



Planning &  
Infrastructure

**ASSESSMENT REPORT:**  
***North Eveleigh Affordable Housing***  
***Project***  
***Wilson Street, Redfern***  
***(MP08\_0015 MOD 1 and SSD 5708)***



Director General's  
Environmental Assessment Report  
Section 79C of the  
*Environmental Planning and Assessment Act 1979*

September 2013

## ABBREVIATIONS

---

Applicant	City West Housing, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's environmental assessment requirements
Director-General	Director-General of the Department
EIS	Environmental Impact Statement prepared by Architectus, titled 'North Eveleigh Affordable Housing Project, Eveleigh', dated April 2013
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
Minister	Minister for Planning & Infrastructure
RMS	Roads and Maritime Services
RtS	Response to Submissions prepared by Architectus, titled 'North Eveleigh Affordable Housing', dated July 2013
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State significant development
UGDC	UrbanGrowth NSW Development Corporation

Cover Photograph: Photomontage view from south-east across the common garden

© Crown copyright 2013  
Published September 2013  
NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

**Disclaimer:**

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

## EXECUTIVE SUMMARY

---

This report is a concurrent assessment of two applications lodged by City West Housing Pty Ltd ('the applicant') for an affordable housing development at North Eveleigh (City of Sydney Local Government Area). The applications comprise a Section 75W application to modify Concept Plan approval MP08\_0015, which applies to the North Eveleigh precinct and a State Significant Development (SSD) application for a new affordable housing building within the Precinct.

The Section 75W application seeks to amend the approved building envelope D4 by increasing its maximum height from RL 44.1 (6 storeys) to RL 50.27 (7 storeys) and by extending its footprint to allow for improved design, environmental performance and amenity.

The SSD application seeks approval for a part 6, part 7 storey residential flat building for affordable housing. The building has 88 apartments, basement parking for 39 cars and 88 bicycles, a roof top garden and landscape works. The development has a capital investment value of \$21,800,000 and will generate 50 construction jobs.

The proposal is State Significant Development pursuant to Schedule 2 clause 2(g) of *State Environmental Planning Policy (State and Regional Development) 2011*, being development that has a capital investment value of more than \$10 million on land within Redfern-Waterloo.

The applications were publicly exhibited from 10 April - 31 May 2013. A total of five agency submissions and one public submission were received on the Section 75W application, and nine agency submissions and eight public submissions were received on the SSD application. The key issues raised in submissions are:

- traffic and parking;
- building height and materials; and
- relationship to the Carriage Works building.

The department has considered all relevant matters under Sections 75W and 79C, the objects of the Act and ecologically sustainable development in its assessment. The department's assessment concludes that the proposed building is of a high architectural standard and is consistent with the desired future character for the North Eveleigh precinct. The additional height will not result in any unreasonable adverse amenity impacts and the building will be of an appropriate scale. Limited on-site parking is proposed to promote public transport usage and minimise traffic generation, consistent with the aims of the Concept Plan approval. The provision of affordable housing is key strategic aim for the area. The proposed building appropriately relates to the adjoining Carriage Works building, being of an appropriate scale, form and materials.

On balance, the proposal is in the public interest and the department recommends both applications be approved subject to Terms of Approval and conditions of consent.



# 1. BACKGROUND

## 1.1 Site and Project Description

The North Eveleigh Precinct is located approximately 4 kilometres west of the Sydney CBD (refer **Figure 1**). It has an area of 10.7 hectares and extends along the northern side of the western rail line, between Redfern and Macdonaldtown Stations. The Concept Plan approval applies to the entire precinct (further discussed in **Section 1.3** below).

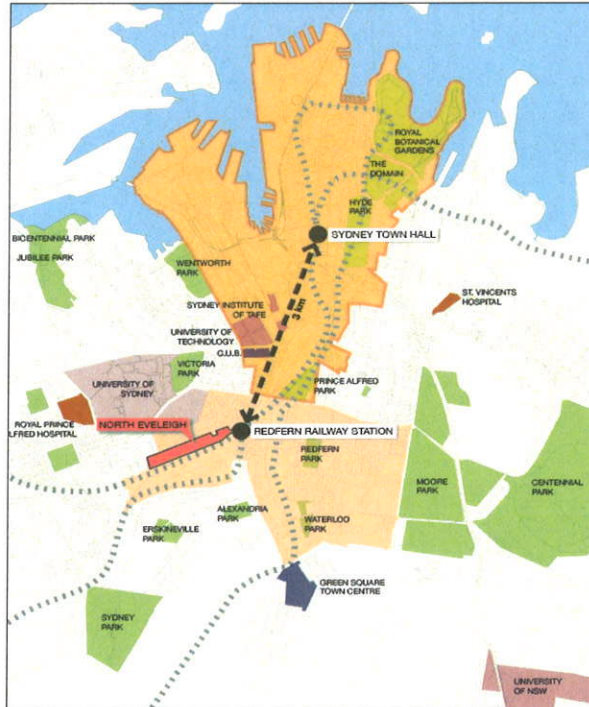


Figure 1 – Locality plan

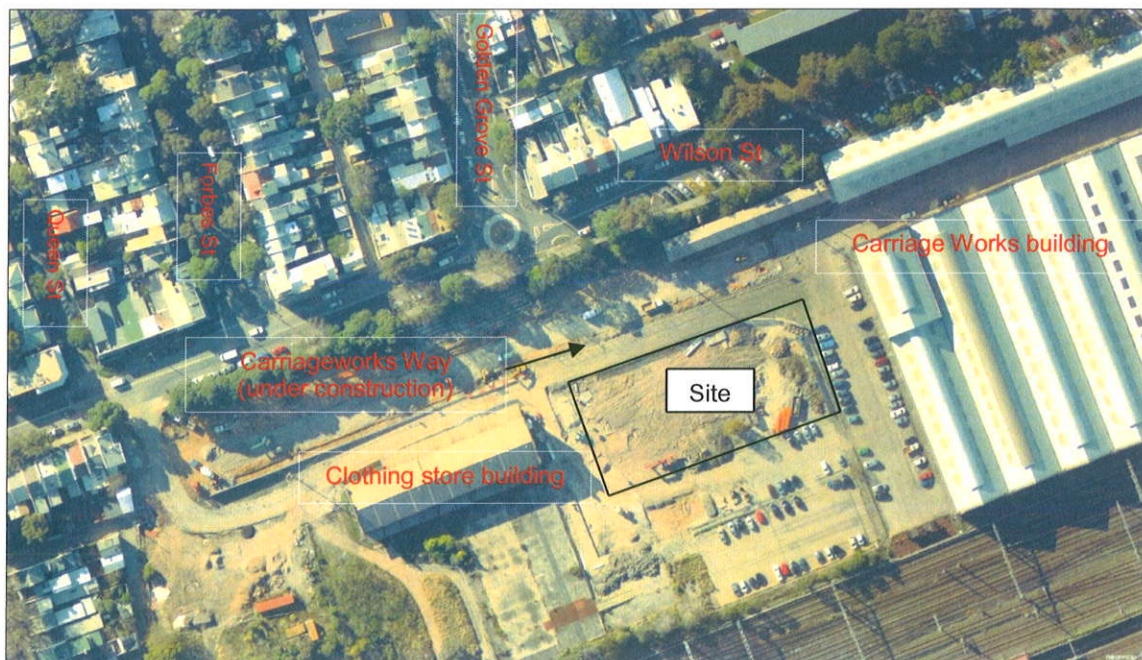


Figure 2 – Aerial view of site

The site the subject of this application (refer **Photo 1**) is legally described as Lot 3 of DP 1175706 and is referred to as Building D4 in the Concept Plan approval. It is part of the western site of the North Eveleigh Precinct (being the lands west of the Carriage Works building) and sits adjacent to the intersection of Wilson and Golden Grove Streets. It has an area of 2 562m<sup>2</sup> and is largely cleared.

The site is within proximity to the residential suburb of Darlington, the University of Sydney, and the Redfern Town Centre and is surrounded by a mix of typical inner city land uses. Residential development to the north of the site is characterised by terrace housing, mixed with medium density residential development. Abercrombie Street further north sustains a retail strip and is a main thoroughfare for university students moving between the campus and Redfern railway station, which is located to the south of the site. Railway uses and infrastructure is a predominant feature of the surrounding landscape.

To the immediate east of the site is the Carriage Works building (refer **Photos 2 & 4**), a state heritage item and the Blacksmiths' shop building. These buildings have been redeveloped and are used for cultural purposes.

To the south of the site are vacant lands upon which Concept Plan approval has been given for Buildings D1 – D3. Further south, across the rail corridor, is Australian Technology Park where various businesses are located.

To the immediate west of the site is the Clothing store building (refer **Photo 3**). The Concept Plan approval allows for the adaptation of this building for residential purposes.

## 1.2 City West Housing Pty Ltd

The applicant, City West Housing Pty Ltd, is a not-for-profit affordable rental housing company. It was established in 1994 by the New South Wales State Government to provide low-cost accommodation to people on very low to moderate incomes, including essential workers who would be otherwise unable to afford to rent in the inner Sydney area.

## 1.3 Concept Plan approval

On 16 December 2008, the then Minister for Planning granted Concept Plan approval (MP08\_0015) to the redevelopment of the former Eveleigh Carriageworks site, North Eveleigh, for mixed uses, including commercial, retail, cultural, residential and community uses, car parking and public open space.

Approval was given to a maximum of 177 527m<sup>2</sup> of GFA, comprised of:

- a maximum of 55 672m<sup>2</sup> of commercial GFA;
- a maximum of 4 000m<sup>2</sup> of retail GFA;
- a maximum of 22 796m<sup>2</sup> of cultural/community GFA; and
- a maximum of 95 059m<sup>2</sup> of residential GFA.

The concept plan established a road network, building envelopes, car parking rates, an open space network and landscape concepts (refer **Figure 3**).

The Concept Plan approval permits Building D4 to reach a maximum height of RL 44.1 and to have a maximum GFA of 6 480m<sup>2</sup>.



