the Redfern-Waterloo Authority at the time that the future project application is determined.

#### **B11. DEDICATION OF PUBLIC PARK**

- (a) A public park is to be provided, subject to the City of Sydney accepting the dedication. The park will have an area of approximately 1060m<sup>2</sup> and will be located fronting Pitt Street as indicated on the Site Plan Drawing No. A001 prepared by Lippmann Architects and Landscape Concept Diagram prepared by Oculus.

The following are to accompany the future Project Application:

- Record of City of Sydney Council's agreement to the dedication;
- A landscape plan demonstrating proposed landscape scheme consistent with the Landscape Concept Diagram and Principles prepared by Oculus;
- A landscape protection and maintenance strategy consistent with the Arboricultural Assessment and Development Impact Report prepared by Landscape Matrix; and
- Plans illustrating proposed subdivision of the land to enable dedication as public open space.
- Commitments by the proponent advising the proposed timing of the proposed landscape works, subdivision and dedication of the proposed open space.

The public open space will be remediated in accordance with the recommendations of the "*Review of Previous Contamination Report*" undertaken by Douglas Partners and dated 29 May 2007. The timing of the proposed remediation will be advised at Project Application stage.

- (b) If City of Sydney Council refuse to accept the dedication of the public park, the area is to be provided as communal open space servicing the residential development on site with public access also allowed. Details are to be provided with the future Project Application.

#### **B12. SUBSEQUENT APPROVAL REGIME**

Under Section 75P of the Act, the Minister will remain the consent authority under Part 3A of the Act for all development that has a Capital Investment Value over \$5 million.

## SCHEDULE 3

### Proponent's Draft Statement of Commitments

	Measure (Commitment)	Timing
1	<p>Built form and urban design</p> <p>The detailed design of the buildings will adhere to the Concept Plan parameters formulated for the Project to ensure that the intended development outcome will be achieved.</p>	<p>To be addressed at the Project Application stage.</p>
2	<p>Design Excellence</p> <p>The proponent commits to provide detailed plans and visual aids to demonstrate design excellence of the Project in accordance with Clause 22, Part 5, Division 3 of State Environmental Planning Policy (Major Projects) 2005.</p> <p>The design of any rooftop plant shall be integrated with the design of the building and roof to minimise visual bulk and avoid additional overshadowing. Rooftop plant will be adequately attenuated to avoid acoustic impacts on the development and surrounding properties.</p>	<p>To be addressed at the Project Application stage.</p>
3	<p>Traffic and parking</p> <p><i>Traffic</i></p> <p>A traffic assessment will be undertaken for the detailed design of the Project to confirm findings of the traffic analysis included in the report prepared by Transport and Traffic Planning Associates, dated June 2007.</p> <p><i>Parking and access</i></p> <p>An assessment of the final car park layout and vehicle access will be undertaken to demonstrate compliance with the relevant Australian Standards.</p>	<p>To be addressed at the Project Application stage.</p>
4	<p>Public open space</p> <p>The proponent commits to providing a public park, subject to the City of Sydney accepting the dedication. The park will have an area of approximately 1060sqm and will be located fronting Pitt Street as indicated on the Site Plan Drawing No. A001 prepared by Lippmann Architects and Landscape Concept Diagram prepared by Oculus.</p> <p>The following are to accompany the Project Application:</p> <ul style="list-style-type: none"> <li>• Summary of preliminary discussions with the City of Sydney regarding dedication;</li> <li>• A landscape plan demonstrating proposed landscape scheme consistent with the Landscape Concept Diagram and Principles prepared by Oculus;</li> <li>• A landscape protection and maintenance strategy consistent with the Arboricultural Assessment and Development Impact Report prepared by Landscape Matrix; and</li> <li>• Plans illustrating proposed subdivision of the</li> </ul>	<p>To be addressed at the Project Application stage.</p>

land to enable dedication as public open space.

- Commitments by the proponent advising the proposed timing of the proposed landscape works, subdivision and dedication of the proposed open space.

The public open space will be remediated in accordance with the recommendations of the "*Review of Previous Contamination Report*" undertaken by Douglas Partners and dated 29 May 2007. The timing of the proposed remediation will be advised at Project Application stage.

5	Public domain	
	<p>The proponent will provide a public domain works plan illustrating proposed public domain works within the proposed open space and along Albert and Pitt Street. This plan shall be consistent with the general landscape concept diagram and principles prepared by Oculus, dated May 2007 and the City of Sydney Public Domain Manual.</p> <p>Consultation will be undertaken with the City of Sydney Council during preparation of this plan.</p>	To be addressed at the Project Application stage.
6	Heritage	
	<p>Any project application or other applications will have regard to the Heritage Impact Statement prepared by Weir+Phillips dated June 2007.</p> <p>The following are to accompany any Project Application(s):</p> <ul style="list-style-type: none"> <li>• A Statement of Heritage Impact (SOHI) prepared in accordance with findings and conclusions of the Heritage Impact Statement prepared by Weir+Phillips.</li> <li>• A Heritage Interpretation Plan for the whole site.</li> </ul> <p>Prior to demolition the existing buildings will be recorded in accordance with NSW Heritage Council Guidelines.</p>	<p>To be addressed at the Project Application stage</p> <p>Prior to any demolition or construction works</p>
7	Archaeology	
	<p>The following is to be addressed with the Project Application:</p> <ul style="list-style-type: none"> <li>• Preparation of an Aboriginal Heritage Impact Assessment (AHIA), in accordance with draft Department of Conservation Guidelines 1997;</li> <li>• Integration of the statement of significance and the results of the AHIA within an Archaeological Management Plan for the site that consider: <ul style="list-style-type: none"> <li>(i) heritage interpretation of the archaeological site within the proposed development; and/or</li> <li>(ii) archaeological excavation and documentation of the site prior to construction.</li> </ul> </li> </ul> <p>If aboriginal objects are exposed during the work, works must cease until the Department of Environment and Conservation and the local Aboriginal Land Council have</p>	To be addressed at the Project Application stage



been consulted.