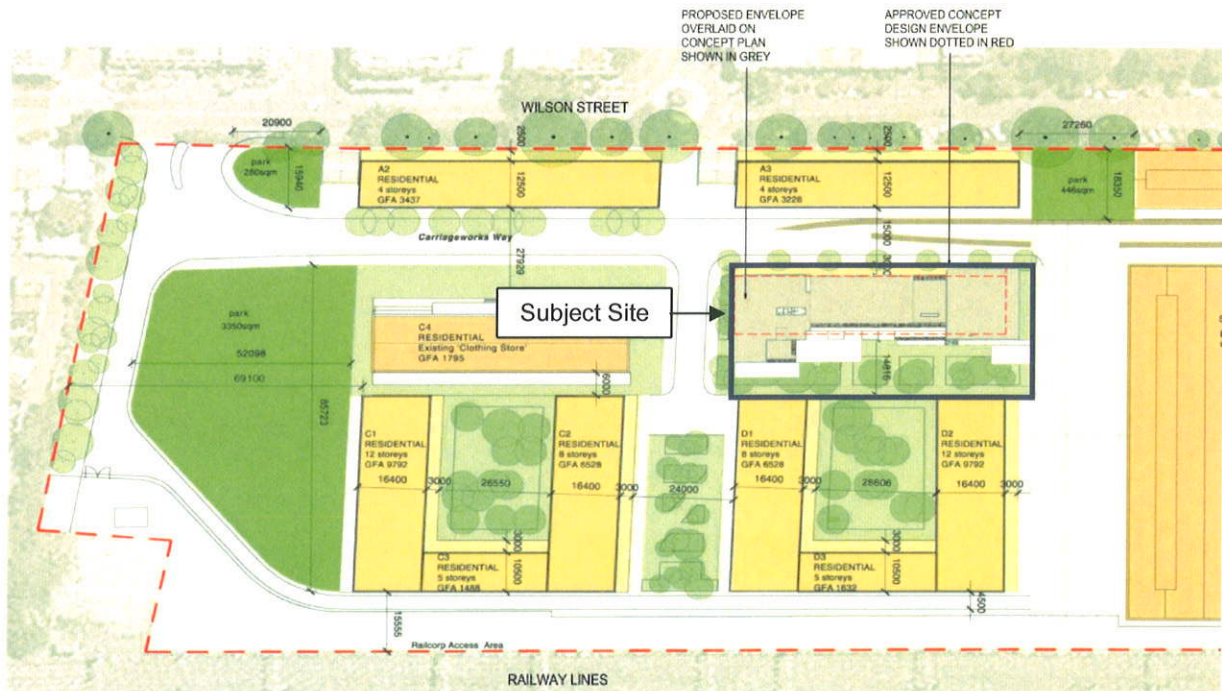


Figure 3 – Concept Plan approval - western site



Photo 1: View of site from north-east (Source: EIS)

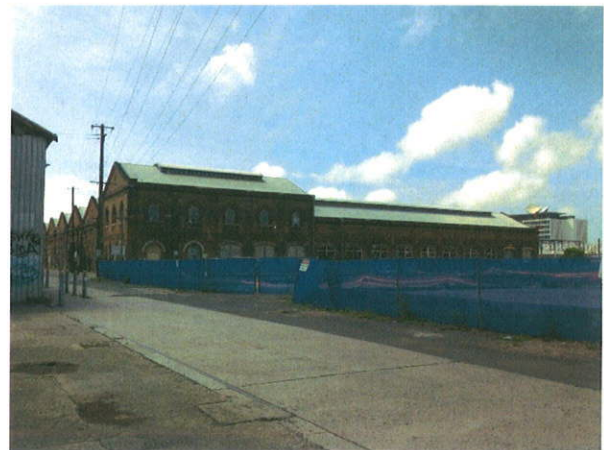


Photo 2: View of site from north-west with Carriage Works building in background (Source: EIS)



Photo 3: Clothing store building to the west of the site (Source: EIS)



Photo 4: Roadway separating the site and Carriage Works building (Source: EIS)



## 2. PROPOSED DEVELOPMENT

### 2.1 Development description

The development as exhibited proposed the following:

#### Modification application (MP 08\_0015 Mod 1)

- to increase the maximum permissible height of approved Building envelope D4 from RL 44.1 to 48.1 (from 6 to 7 storeys); and
- to extend the building footprint of approved Building envelope D4 (refer **Figure 4**), with the most substantial extension being in the south-western corner.

#### State Significant Development Application (SSD 5708)

- the construction of a part 6, part 7 storey residential flat building containing 88 units, to be used for affordable housing (refer **Figures 5 – 7**), within building envelope D4. The building has a total gross floor area of 5 932.8m<sup>2</sup> and a FSR of 2.32:1. The proposed unit mix is as follows:
  - 10 x studio;
  - 37 x 1 bedroom;
  - 36 x 2 bedrooms; and
  - 5 x 3 bedrooms.
- a single level basement with 39 car parking spaces (including 1 visitor space), 88 bicycle parking spaces and storage cages. Access to the basement is via a driveway on the western side of the site;
- landscape works including a ground level garden with lawn area, seating spaces, substantive native plantings and vegetable garden and roof top garden with outdoor kitchen; and
- associated site works.

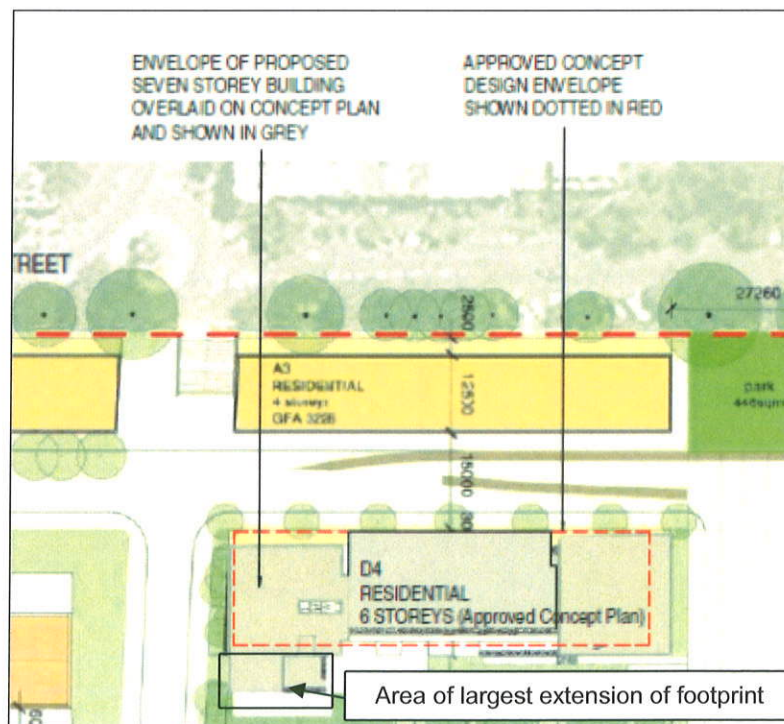


Figure 4 – Approved development lot (dashed red line) with proposed footprint (grey)





Figure 5 – Photomontage – View of building from the northeast

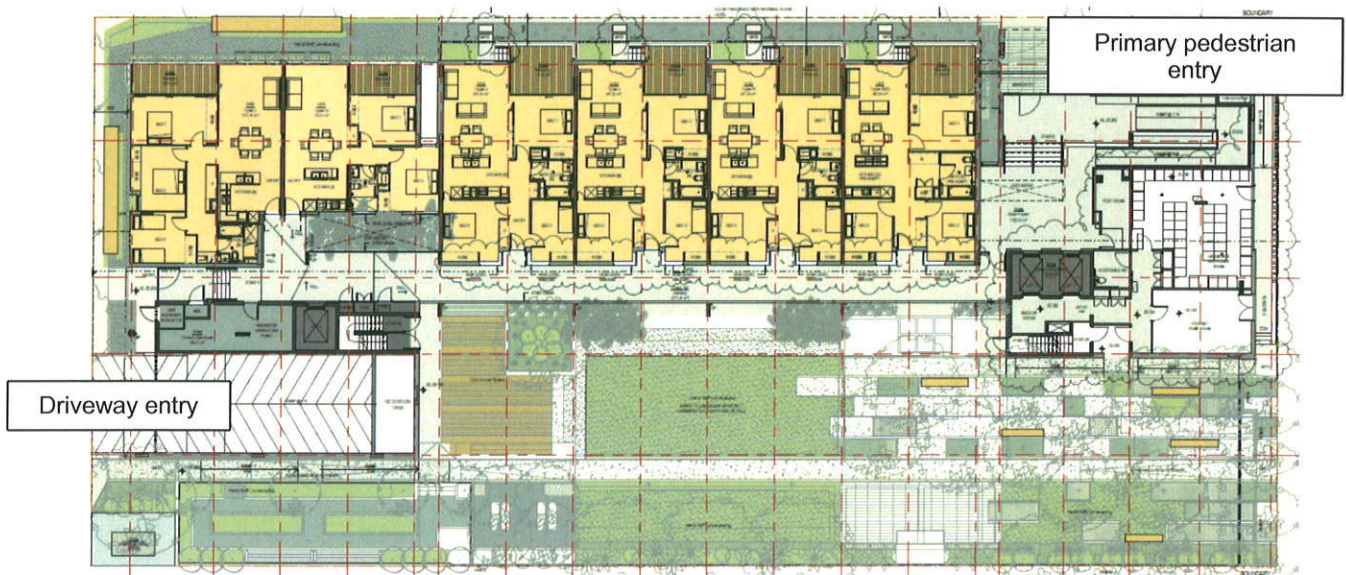


Figure 6 – Proposed ground floor

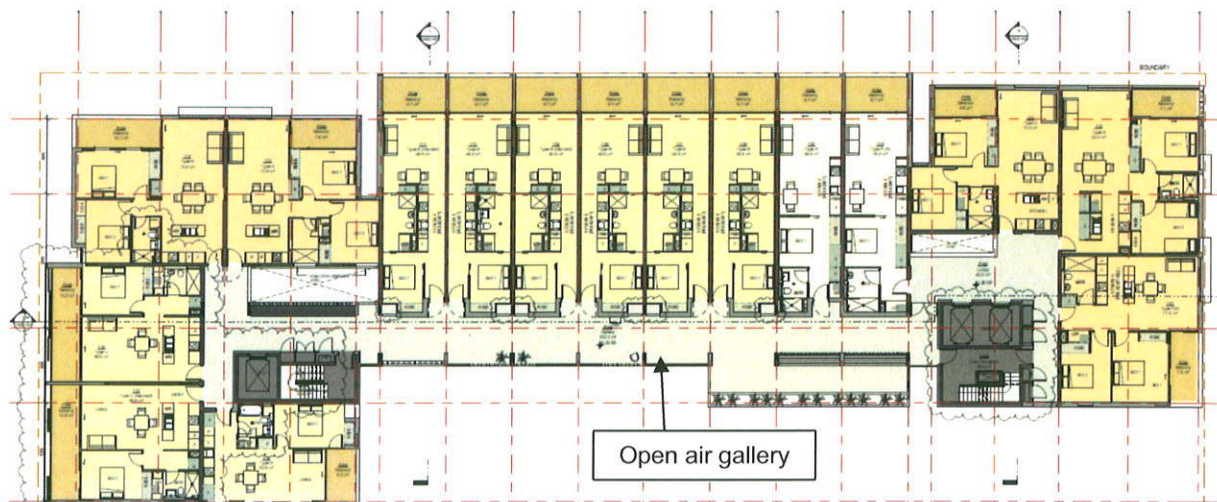


Figure 7 – Proposed first floor (typical layout)



## 2.2 Response to Submissions

Following the public exhibition of the EA, the Department placed a copy of all submissions received on its website and requested that the applicant prepare a response to the submissions. The applicant submitted a Response to Submissions report (RtS) (refer **Appendix C**), which provided further information and clarification on the key issues that were raised by the Department and public/agency submissions and included a set of amended plans. Amendments made to the building include an increase in height and the addition of a walkway along the eastern boundary (refer **Appendix C** for a detailed list of modifications).

## 2.3 Supplementary Submission

Subsequent to the lodgement of its RtS report, the applicant refined its design and undertook further negotiations with Council, which resulted in the preparation of further amended plans. Amendments made to the building include the relocation of the garbage room and the addition of 2 further visitor parking spaces (refer **Appendix C** for a detailed list of modifications).

## 2.4 Project Need and Justification

### NSW 2021 (State Plan)

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 project is consistent with NSW 2021 as it will provide affordable housing in close proximity to a rail station.

### Draft Metropolitan Strategy for Sydney

The Draft Metropolitan Strategy for Sydney provides the strategic planning foundation to respond to the changes which will occur in Sydney up to 2031, including; a growing and aging population, the growth of western Sydney and a shift from manufacturing to service jobs. The plan includes transport and infrastructure planning to fully integrate land use and infrastructure outcomes.

The development is consistent with objective 5 as it will provide additional dwellings in the Central Region, which will assist in meeting the target of providing 82 000 dwellings by 2021. The development is also consistent with objective 6 as it will provide affordable housing, contributing to housing diversity.

### Sydney City Draft Subregional Strategy

The site is within the Redfern Centre Precinct. The plan identifies the future of the precinct as being to capitalise on its highly accessible location and reinforce its role in the global economic corridor through maximising urban renewal opportunities for employment and housing.

Key direction 3 of the plan is to facilitate sustainable urban renewal projects. The development is consistent with that direction, being a well designed building, which incorporates sustainability measures to reduce the resource consumption of future residents. The development is consistent with actions C2.1.3, 2.3 and C4 of the plan, as it provides a mix of types of affordable housing dwellings within North Eveleigh.

### 3. STATUTORY CONTEXT

---

#### 3.1 State Significant Development

The proposal is State Significant Development ('SSD') under Section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being development that has a capital investment value of more than \$10 million on land within the Redfern-Waterloo Sites as shown on the State Significant Development Sites Map (pursuant to Schedule 2 clause (g) of *State Environmental Planning Policy (State and Regional Development) 2011*. Therefore, the Minister for Planning and Infrastructure is the consent authority.

#### 3.2 Modification of the Minister's Approval

The modification application was lodged with the Director-General pursuant to Section 75W of the Act, which provides for the modification of a Minister's approval including 'revoking or varying a condition of the approval or imposing an additional condition of the approval'.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

The Minister's approval for a modification is not required if the project, as modified, would be consistent with the existing approval under this Part. In this instance, approval is required as changes are proposed to an approved building envelope.

#### 3.3 Delegated Authority

On 27 February 2013, the Minister for Planning and Infrastructure delegated his functions to determine SSD applications and modification requests under section 75W of the EP&A Act to nominated staff of the department where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions objecting to the proposed development.

In this instance, Council does not object to the development, fewer than 25 objections have been received and a political donations statement has not been made. Accordingly the Executive Director, Development Assessments Systems and Approvals may exercise his delegations and determine the applications.

#### 3.4 Permissibility

The site is zoned Business Mixed Use under the provisions of Schedule 3, Part 5 of *State Environmental Planning Policy (Major Development) 2005*. Development for the purpose of affordable housing is permissible in the zone. The development is consistent with the zone objectives being compatible with the adjoining non-residential use, achieving design excellence, providing limited on-site parking to meet known needs and encourage use of public transport and having high quality landscaped areas.

The land use plan approved under the Concept Plan approval nominates the use of the site as being residential. Affordable housing is a form of residential development and is therefore consistent with the uses approved under the Concept plan.

#### 3.5 Environmental Planning Instruments

Under Section 79C of the EP&A Act, the consent authority is required to take into account the relevant provisions of any State Environmental Planning Policy or Environmental



Planning Instrument that applies to the carrying out of the proposal. The following Environmental Planning Instruments apply to the carrying out of the proposal:

- *State Environmental Planning Policy (Major Development) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Sydney Regional Environmental Plan 26 (City West);*
- *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development; and*
- *State Environmental Planning Policy No 55 - Remediation of Land.*

The proposed development complies with the relevant requirements and standards within these Environmental Planning Instruments. The Department's consideration of relevant State Environmental Planning Policies and Environmental Planning Instruments is provided in **Appendix D**.

### 3.6 Integrated approvals

Under Section 89J of the EP&A Act, a number of approvals are not required to be separately obtained for the proposal. These include:

- An Activity Approval under Section 91 of the *Water Management Act 2000*.

The EIS included a Groundwater impact assessment report which determined that the basement will intrude into the watertable by up to 0.7m. The report concludes that it is not expected that this intrusion will have an adverse effect on regional groundwater flows given the limited penetration into the groundwater and that the basement can be protected from groundwater intrusion.

### 3.7 Objects of the EP&A Act

Decision-makers are required to consider the objects of the EP&A Act when making decisions under the Act. These objects are detailed in Section 5 of the Act, and include:

- (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.*

The objects of most relevance to the Minister's decision on whether or not to approve this development are ii, vii, and viii. The department has given due consideration of these objects in its assessment of the proposal (refer **Table 1**).

Object	Consideration
5(a)(ii)	The development is an orderly and economic use of the land, as it is being undertaken in accordance with the Minister's Concept Plan approval.
5(a)(vii)	The design of the development follows best sustainable principles, maximising apartments with a northern orientation and opportunities for cross ventilation. The apartments are to be fitted with water saving devices (toilets and taps) and recycled water will be used on-site. The site has low environmental value, being a brownfield site and as such there is no loss of on-site ecological values. It is discussed below that the development is consistent with the ESD principles.
5(a)(viii)	The application is for an affordable housing development. The housing is to be owned and managed by a registered housing provider.

Table 1: Objects of the EP&amp;A Act and relevance to the development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** – The site is a cleared brownfield site with a low level of environmental sensitivity. It does not contain any threatened or vulnerable species, populations, communities or significant habitats. Its redevelopment will not result in any irreversible or serious environmental impacts.
- **Inter-Generational Principle** - The proposal achieves key social and economically sustainable outcomes as it provides higher density residential purposes in an inner city location, close to social services, transport infrastructure and employment centres. The development incorporates a range of ESD principles and environmental management practices to ensure that the environment is protected for future generations.
- **Biodiversity Principle** – There is no threat of serious or irreversible environmental damage as a result of the proposal. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities or significant habitats.
- **Valuation Principle** – The valuation principle is more appropriately applied to strategic planning decisions rather than at the scale proposed by this proposal. The principle is therefore not considered to be relevant to this particular proposal.

The Department considers that the proposal appropriately satisfies ESD principles.

### 3.8 Compliance with Clause 3B of Schedule 6A of the EP&A Act

Clause 3B(2)(d) of Schedule 6A the EP&A Act specifies that a consent authority must not grant consent under Part 4 unless it is satisfied that a development is generally consistent with the terms of the approval of a Concept Plan.

A detailed assessment of the development's consistency with the Concept Plan approval has been undertaken (refer **Appendix E**). The development is consistent with the Concept plan, with the exception of the following:

- the height of the proposed building, RL 50.27, exceeds the approved height, RL 44.1, by 6.17m;
- the footprint of the proposed building extends outside of the approved building footprint; and
- it is proposed to provide a basement which solely serves this building, rather than having a shared basement with Buildings D1, D2 and D3.



The modification application seeks to modify the Concept Plan to allow for the above amendments. An assessment of the proposed modifications has been undertaken in Section 5. The Minister must grant approval to the modification prior to determining the development application.

## 4. CONSULTATION AND SUBMISSIONS

Under Section 89F(1) of the EP&A Act, the Director-General is required to make the development application (DA) and any accompanying information of an SSD proposal publicly available for at least 30 days. The Director-General also considered it necessary to make the section 75W application publicly available for 30 days.

After accepting the Environmental Impact Statement (EIS) and section 75W modification application the department:

- placed the EIS and modification application on public exhibition from 10 April - 24 May 2013:
  - on the department's website,
  - at the department's Information Centre and City of Sydney Council one stop shop, and
  - Redfern Community Centre.
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and City of Sydney Council by letter; and
- advertised the exhibition in the Sydney Morning Herald, the Daily Telegraph and the Central.

During the exhibition period, the department received 17 submissions on the applications:

- 9 from public authorities; and
- 8 from the general public

A summary of the issues raised in submissions is provided below.

### 4.1 Public Authorities

Submissions were received from 9 public authorities in response to the exhibition of the applications. The submissions did not raise objection, but provided recommended conditions or matters to be addressed. The submissions are summarised in Table 2 below.

Transport for NSW	
Mod & SDD	<ul style="list-style-type: none"> <li>No issue with the proposed modification or the application for affordable housing.</li> </ul>
Transport – Railcorp	
Mod	<ul style="list-style-type: none"> <li>No objection to application, subject to the changes being contained within Lot 3 DP 1175706.</li> </ul>
SSD	<ul style="list-style-type: none"> <li>Requests various conditions be imposed on any approval given to prevent encroachment onto their land and control construction impacts to prevent adverse impacts on rail infrastructure.</li> </ul>
Transport - Road and Maritime Services	
Mod	<ul style="list-style-type: none"> <li>No objection to application; and</li> <li>There will not be a significant traffic impact on the classified road network.</li> </ul>
SSD	<ul style="list-style-type: none"> <li>No objection to application;</li> <li>The development should comply with the North Eveleigh Affordable Housing Project Traffic Management and Accessibility Plan (TMAP);</li> </ul>

	<ul style="list-style-type: none"> <li>The layout of the driveway and car park should be in accordance with AS 2890.1 – 2004;</li> <li>The developer shall be responsible for all public utility adjustment/layout works; and</li> <li>All works / regulatory signposting associated with the development shall be at no cost to RMS.</li> </ul>
<b>Sydney Water</b>	
<i>Mod</i>	<ul style="list-style-type: none"> <li>As the proposed increase in height will not result in any significant increases to the water and wastewater services, Sydney Water do not have any further comments.</li> </ul>
<i>SSD</i>	<ul style="list-style-type: none"> <li>As the Concept Plan has been approved by Sydney Water and less than 100 units are now proposed, we have no specific servicing comments at this stage; and</li> <li>The applicant must apply for a Section 73 certificate.</li> </ul>
<b>NSW Environment Protection Authority</b>	
<i>Mod &amp; SSD</i>	<ul style="list-style-type: none"> <li>The draft construction management plan should be consistent with EPA comments on the draft DGRs including: <ul style="list-style-type: none"> <li>standard construction hours as per the Interim Construction Noise guideline,</li> <li>intra-day respite periods for high noise impact work;</li> <li>erosion and sediment control in accordance with the 'Blue Book' fourth edition; and</li> <li>dust emissions minimisation and prevention.</li> </ul> </li> <li>It is anticipated that the site remediation will have been completed before any construction commences.</li> </ul>
<b>Heritage Council of NSW</b>	
<i>Mod</i>	<ul style="list-style-type: none"> <li>The Concept plan envisages the new development would have continuity of scale with the historic buildings. With this in mind it would be appropriate to retain the height of the proposed building to be similar to the height of the Carriage Works especially on its junction with the affordable housing buildings. It is therefore considered that the proposed modification is likely to have a detrimental impact on the continuity of scale expected by the Concept plan and should be avoided, if possible.</li> </ul>
<i>SSD</i>	<ul style="list-style-type: none"> <li>It is desirable that the height of the proposed building, especially on the eastern corner, is reduced to be no more than the height of the Carriage Works building;</li> <li>The proposed architectural treatment with deep wrap around recessed balconies is likely to be at odds with the industrial character of the Carriage Works building and other heritage buildings on site;</li> <li>A proposed entrance at the eastern edge would be considered more sympathetic with the Carriage Works building if it was designed as a solid wall with an opening for entrance rather than the whole building being recessed with only the columns presenting on the northern facade at ground level; and</li> <li>The increase in building footprint is acceptable and is unlikely to have any adverse impact on heritage buildings provided the eastern edge of the previously approved building envelope is retained.</li> </ul>
<b>Housing NSW – Family and Community Services</b>	
<i>Mod &amp; SSD</i>	<ul style="list-style-type: none"> <li>Strongly supports the proposal as it will significantly increase the supply of affordable housing in the location and will contribute to the target in the Redfern-Waterloo Affordable Housing Contributions Plan for the North Eveleigh site.</li> </ul>
<b>Sydney City Council</b>	
<i>General</i>	<ul style="list-style-type: none"> <li>Council is supportive of the redevelopment of the site and provision of much needed affordable housing.</li> </ul>
<i>Mod</i>	<ul style="list-style-type: none"> <li>The change in building footprint will reduce the building separation from Building D1 (adjoin building approved under Concept plan) from 14.8m to 9m, which is a variation from the SEPP 65 guidelines. It is recommended that the Department give consideration to the potential privacy and amenity impacts from this reduced separation.</li> </ul>
<i>SSD</i>	<ul style="list-style-type: none"> <li>Residential amenity of future occupants could be improved through resolution of the</li> </ul>