8	Structural Integrity	Further engineering investigation to Building 1 will be undertaken to determine the extent of the works required to accommodate the proposed alterations and additions, including methods of reinforcing the building's lateral structure to satisfy wind and earthquake codes, and the general upgrading of exposed elements such as concrete balconies, masonry ties, and balustrades.	To be addressed at the Project Application stage
9	Geotechnical Investigations	Additional geotechnical investigations shall be provided in accordance with the Supplementary Geotechnical Investigation prepared by Douglas Partners Pty Ltd, dated May 2007.	To be addressed at the Project Application stage
10	Site contamination and remediation	A Remediation Action Plan (RAP) will accompany any Project Application(s) in accordance with the recommendations included in the Review of Previous Reports prepared by Douglas Partners, dated 29 May 2007. The RAP will detail how the site is to be cleaned up including the excavation and disposal offsite of any contaminated fill.	To be addressed at the Project Application stage
11	Site infrastructure and services	Infrastructure and services reports will be required to accompany any subsequent Project Application(s) to demonstrate how the development can be adequately and properly serviced. The report will include an outline of any necessary augmentation of existing services.  All infrastructure planning and design will be undertaken in consultation with the relevant authorities.	To be addressed at the Project Application stage
12	Management of Stormwater	The proponent will prepare detailed plans and specifications that demonstrate the proposed stormwater system for the Project. The design of the system will be prepared in accordance with the design criteria set out in the Hydraulic and Fire Services Scheme Development Report prepared by Armstrong Consulting Engineers, dated May 2007.	To be addressed at the Project Application stage
13	Building Code of Australia Capability	Further assessment will be undertaken at Project Application stage to ensure the Project is capable of meeting the performance requirements of the Building Code of Australia.	To be addressed at the Project Application stage
14	Accessibility	The proponent commits to providing access for people with a disability in accordance with:	To be addressed at the Project

- Disability Discrimination Act 1992 (DDA); and
- Building Code of Australia.

Application stage

The Project will also include equitable access to the latest internet, television and telephone technology.

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#### 15 Ecologically Sustainable Development

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The proponent will prepare detailed work plans and specifications that demonstrate compliance with State Environmental Planning Policy (Building Sustainability Index) BASIX.

In addition, the proponent commits to further investigate the opportunity for including the following Ecologically Sustainable Development principles:

- Design internal apartment layouts to maximise natural ventilation and to capture prevailing winds;
- Orientate apartments layouts to ensure solar access is received within living rooms;
- Promote natural light and ventilation to kitchen areas of apartments;
- Utilise roof forms to capture natural light and ventilation;
- Re-use and recycle stormwater;
- Use of high thermal mass materials within apartments;
- Promote the use of solar or wind generation for common areas,
- Ensure natural light and ventilation is provided to common areas to minimise energy consumption;
- Use of solar shading devices;
- Use of native vegetation;
- Divide the layout of the apartments into zones to reduce heat and cooling energy consumption;
- Reuse of roof water and rainwater run off;
- Utilise low water flow fixtures and tap ware;
- Reuse rainwater for spray irrigation with rain and moisture detector controls; and
- Recycling grey waste water.

To be addressed at  
the Project  
Application stage

#### 16 Construction Management Plan

A Construction Management Plan will be prepared by the proponent and will be submitted to the satisfaction of the Principal Certifying Authority.

This Plan will include the following:

(i) *Environmental responsibly*

A commitment by the builder that environmental mitigation measures will be implemented prior to and during construction works. Management and training methods to inform construction workers of their

Prior to the issue of  
the Construction  
Certificate.

environmental responsibilities.

(ii) *Pedestrian management:*

Management methods to ensure safe pedestrian paths are provided adjacent to the site.

(iii) *Traffic management:*

A Traffic Management Construction Plan will be prepared which addresses construction access and egress to the site, including vehicle routes and other relevant issues.

(iv) *Construction staging.*

Management of construction sequence on site and on public land.

(v) *Noise and vibration control plan*

Management methods to reduce construction noise at nearby receivers by appropriate selection and operation of equipment.

(vi) *Soil and water sediment control management plan*

Management methods to control and reduce soil and water sediment impacts on the environment This will also include a Dust Management Strategy.

The proponent/ site manager will implement the approved Construction Environmental Management Plan during excavation and construction of the development.

17 Developer Contributions

Developer contributions will be made in accordance with the Redfern-Waterloo Contributions Plan 2006 and the Redfern-Waterloo Authority Affordable Housing Contribution Plan 2006.

Prior to the issue of a Construction Certificate