	<p>following issues:</p> <ul style="list-style-type: none"> <li>○ Apartment type B – It is questioned how much natural light this typology of apartment will receive and whether future residents would receive adequate internal amenity;</li> <li>○ The location of bedroom windows directly facing onto the external walkway may create acoustic privacy issues;</li> <li>○ It is noted that 37.5% of apartments do not comply with the minimum internal unit areas. The proponent's justification for this is not adequate;</li> <li>○ The floor to floor heights should be increased from 3m to 3.05m to ensure floor to ceiling heights of 2.7m can be provided; and</li> <li>○ The submitted shadow diagrams were not sufficient to determine whether surrounding envelopes approved under the Concept plan can achieve adequate solar access.</li> </ul> <ul style="list-style-type: none"> <li>• Individual entries should be provided to the ground floor units to increase street activation;</li> <li>• It is recommended that Department give consideration to including a greater number of 3 bedroom apartments to cater for families;</li> <li>• Council's heritage specialist has raised concern regarding the use of face brick due to the proximity of adjacent heritage listed buildings. It is noted that the Concept plan recommended the use of light-weight cladding to reduce the competition between infill buildings and the significant heritage buildings on the site;</li> <li>• No objection is raised to the basement car park configuration or access from the site from the new western access road, subject to the internal road being dedicated as a public road;</li> <li>• The garbage room cannot be accessed by Council from the adjoining road to the east, as this is not a public road. The location of the garbage room should be reconsidered;</li> <li>• No objection is raised to the amount of car parking provided for future residents. It is requested that consideration be given to the provision of visitor parking; and</li> <li>• It should be clarified with the applicant whether dewatering will be required.</li> </ul>
<i>RtS sub</i>	<ul style="list-style-type: none"> <li>• The principle issues raised in the City's submission have been resolved;</li> <li>• City withdraws its objection (subject to the submission of the agreed amended plans). <b>NB:</b> The applicant has submitted the agreed plans.</li> </ul>
<b>NSW Police</b>	
<i>Mod &amp; SSD</i>	<ul style="list-style-type: none"> <li>• Redfern LAC note that attention to safety through surveillance principles and movement between the buildings is apparent from looking at the plans;</li> <li>• Police would recommend the trees and natural vegetation be kept free from buildings to avoid persons using these as natural ladders between balconies. Balconies should also be free from ladder step points and these assist break and enters;</li> <li>• Foliage should be kept clear from seating, to maintain clear sight lines;</li> <li>• CCTV should be upgraded at MacDonalddown, given this station will become more frequently used;</li> <li>• Access to railway land must be prevented at all times;</li> <li>• Way finding signage may be beneficial to avoid persons inadvertently entering the housing sites;</li> <li>• Inadequate on-site provision of parking can lead to additional demand on existing residential streets, which can lead to conflict; and</li> <li>• A lighting maintenance policy should be implemented.</li> </ul>

Table 2: Summary of agency submissions

### 4.3 Community

A total of 8 submissions were received from the public (for both applications), all of which objected. The issues raised in the submissions are summarised in table 4 below.

Issue	Proportion of submissions (%)
Increased traffic	63
Road safety issues	63
Height, bulk and scale	50
Construction impacts	38
Adequacy of traffic assessment	25
Impact on on-street parking	25
Others issues raised included: an additional driveway is required to the site, the design including materials and roof form is inappropriate, there was inadequate consultation	

Table 3: Summary of Issues Raised in Public Submissions

An assessment of the key issues raised in submissions has been undertaken in Section 5 of this report.

### 4.4 Response to Submissions

The Proponent provided a response to the issues raised in submissions which is included in the RtS (see **Appendix C**). Changes to the scheme are summarised in **Appendix C**. The Department is satisfied that the issues raised in submissions have been addressed, either through this report and recommended conditions or by the Proponent.

The modifications made to the development in the amended plans have increased the height of the building by between 0.4 – 0.9m and altered the alignment and arrangement of the building facades. It has been determined that the modifications do not result in any substantially different impact on surrounding properties and accordingly the RtS has not been re-exhibited.

## 5. ASSESSMENT

### 5.1 Section 79C Evaluation

**Table 4** identifies the matters for consideration under section 79C that apply to State significant development, in accordance with section 89H of the EP&A Act. The table also represents a summary for which additional information and consideration is provided for in Section 5.2 (Key and Other Issues) and relevant appendices or other sections of this report and the EIS, referenced in the table. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the DGRs and in accordance with the requirements of section 78(8A) of the EP&A Act and Schedule 2 of the Regulation.

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The department's consideration of the relevant EPI's is provided within Section 3 and Appendix D of this report.
(a)(ii) any proposed instrument	Not applicable.

(a)(iii) any development control plan (not applicable to SSD)	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSD's and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Satisfactorily complies. See assessment below.
(c) the suitability of the site for the development	See assessment below.
(d) any submissions	Consideration has been given to submissions received during the exhibition period. See Section 4 and the assessment below.
(e) the public interest.	The application is considered to be in the public interest as it will provide new housing in a well serviced area. The proposed housing will be affordable meeting the needs of the community and contribution to the creation of a diverse community. The building is of a high quality and will positively contribute to the urban environment.
Biodiversity values exempt if:	
(a) On biodiversity certified land?	Not applicable
(b) Biobanking Statement exists?	Not applicable

Table 4: Section 79C(1) Matters for Consideration

## 5.2 Key and Other Issues

The department considers the key environmental assessment issues for the proposal to be:

- height;
- heritage;
- traffic, parking and access; and
- residential amenity.

Each of the above issues is relevant to the Concept Plan modification application and to the development application. Accordingly, the assessment below relates to each of the applications.

### 5.2.1 Height

The Concept Plan approved buildings envelopes ranging in height from 4 – 12 storeys over the western site of the North Eveleigh precinct. The 4 storey building envelopes address Wilson Street and complement the scale of adjacent development. The 6 storey envelopes commence on the southern side of Carriageworks Way and are intended to maintain continuity of scale with the adjacent heritage buildings on the site. The 8 and 12 storeys envelopes are located along the site's southern boundary adjacent to the railway line.



Building D4 has a maximum approved height of RL 44.1 and it is proposed to increase the maximum height to RL 50.27. The proposed maximum height would be reached at a single point, being the roof of the plant room with the other portions of the building being of varied lower heights. **Table 5** details the differences in approved and proposed heights and **Figure 8** illustrates the differences.

Approved height	Proposed height
<b>Western end of building</b>	
<ul style="list-style-type: none"> <li>RL 44.1</li> <li>6 storeys</li> </ul>	<ul style="list-style-type: none"> <li>RL 45.56 (1.45m breach) - Parapet and balcony soffit.</li> <li>RL 45.75 (1.65m breach) - Lift overrun.</li> <li>6 storeys.</li> </ul>
<b>Mid section of building</b>	
<ul style="list-style-type: none"> <li>RL 44.1</li> <li>6 storeys</li> </ul>	<ul style="list-style-type: none"> <li>RL 44.36 (0.26m breach) - Balcony soffit.</li> <li>RL47.620 (3.52m breach) - Roof.</li> <li>7 storeys.</li> </ul>
<b>Eastern end of building</b>	
<ul style="list-style-type: none"> <li>RL 44.1</li> <li>6 storeys</li> </ul>	<ul style="list-style-type: none"> <li>RL 48.82 – Parapet.</li> <li>RL 50.27 - Roof plant.</li> <li>7 storeys.</li> </ul>

Table 5 – Comparison of approved and proposed building height

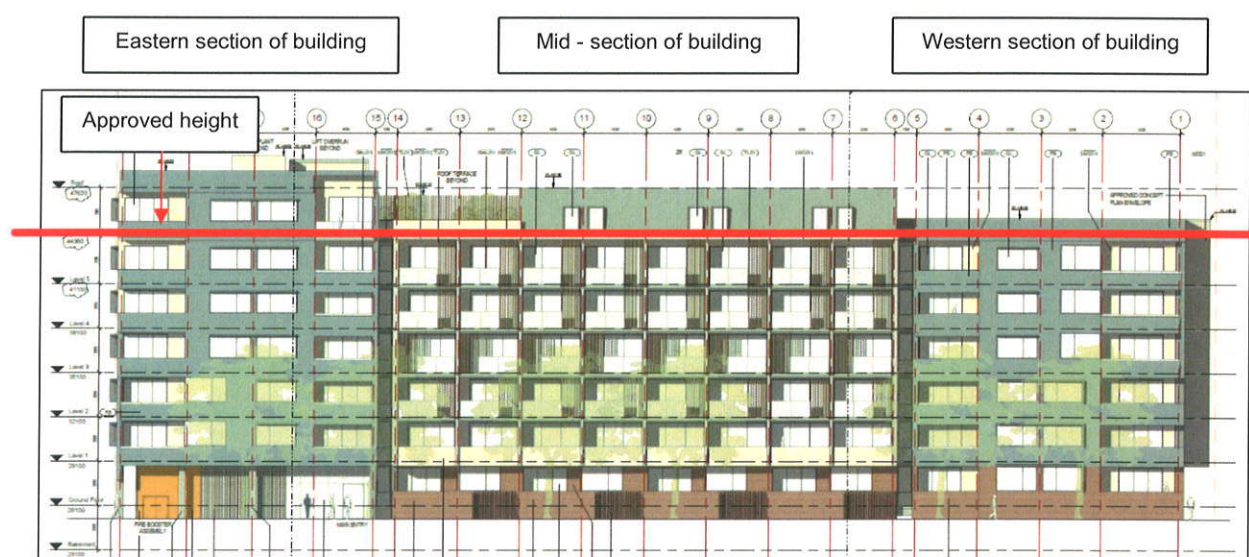


Figure 8 - Approved and proposed building height

The Heritage Council are of the opinion that the proposed increase in height is contrary to the intent of the Concept plan to provide a consistency of scale along Carriageworks Way. Heritage issues are discussed in Section 5.3. Public submissions expressed the view that there should not be any increase to the approved building heights.

The Department has carefully considered the proposed increase in height in the context of the Concept Plan approval, surrounding development and its potential amenity impacts. The increase in height is supported for the following reasons:

- The pattern of building heights approved under the Concept Plan approval will remain, with lower building heights on the northern boundary, transitioning to taller building heights towards the south. The four storey envelopes addressing Wilson St screen views of the taller buildings envelope on the southern side of Carriageworks Way, from broad sections of Wilson Street (refer **Figure 9**);

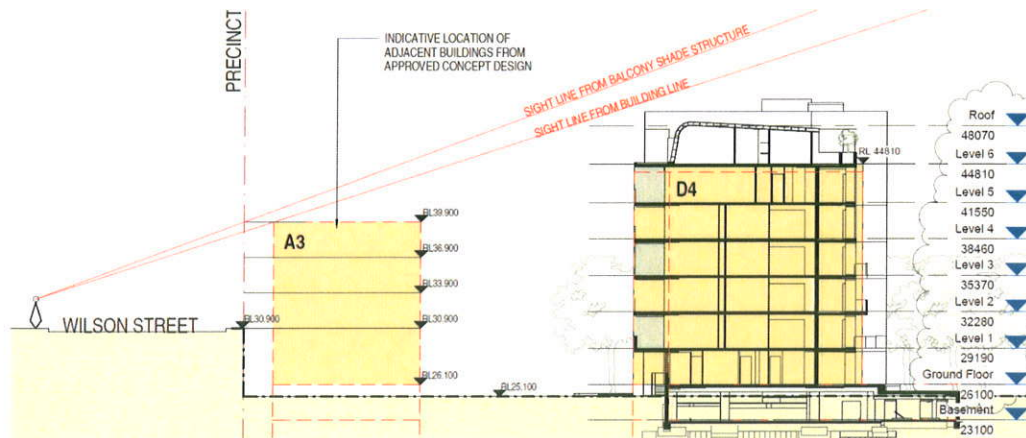


Figure 9 – View lines from Wilson Street

- the western end of the building is six storeys in height as anticipated by the Concept Plan approval. The additional height in this section of the building, relates to necessary architectural treatments (e.g. parapets);
- the mid section of the building is seven storeys in height. The additional storey is setback behind alignment of the balcony roof below and has a recessed form, with a raking zinc roof, minimising its visual impact;
- the eastern end of the building is seven storeys in height. The additional height reinforces the north-eastern corner in a similar manner to the adjacent corner of the Carriage Works building;
- the additional shadowing from the increase in height will not prevent the development of buildings with acceptable amenity to the south;
- the additional height increase is considered to be minor and does not result in a substantial change in relationship to or adverse impact upon the Carriage Works building. This issue is discussed in detail in Section 5.2.2 below; and
- the approved envelopes did not provide sufficient height for roof top detailing (e.g. parapets) or plant, which are necessary building elements.

The proposed increase in height is therefore supported. The additional height will not be inconsistent with the framework established by the Concept Plan, nor will it result in any unreasonable amenity impacts.

### 5.2.2 Heritage

The North Eveleigh Precinct is historically significant for its role in providing construction and maintenance services for railway carriages and wagons. The site evidences the rapid development of the NSW rail network, the Government's confidence in the future of rail transport, and international trends in the rail industry during the period of its operation. It has aesthetic and technological value for the original buildings of the Carriage and Wagon Workshops, being among Sydney and the state's finest examples of late Victorian industrial buildings.

The entire North Eveleigh Precinct is listed on the State Heritage Register, however not all elements are necessarily of State heritage significance. *State Environmental Planning Policy (Major Development) 2005 (SEPP MD)* also classifies items within the North Eveleigh Precinct as being of heritage significance. In addition to the heritage items within the North Eveleigh Precinct, the surrounding area includes locally listed heritage items and conservation areas (Queen St, Golden Grove and Pines Estate). The subject site (B4) does not contain any specifically listed item of heritage significance, but does adjoin the Carriage Works buildings which is listed on the State Heritage Register and identified in the MD SEPP.



The Heritage Council raised a number of concerns in its submission (refer **Section 4.1**) The Heritage Council are concerned that the proposed increase in height is likely to have a detrimental impact on the continuity of scale, the deep wrap around recessed balconies are likely to be at odds with the industrial character of the Carriage Works building, the proposed brick colour is not clear, and the entrance at the eastern edge should be more sympathetic with the Carriage Works building.

The Concept Plan approval sought to preserve the heritage significance of the site by retaining key historic elements and developing a new street and block network based on the alignment of the retained buildings and the street pattern within the surrounding areas. The building will not have any unreasonable heritage impacts for the following reasons:

- the Carriage Works building and the proposed building are physically and visually separated by the roadway and parking area between them which has a width of greater than 20m. The approved heritage interpretation plan proposes elements within the roadway to provide an appreciation of how the Carriage Works building historically interacted with the surrounding spaces;
- the bulk, scale and detailed presentation of the Carriage Works building means that it will remain the most prominent built element in the precinct;
- the building alignment matches the Carriage Works building and will establish an appropriate street edge;
- the stepping up in height reinforces the corner, in a manner similar to the Carriage Works building; and
- the approved building envelope is 4.6m higher than lower parapet and 0.9m higher than the ridge of the corner element of the Carriage Works building (refer **Figure 10**). The increase in height does not result in any substantive change in height relationship.

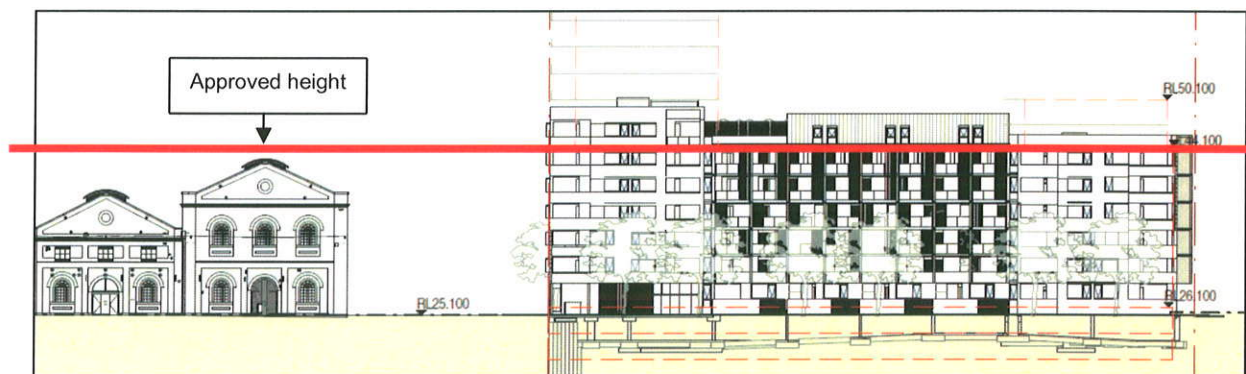


Figure 10 – Height relationship of proposed building with Carriage Works building.

The applicant redesigned the main building entry in response to the concerns of the Heritage Office. The setback of the entry from Carriageworks Way has been reduced and additional solid elements have been added. The redesigned entry better reflects the form of the Carriage Works building and is acceptable.

The applicant has selected 'Bowral blue' as the brick colour. The darker coloured bricks are evocative of the former industrial character, whilst providing a recessive backdrop to the Carriage Works building.

The applicant has retained the recessed balconies. The recessed balconies effectively differentiate the proposed building's residential use from the Carriage Works buildings industrial character. This difference in character was anticipated by the Concept approval.

Overall, the department is satisfied that the proposed development is consistent with the intent of the Concept approval and will have an appropriate relationship with the Carriage Works buildings.

### 5.2.3 Traffic

Traffic was a key issue in the assessment of the Concept Plan. The assessment considered the combined impact from the redevelopment of the North Eveleigh Precinct and the Abercrombie Precinct of Sydney University. The assessment concluded that the traffic impacts would be acceptable subject to the upgrading of key intersections and the development of a Transport Access Management Plan (TMAP) to achieve a maximum 40% mode share to cars. Modification B3 (Transport and Pedestrian Management) of the Concept Plan approval requires a Transport Management and Accessibility Plan (TMAP) to be prepared prior to or concurrently with the first application for new floor space on the site.

The Statement of Commitments of the Concept Plan approval includes a commitment to address a number of traffic matters, including traffic management measures to ensure a right hand turn is not permitted from Wilson Street into Queen Street when exiting the site from Carriageworks Way, subject to the approval of the relevant roads authority. Queen Street is a local road adjacent to entry point to the site, which links Wilson Street and King Street and has a signalised intersection at King Street, which permits traffic to move in both directions.

A TMAP was submitted with the subject development application and considers impacts from the development of up to 200 dwellings. Transport for NSW and the Department of Planning have agreed to the preparation of a staged TMAP due to the uncertainty about if or when some portions of the Precinct may be developed. The applicant acknowledges the need to update the TMAP as future stages are developed.

The submitted TMAP considers a range of issues, including the travel patterns of the existing population, traffic generation and operation of intersections and availability of public transport. Its key findings are as summarised follows:

- the development of 200 dwellings (NB: only 88 dwellings are proposed under this application) will lead to the generation of 48 vehicles travelling to and from the site in the peak periods;
- there will be a slight increase in the degree of saturation at the intersections of Abercrombie Street/Shepherd Street and Abercrombie Street/Lawson Street, but the existing level of service (B) will not be reduced;
- Queen Street currently carries low traffic volumes – less than 1000 vehicles per day. It is expected that an additional 10 vehicles from the development may travel along Queen Street in peak hour (if the right hand turn is not banned) and this level of traffic increase is negligible. The implementation of any physical measure which restricts traffic movements is not considered critical from a traffic capacity perspective;
- the development is within close proximity of a range of good public transport options;
- the development has good access to pedestrian and cycling facilities, which are proposed to be upgraded by the City of Sydney;
- census data indicates that Darlington has low private vehicle journey to work mode share, reflecting the good public transport walking and cycling network surrounding the site;
- a site specific travel plan should be developed, including a travel access guide;
- a Construction Traffic Management Plan is required prior to commencement of construction; and
- in summary, the development is considered to have a minimal impact on the local transport network.



Traffic was the key issue raised in residents submissions. Residents concerns included the impact of additional traffic upon the operation, environment and safety of Queen Street, the re-direction of traffic if a median strip were constructed in Wilson Street and the impact of construction traffic. Roads and Maritime Services and Transport for NSW reviewed the TMAP and raised no objection. Council did not raise traffic concerns in its submission.

The proposed development will generate 22 additional vehicle movements in the peak periods, which will be dispersed across various routes. This is a low number of additional movements and will have a minimal impact on the road network and does not trigger the need for any intersection upgrades or general infrastructure works.

The site is well serviced by public transport and pedestrian and cycle routes. The accessibility of this infrastructure will promote people travelling by means other than private motor vehicles. This is evidenced by the travel behaviours of existing residents of the area, with 56% of people travelling to work via trains, bus, walking or cycling, which is considerably higher than the 19% average for the Greater Sydney Region. The provision of a Travel Access Guide (as recommended in the TMAP) will further promote this behaviour.

The TMAP contemplates the provision of a median strip on Wilson Street to prevent a right hand turn into Queen Street when exiting the site from Carriageworks Way, as was committed to in the Concept Plan approval. The provision of this median would restrict a traffic movement and under the provisions of the Roads Act must be the subject of community consultation. The TMAP recommends that subject to consultation with the community and discussions with the road authority, that the central median be investigated prior to development of more than 100 dwellings. The provision of this will be considered further during the assessment of future applications.

The public submissions expresses a variety of views on the median with some believing it is required to protect the amenity of Queen Street and others of the view it will lead to adverse impacts on other streets and it is appropriate that it be the subject of detailed consultation with affected parties. The low traffic impact from the development on Queen Street, 10 vehicle movements per hours in peak periods, mean that the median is not currently required. The Department notes that the Proponent is not seeking to abrogate its responsibilities regarding the median strip.

### **Internal roads and access**

On the 2 November 2012, UrbanGrowth NSW Development Corporation (UGDC) (formerly the Sydney Metropolitan Development Authority) issued a Part 5 approval for infrastructure works including the road network. The works are under construction.

Council identify in its submission that access to the site under the Concept Plan approval was from the roadway to the east of the site. Council does not object to access being obtained from the western access road, subject to that road being dedicated as a public road. It is the intention of UGDC to dedicate the roads to Council. UGDC has committed to creating a Right of Way to facilitate on-going access to the site, if it is not possible to dedicate the roads and a condition is recommended to that effect.

### **Vehicle and bicycle parking**

The proposed building contains a single level basement level, containing 39 car spaces (including 3 visitor space) and 88 bike spaces.

The Concept plan approval specifies maximum parking rates. An analysis of the maximum allowable and proposed parking provision is made in Table 6 below.

	Maximum parking rate Concept approval	Maximum parking provision under Concept approval	Proposed parking provision
Studio	0.25 spaces per dwelling	2.5	39
1 bedroom	0.50 spaces per dwelling	18.5	
2 bedroom	1.2 spaces per dwelling	43.2	
3 + bedroom	2 spaces per dwelling	10	
<b>Total</b>		<b>74.2</b>	

Table 6 – Comparison of Approved and Proposed parking rates

The proposed parking provision complies with the maximum rates of the Concept Plan approval.

Parking was a key issue raised in resident's submissions. The specific concern of residents was that insufficient parking was being provided and that this would lead to increased demand on on-street parking. Council did not object to the quantum of car parking but requested that provision be made on site for visitor parking. The proponent responded to Council's request by providing three visitor spaces.

The Concept approval seeks to minimise traffic impacts and reduce car usage and this can in part be achieved by providing less parking, as fewer cars will be accommodated on or attracted to the site. The proposed parking provision is consistent with the Concept Plan approval. It is the policy of City West Housing to provide parking to approximately 40% of their dwellings and this is generally consistent with the demand for parking from their residents. Council has advised that residents of the building will not be entitled to participate in the residents parking scheme, which will discourage residents from using on-street parking. The Department supports the proposed parking provision as it is consistent with the Concept Plan approval and complements the requirements of the future users.

The proposed bike parking is provided in two areas, one which is secure and the other open. The number of bicycle parking spaces is generous exceeding the requirements of the NSW Planning Guidelines for Walking and Cycling and will provide plentiful space for residents and visitors.

The Concept approval includes a large basement garage, with parking for 289 spaces to serve Buildings B1 – B4. The proposed basement garage will serve only the proposed building. This arrangement does not prevent future buildings on sites D1 – D3 from being able to provide on-site parking and is acceptable.

The proposed development will have a minimal impact on the road network. The proposed parking provision is consistent with the Concept Plan approval and will encourage the use of alternative forms of transport.

#### 5.2.4 Residential Amenity

The proposed development has been assessed against *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC)(refer **Appendix D**) and is generally consistent with their requirements.

#### Overshadowing

The proposed additional height and extension to the south-western corner of the building result in additional overshadowing of development lots C2, D1 – D3, which are approved for residential purposes.

Lots D1 – D3 are configured in u-shape arrangement and as such are able to obtain sunlight access from a variety of directions (refer **Figure 3**). In the event that lots D1 – D3 are developed generally in accordance with the Concept plan, the approved lots are capable of providing apartments which receive adequate solar access for a higher density urban environment despite the increase in height.

The form of future development on the adjoining lots is uncertain. The lands are owned by Railcorp and have been identified as potentially being required for the future rail infrastructure (North Eveleigh drive). The development of these lands for infrastructure will impact upon their potential for residential purposes.

On the 12 July 2013, the Minister for Planning & Infrastructure announced a call for expressions of interest to develop the railway corridor between Central Station and Eveleigh. The expressions of interest may propose an alternative form of development on those lands.

### **Solar Access**

The RFDC Rules of Thumb recommend that at least 70% of units achieve a minimum three hours direct sunlight in living rooms and private open spaces in mid-winter. The proposed design maximises the sites orientation and 84% of apartments receive 3 hours sunlight.

The ground level open space is located to the south of the building (consistent with the Concept Plan approval) and will receive a limited amount of sunlight in the morning. The communal roof top landscaped area will however be in sunlight throughout the day.

### **Cross Ventilation**

The RFDC Rules of Thumb recommend that 60% of units be naturally cross ventilated. The design allows 87% of apartments to be cross ventilated.

### **Ground Floor Apartments**

The RFDC provides recommendations on the special treatment required for ground floor apartments to contribute to streetscapes and increase residential amenity. In particular, the RFDC recommends that where appropriate, ground floor apartments should be provided with individual entries and private courtyards.

The ground level has 6 apartments, 4 of which will have a separate entry from Carriageworks Way. All ground floor apartments have private open space area and windows which overlook the street. The proposed arrangement satisfies the objectives of the RFDC.

### **Building Separation and building footprint**

As approved, Building Envelope D4 is separated from approved envelope D1 by a distance of 14.8m. The proposed extension to the southwest corner of the building footprint will reduce the separation distance to 9m (refer **Figure 11**), which is below the 18m separation recommended by the RFDC.

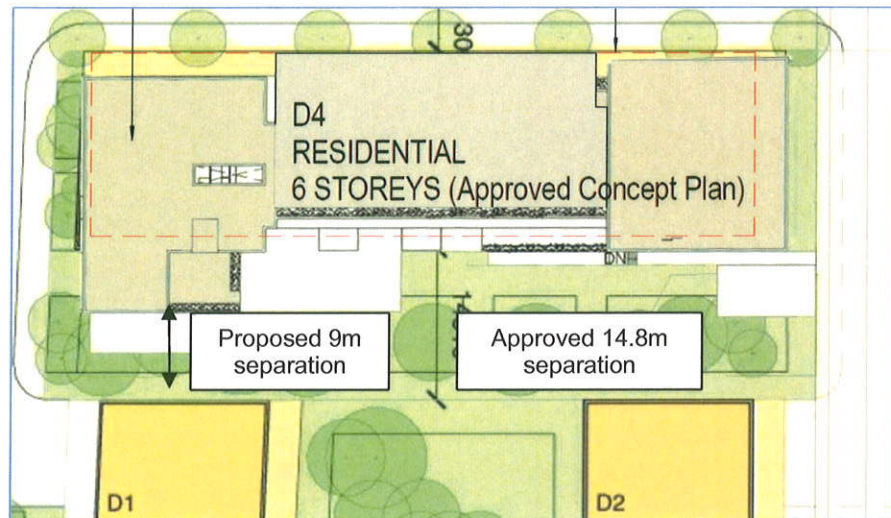


Figure 11 – Approved and Proposed building separation

In this instance the reduced separation is supported for the following reasons:

- as discussed above (see overshadowing) the form of future development on the development lots to the south (D1 – D3) is uncertain;
- the south-western façade is 20m in length, with the remainder of the façade maintaining the 14.8m separation distance approved under the Concept plan; and
- the south-western façade has been carefully designed to minimise conflict with any future buildings on adjoining lands, by limiting the number of window and balcony openings and by orienting the apartments to the east and west, thereby minimising potential amenity impacts.

### Apartment layout

The proposed Type A and B (studio/1 bedroom) apartments fall below the recommended minimum floor area requirements of 70m<sup>2</sup> by 1.5m<sup>2</sup> (approx). The Type B (3 bedroom) apartments fall below the recommended minimum floor area requirements of 95m<sup>2</sup> by 5m<sup>2</sup> (approx). The shortfall is considered to be minor and does not compromise the amenity or functionality of the apartments, which have an efficient layout allowing for appropriately sized rooms and a high level of internal amenity.

### Building Design

The proposed building is a high quality design which responds to its context. The longer northern and southern facades are broken into sections, to break up massing. The three sections have a patterning which provides visual interest to the facade. The upper storey varies in height and form providing visual interest. The chosen materials reflect the materials used in the adjoining heritage buildings.

#### 5.2.5 Other Matters

##### Social Impacts

The EIS included a social impact assessment report. The report considered broader social issues such as impact on services (e.g. child care), as well as specific social issues related to the building, such as creating community. The social impact assessment was supportive of the project, identifying that there will be minimal impact on available services and recognising the expertise of City West housing in managing affordable housing developments.



The building has been deliberately designed to promote community within the building. The gallery area will provide access to the apartments, but also includes bays which will function like public balconies, promoting incidental interaction between residents. The communal gardens and roof top terrace are available to all residents and their use will lead to further interaction.

### **Visual and acoustic privacy**

A number of the proposed apartments have windows which address the open air gallery on the southern side of the building. The gallery is an external corridor which provides access to the apartments. The applicant is cognisant of the potential acoustic and visual privacy impacts from having windows opening to the gallery. It is proposed to manage these impacts through the use of high level windows and an adjustable dual layer screen system which allows residents to move the screens to achieve their desired level of privacy, ventilation and light access.

At present there are no surrounding users which are sensitive to overlooking. The development of the precinct will see other residential uses introduced. The development maintains adequate separation from the other building envelopes to allow for a satisfactory level of privacy.

The EIS included an acoustic assessment report which assessed the impacts of noise from the rail corridor. The report identified that thicker glazing is required to achieve compliance with the relevant standards. A condition of approval is recommended specifying that the recommendations of the acoustic assessment must be implemented.

### **Developer Contributions**

Developer contributions in the North Eveleigh Precinct may be levied under the following plans:

- Redfern-Waterloo Authority Contributions Plan 2006; and
- Redfern-Waterloo Authority Affordable Housing Contributions Plan 2006.

Clause 6 of each of the plans specifies development to which they apply. Development for the purpose of affordable housing provided by a community housing organisation registered with the Office of Community Housing may be exempted from making contributions under the plan, subject to notice be given in writing by the Minister (or delegate).

The development is for the purpose of affordable housing and City West Housing Pty Ltd is registered on the NSW Government Register of Community Housing (Registration No: R0158090625). Accordingly, the Minister may issue a notice of exemption.

The provision of affordable housing is a key objective of the State Plan, Sub-Regional Strategy and City West SREP. The Minister's Concept plan anticipates that affordable housing will be provided in the precinct. The existing social and general service infrastructure has capacity to accommodate the development. The development will assist in maintaining diversity within the local community.

Accordingly, it is the recommendation of this report, that the Executive - Director, Development Assessment Systems & Approvals (as delegate of the Minister) by signing this report gives notice that an exemption is granted to the development from the provisions of the abovementioned plans.

## **Contamination**

State Environmental Planning Policy 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.

Remediation works were approved undertaken under the Part 5 approval issued by UGDC. In its submission, the Environmental Protection Authority advised that they anticipate that the site remediation will be completed prior to any construction works commencing.

It is the recommendation of this report that a condition be imposed specifying that an accredited Site Auditor must issue a site audit statement specifying the site is suitable for the proposed use, prior to issue of any Construction Certificate.

## 6. RECOMMENDATION

---

The Department has assessed the merits of the section 75W modification application and the State Significant Development application, taking into consideration the issues raised in submissions and is satisfied that the impacts have been addressed in the RtS, the Revised Statement of Commitments and by the recommended conditions of approval.

The Department is satisfied that the changes to the proposed development both in the RtS and required by the recommended conditions address the key issues raised during the assessment process. The Department notes the following key findings:

- the provision of affordable housing is a key objective of the State Plan, Sub-Regional Strategy and City West SREP. The sub-regional strategy identifies the importance of providing affordable housing in the North Eveleigh Precinct;
- the site is well located near to services, including public transport and education facilities and is an appropriate location for higher density housing;
- the proposed building appropriately relates to the adjoining Carriage Works building, being of an appropriate scale, materials and form; and
- the proposed building will provide a high level of amenity for residents and promote social interaction.

It is recommended that the Executive-Director Development Assessment Systems and Approvals

- (a) consider the report and its findings and approve the modification request by signing the attached modifying instrument (**Appendix F**);
- (b) consider all relevant matters under Section 79C of the *Environmental Planning and Assessment Act 1979*, including those contained in the findings and recommendations of this report and appended documentation and grant consent to the development application, subject to conditions, under section 89E of the *Environmental Planning and Assessment Act 1979* and sign the attached instrument of consent (**Appendix F**).

Prepared by



Mark Schofield  
Team Leader

Prepared by:



Heather Warton  
Director  
Industry, Social Projects & Key Sites

Approved by:

Chris Wilson  
Executive Director  
Development Assessment Systems & Approvals

## **APPENDIX A ENVIRONMENTAL IMPACT STATEMENT AND SECTION 75 MODIFICATION APPLICATION**

---

See [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5708](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5708) and  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5932](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5932)



## **APPENDIX B SUBMISSIONS**

---

See [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5708](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5708) and  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5932](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5932)

## **APPENDIX C    APPLICANT'S RESPONSE TO SUBMISSIONS**

---

See [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5708](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5708) and [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5932](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5932)

### **Response to Submissions**

Key modifications made in the RtS report include:

- the ground floor has been setback 1.05 - 1.42m from the eastern boundary to provide a footpath along the eastern boundary, to improve pedestrian circulation and allow for the collection of garbage from Carriageworks Way;
- the bedroom windows to the Type B apartments have been made larger to improve access to natural sunlight;
- additional screening has been added to balconies and the rooftop garden to improve safety;
- additional balconies have been added to the west facing balconies at levels 1 to 6 to increase the street activation;
- the building has been increased in height from RL 48.1 to RL 49.1 to allow stormwater to be gravity fed to the on-site detention tanks;
- a visitor parking space has been added to the basement; and
- the entry at the northeastern corner of the ground floor of the building has been redesigned to include more solid elements.

### **Supplementary Submission**

Key modifications made in the supplementary submission:

- the relocation and redesign of the garbage room, so that it is approximately 10m closer to Carriageworks Way and is accessible from the eastern boundary;
- the floor to ceiling heights of the building have been increased from 3.0m to 3.09m, with a consequential 450mm increased in the height of the building;
- two additional visitor car parking spaces have been provided, by reallocating two resident spaces;
- individual entries have been provided to four of the ground level apartments addressing Carriageworks Way; and
- the height of the zinc roof over the mid-section of the upper storey has been increased.

## APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

### State Environmental Planning Policy 55 – Remediation of Land

*State Environmental Planning Policy 55* requires a consent authority to consider whether land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

The site is being remediated under a Part 5 approval issued by the UGDC. The Environmental Protection Authority anticipates that the site remediation will be completed prior to any construction works commencing.

It is the recommendation of this report that a condition be imposed specifying that a site audit statement must be issued by an accredited Site Auditor in relation to the Part 5 approval, specifying the site is suitable for the use, before any construction certificate is issued.

### State Environmental Planning Policy (Infrastructure) 2007

*State Environmental Planning Policy (Infrastructure) 2007* requires that relevant public authorities be consulted in relation to certain development during the assessment process or prior to development commencing. Relevant authorities, being Roads & Maritime Services, Ausgrid and Railcorp were notified and given the opportunity to make representations in respect of the proposed development. No agency has raised objection to the development (refer to **Section 4**).

### State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Buildings

SEPP 65 seeks to improve the design quality of residential flat development through the application of a series of 10 design principles. A Design Verification Statement has been provided by Mr Ross Styles (Director – Architect No. 6383) of Architectus (refer to **Appendix GG** of EIS), which concludes that the proposal satisfies the relevant requirements of SEPP 65's design quality principles.

The Department has undertaken its own assessment against the SEPP 65 principles, as detailed below.

Key Principles of SEPP 65	Department Response
Principle 1: Context	North Eveleigh is an urban renewal precinct whose character is evolving from industrial/rail to mixed use. The Minister's Concept Plan approval establishes parameters for its development and broadly defines its future character. The proposed development is consistent with the themes of the Concept Plan approval, occupying a development envelope within the established built form structure. The use and form of the proposed building is generally that sought by the Concept Plan approval.
Principle 2: Scale	<p>The scale of buildings varies across the North Eveleigh precinct. The historic buildings are low rise, but occupy large footprints. The approved envelopes for new development are smaller in footprint than the historic buildings, but are greater in height, stepping up from 4 storeys at Wilson St to 12 storeys adjacent to the rail line.</p> <p>The proposed modification to the Concept plan to allow an additional storey will not result in any substantial change in</p>

Key Principles of SEPP 65	Department Response
	<p>relationship with the surrounding residential area. The change in scale will also not result in any adverse impacts on the North Eveleigh precinct, which has differently scaled buildings.</p> <p>The significance of the Carriageworks building will not be unduly affected by the change in height, as that building is large scale and visually dominant and will remain so.</p>
<b>Principle 3: Built Form</b>	The proposed building extends outside the approved building envelope on its eastern and south western edges. The proposed building envelope has an appropriate edge to its eastern street frontage. The reduced separation from the surrounding buildings does not detract from their heritage significance or unreasonably impact on their development potential (refer <b>Sections 5.2 &amp; 5.5</b> ).
<b>Principle 4: Density</b>	<p>The Concept Approval provides for a maximum residential GFA of 95 095m<sup>2</sup> with 6 480m<sup>2</sup> to be provided on site D4. The proposed building has 6098.4m<sup>2</sup> of GFA consistent with the Concept Plan approval.</p> <p>The Concept Plan approval established that the site is suitable for increased density given its good location to transport, education, employment and health infrastructure.</p>
<b>Principle 5: Resource, Energy and Water Efficiency</b>	The proposed building exceeds the BASIX energy targets. The building is well designed maximising the sites northerly aspect and & opportunities for cross ventilation, minimising reliance of artificial lighting and mechanical cooling/heating devices.
<b>Principle 6: Landscape</b>	<p>The proposed landscape scheme creates spaces which meet the needs of future residents and improve the aesthetic relationship of the building to the street.</p> <p>The primary landscaped area is located in the south-eastern corner of the site. The area is divided into a series of spaces including seating areas, a vegetable garden and lawn space. The garden contains species capable of reaching substantial heights which will add to the amenity of the broader area. A landscape strip of varied length and treatment extends along the northern boundary, providing a seating area and reflecting the buildings patterning.</p> <p>The roof top terrace provides a space where residents can enjoy an outlook and sunlight.</p>
<b>Principle 7: Amenity</b>	The proposal has been assessed with regards to residential amenity. It is considered that the amenity of residents both at the subject site and in the surrounding sites have been addressed and are acceptable.
<b>Principle 8: Safety and Security</b>	In general, the design allows for good passive surveillance of the road networks, and public and private open space areas on the site.
<b>Principle 9: Social Dimensions and Housing Affordability</b>	<p>The proposed developments includes a mix of apartment sizes and types, however the majority (94%) are smaller apartments (studio, 1 &amp; 2 bed). City West housing maintains a register, which identifies the needs of its potential clients. The register demonstrates that the greatest demand is for smaller apartments and it is appropriate that housing be provided to meet that demand.</p> <p>City West Housing is a recognised affordable housing provider and intends to retain use the site in perpetuity for affordable housing.</p>
<b>Principle 10: Aesthetics</b>	The building design and materials used are considered to be



Key Principles of SEPP 65	Department Response
	satisfactory to this design. The selection of material and its heritage impacts were discussed in Section 5.3 of the report.

### Residential Flat Design Code

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb" which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the Code.

	RFDC requirement	Proposed	Consistent
<b>Part 1 Local Context</b>			
<b>Building Height</b>	Responds to desired scale and allows daylight to public and private domain.	Refer Sections 5.2 & 5.5.	Y
<b>Building Separation (habitable rooms &amp; balconies)</b>	Up to 4 storeys: 12 metres between habitable rooms/balconies Above 5 storeys: 18 metres between habitable rooms/ balconies.	Min 6.4m.	N (refer Section 5.5)
<b>Street Setbacks</b>	Compatible with desired streetscape character.	Generally consistent with Concept Approval. Reduced setback from eastern boundary.	N (refer Section 5.5)
<b>Part 2 Site Design</b>			
<b>Deep Soil Landscaping</b>	Min 25% of open space.	>25 of open space deep soil.	Y
<b>Fences + Walls</b>	Provide privacy and security. Contribute to public domain.	Public & private domain clearly defined. Street level walls broken by fenced and landscaped sections.	Y
<b>Landscape design</b>	Add to resident's amenity and contribute to environment.	Various landscaped area, providing spaces for residents to recreate, as well as making a contribution to the local environment.	Y
<b>Open Space</b>	Larger and brownfield sites potential for >30%	Concept plan requires provision of 9 980m <sup>2</sup> of public parks, including a 3 350m <sup>2</sup> park at the western end of the Precinct, near to the site. Proposed landscaped scheme provides areas for passive (e.g. vegetable garden), small scale active (lawn area) and social (roof top kitchen).	Y
<b>Orientation</b>	Optimise solar access, reinforce street edges	The proposed building envelope generally follows the alignment of approved building envelope. Solar access impact on Lot D1 are discussed in Section 5.5.	Y
<b>Planting on structures</b>	Promote quality communal spaces and	Landscape elements over car park and OSD tanks, able to be	Y

	RFDC requirement	Proposed	Consistent
	provide appropriate conditions for vegetation	grown in planters (vegetable gardens) and shallow soil depths (lawn).  Trees capable of reaching great heights located in deep soil areas	
<b>Stormwater Management</b>	Minimise impact of urban development on waterways	The stormwater management system includes a retention tank to capture water for reuse on site.  The system also includes a detention tank and water filtration measures to achieve water quality objectives.	Y
<b>Safety</b>	Provide safety to buildings and the public domain	The application was accompanied by a CPTED assessment. The apartments address the street providing surveillance of the public domain. Clear sight lines are available to the entry points and CCTV is to be provided.	Y
<b>Visual Privacy</b>	Maximise internal and external privacy. Maximise views and outlook	Apartments generated oriented outwards overlooking street or garden.  Windows addressing the gallery are dual layered with an internal layer of glazing and external layer of screening. The layers can be adjusted to achieve visual and acoustic privacy.  Ground floor apartments are elevated above the street to provide privacy.	Y
<b>Building Entry</b>	Provide a desirable entry	Main entry is generous in area and is visible due to large span glazing. The location of the entry is reinforced by the additional height of the building at the corner.  Multiple entries are provided to street. Design provides adequate activation and surveillance of street.	Y
<b>Parking</b>	Provide well located parking and minimise parking provision	Car park is located below the footprint of the building.  Parking provision has been minimised based on known characteristics of future tenants and proximity to transport	Y
<b>Pedestrian Access</b>	Provide good connections to the street	Pedestrian entries are provided to the northern and western elevations. Northern entry includes accessible ramp, southern entry has stair preventing equitable access. This issue is identified in the access	Y

	RFDC requirement	Proposed	Consistent
		report and will need to be addressed.	
<b>Vehicle Access</b>	Integrate with building and minimise impact on street	Vehicular access is provided from the western elevation. The dimensions of the opening generally match that of the upper levels of the building.	Y
<b>Part 3 Building Design</b>			
<b>Apartment layout</b>	Provide functional layouts and maximise internal amenity.  1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 95m <sup>2</sup>	Apartments have a functional layout which makes good use of available space  48.5m <sup>2</sup> – 51.2m <sup>2</sup> 69.8m <sup>2</sup> – 87.5m <sup>2</sup> 89.3m <sup>2</sup> – 99.0m <sup>2</sup>	N (refer Section 5.5)
<b>Apartment mix</b>	Provide mix of apartments	Studio – 11% (10 Apts) 1 bed – 42% (37 Apts) 2 bed – 41% (36 Apts) 3 bed – 6% (5 Apts)  Proposed mix meets known demands of City West housing clients.	Y
<b>Balcony Depth</b>	Min 2m	Min 2m	Y
<b>Floor to ceiling heights</b>	≥2.7m	2.7m	Y
<b>Ground floor apartments</b>	Activate streets and increase housing choice	Multiple entries are not provided to street, as it necessary to control entry to the building controlled points. Design provides adequate activation and surveillance of street.	Y
<b>Internal circulation</b>	Create pleasant circulation spaces	Lift core at either entry of building Gallery space designed to promote interaction and ownership by residents	Y
<b>Storage</b>	Studio & 1 bed – 6m <sup>3</sup> 2 bed – 8m <sup>3</sup> 3 bed – 10m <sup>3</sup>	Able to comply. Internal storage provided via cupboards and robes. Storage cages provided in basement	Y
<b>Building Depth</b>	Max 18m	<14 metres	Y
<b>Acoustic Privacy</b>	Separate noisier spaces from quieter spaces	Design locates uses to minimise noise impacts between apartments	Y
<b>Solar Access</b>	70% of living rooms & private open space to achieve 3hrs sunlight between 9am-3pm on 21 June (Winter solstice)  Ensure direct access to communal open space	84% - 3 hours 95% - 2 hours  Ground floor communal open space will received limited directed sunlight. Residents can access rooftop open space.	Y
<b>Single aspect units</b>	Limit those with southerly aspect to no more than 10%	No single aspect southerly apartments.	Y
<b>Naturally cross ventilated</b>	Min 60% of apartments cross ventilated	87% of apartments are cross-ventilated.  Security doors to be provided to apartments to allow opening when	Y

	RFDC requirement	Proposed	Consistent
		home.	
<b>Facades</b>	Promote high quality facade design	Facade is broken into three sections to break up massing. The three sections have a patterning which provides visual interest to the facade. The materials are appropriate for the historic context	Y
<b>Roof</b>	Provide roof design which contributes to the building.	Roof design varies. Parapet surrounds eastern corner element and western end. Metal cladding covers mid section. Roof terrace located mid section. Plant is hidden from street by parapet	Y

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

SEPP BASIX requires all new residential dwellings in NSW to achieve the following sustainability targets depending on the geographical location of the proposed dwellings: 20% reduction in energy use and 40% reduction in potable water. More specifically, SEPP BASIX requires residential flat buildings such as those proposed on the subject site to achieve the following energy targets:

- 35% for 3 storey residential buildings;
- 30% for 4-5 storey residential buildings; and
- 20% for buildings 6 or more storeys.

A BASIX Certificate (No: 469854M) has been submitted with the EIS (refer **Appendix Q**) which demonstrates that the development will meet the relevant targets.

#### State Environmental Planning Policy (Major Development) 2005

Clause 7 of State Environmental Planning Policy (Major Development) 2005, specify that the provisions within Schedule 3 relating to development have effects. An assessment of the development against the provisions of Part 5 – The Redfern Waterloo Authority sites is made below.

Schedule 3 – State Significant Site Part 5 – The Redfern Waterloo Authority Sites		
Provision	Comment	Complies
<b>1. Land to which Part applies</b>	The site is within the area shown edged heavy black on the Redfern Waterloo Authority Sites land application map.	Y
<b>7. Land Use Zones</b>  Consideration must be given to each zone objective when determining a development application.	The land is zoned 'D' Business Zone – Mixed Use.	Y
<b>8. Business Zone – Mixed Use</b>	Development for the purpose of Affordable Housing is permissible in the zone.  The development is consistent with the zone objectives, as it is compatible with the	Y

	adjoining non-residential use, achieves design excellence, limits on-site parking to meet known needs and encourage use of public transport and provides high quality landscaped areas.	
<b>21. Height, floor space ratio and gross floor area restrictions</b>  Developments must comply with the controls specified on the maps, except in circumstances where a concept plan permits a different level of development.	The Concept Plan approval approves a FSR of 2.5:1 for the site (B4), which provides a total gross floor area of 6,480m <sup>2</sup> . The proposed building has an FSR of 2.38:1 and total GFA of 6 098.4m <sup>2</sup> .  The development is the first new building on the western portion of the site and does not lead to a breach of the total gross floor area of 41 800m <sup>2</sup> .  The proposed building exceeds the height permitted under the SEPP and Concept Plan approval. The modification application seeks to amend the Concept Plan approval and gain approval for the additional height.	Y
<b>22. Design Excellence</b>	The building achieves design excellence. The building has a modulated form which breaks down its bulk and scale. It is restrained in appearance and does not compete with the adjoining Carriageworks building. The internal layout will provide future residents with a high level of amenity.	Y
<b>26. Notification of advertised development</b>	The development was advertised for a period of 30 days. Adjoining and affected owners and relevant authorities were notified.	Y

### Sydney City Local Environmental Plan 2012

Sydney City Local Environmental Plan 2012 does not apply to the site.

### Sydney Regional Environmental Plan 26 – City West

The aim of SREP is to establish planning principles for the City West lands to promote their orderly development.

Clauses 11 and 15 of the SREP identify planning principles of regional significance for City West and its sub precincts, which the consent authority is required to consider in their decision making. The provisions of the clauses are addressed in the table below.

Division 4 (Zoning) applies land use zones to the site and zones the site 'Railways'. State Environmental Planning Policy (Major Development) 2005 was enacted subsequent to SREP and zones the site 'Business Mixed Use'. The provisions of the MD SEPP prevail over the SREP.

Division 5 (Building Height and Floor Space) of the SREP establish built form controls. These apply to the lands within the broader North Eveleigh precinct which are south of the railway lines.



Division 6 (Master Plans) of the SREP nominates sites which require a Master Plan. The site does not require a Master Plan.

<b>SREP 26 – City West</b>		
<b>Clause 11 – Planning Principles of Regional Significance for City West</b>		
<b>Regional Role</b>	The proposed development will renew brownfield land in an area with excellent access to services and public transport. The development is an Affordable housing project and will benefit the city by maintaining its diversity through providing living opportunities for people of all financial means.	Y
<b>Land Use Activities</b>	The proposal is a residential development. Other portions of the North Eveleigh Precinct will be developed for non-residential uses.	Y
<b>Mixed Living and Working Environment</b>	The proposal is a residential development. Employment opportunities will be provided in other portions of the North Eveleigh Precinct.  The project is an Affordable housing development.	Y
<b>Education</b>	Not applicable	Not Applicable
<b>Leisure &amp; Recreation</b>	Future residents will be able to make use of the available leisure and recreation facilities.	Y
<b>Port Functions</b>	Not applicable	Not Applicable
<b>Social Issues</b>	The project does not generate the need to provide or augment social infrastructure within the area.  The Minister's Concept Plan approval provides for social infrastructure including parks and a child centre. These will be provided, when the need for them arises.	Y
<b>Environmental Issues</b>	It has been discussed in Section 4 of this report that the project satisfies the ESD principles.  The development includes environmental features, including low use water fixtures and good environmental design, to minimise the resource demands of future residents.	Y
<b>Urban design &amp; the Public Domain</b>	It has been discussed in Section 5.5 of this report that the building has a high quality design and will provide residents with a high level of amenity.	Y
<b>Heritage</b>	It has been discussed in Section 5.3 that the building respects the adjoin heritage item.	Y
<b>Movement &amp; Parking</b>	On-site parking is minimised in the development, in response to the known needs of future residents and the proximity of public transport.  The Minister's Concept Plan approval includes footpaths and bike facilities. The site is also well placed to make use of Sydney City Council's excellent bike and pedestrian facilities which pass by the site.	
<b>Implementation &amp; Phasing</b>	There is capacity within existing infrastructure to accommodate the development.	Y

	The Minister's Concept plan acknowledges the need to augment infrastructure (such a road infrastructure) as the development of the North Eveleigh precinct increases in intensity.	
<b>Clause 15 - Planning Principles of Regional Significance for City West North Eveleigh</b>		
<b>Role and Land Use Activities</b>	<p>The development is an affordable housing project.</p> <p>The development will not compromise the ability of Railcorp to access its lands or develop the North Eveleigh drive.</p>	Y
<b>Urban Design</b>	It has been discussed in Section 5.5 of this report that the height of the building relative to the Carriage Works building is appropriate, as the Carriage Works building will retain its visual prominence due to its bulk, scale and elaborate finishing.	Y
<b>Public Domain</b>	The Minister's Concept plan includes footpaths, bike facilities and public parks. These will be provided as future stages of the precinct are realised.	Y

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

The development is an Affordable housing project. The application is not relying upon the provisions of the SEPP for permissibility or bonus floor space.

#### **Redfern-Waterloo Built Environment Plan (Stage One) 2006**

The Redfern-Waterloo Built Environment Plan (BEP) (Stage One) was prepared to provide a planning framework for the redevelopment of the RWA's strategic sites, including North Eveleigh. The plan established potential land uses and built form controls for the site. The BEP was considered in the preparation of the Minister's Concept plan.

## APPENDIX E CONSISTENCY WITH CONCEPT PLAN APPROVAL

Concept Plan Condition	Proposed development consistency
<p><b>PART A – TERMS OF APPROVAL</b></p> <p><b>A1 Development description</b></p> <p>Concept approval is granted only to the carrying out of development solely within the concept plan area as described in the document "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:</p> <p>(1) The redevelopment of the site for a mix of commercial, retail cultural, community and residential uses involving a maximum of 177,527m<sup>2</sup> of GFA comprised of:</p> <ul style="list-style-type: none"> <li>(a) A maximum of 55,672m<sup>2</sup> of commercial GFA;</li> <li>(b) A maximum of 4,000m<sup>2</sup> retail GFA;</li> <li>(c) A maximum of 22,796m<sup>2</sup> cultural / community GFA; and</li> <li>(d) A maximum 95,059m<sup>2</sup> residential GFA.</li> </ul>	<p>The proposed development is the first new building to be developed under the Concept plan. A total gross floor area of 6 098.4.2m<sup>2</sup> is proposed which is less than the 95 059m<sup>2</sup> permitted under the Concept plan.</p> <p>The Concept plan allocates GFA across the site, with 6, 480m<sup>2</sup> allocated to the subject site (Building D4). The proposed GFA is below that permitted by the Concept plan and as such will not compromise the redevelopment of other portions of the site.</p>
<p>(2) Maximum building heights and envelopes within development blocks as identified in 'Drawing Land Use Plan Eastern Site' and 'Land Use Plan and Western Sites' prepared by Bates Smart dated October 2008 of the Preferred Project.</p>	<p>It is proposed to modify the Concept plan to provide an additional storey and extend the building footprint.</p>
<p>(3) A maximum of 1800 car parking spaces to service the mix of uses, including retention of existing car parking spaces allocated to Carriageworks and Blacksmiths' Shop buildings, with the final amount to be determined at the detailed design stages using the following maximum car parking rates.</p> <ul style="list-style-type: none"> <li>– Studio apartment: 0.25 spaces per dwelling</li> <li>– 1 bedroom apartment: 0.5 spaces per dwelling</li> <li>– 2 bedroom apartment: 1.2 spaces per dwelling</li> <li>– 3+ bedroom apartment: 2 spaces per dwelling</li> </ul>	<p>The maximum permissible parking under the Concept approval is:</p> <p>10 x studio = 2.5 spaces</p> <p>37 x 1 bed = 18.5 spaces</p> <p>36 x 2 bed = 43.2 space</p> <p>5 x 3 bed = 10 spaces</p> <p>Total = 74.2 spaces</p> <p>It is proposed to provide 39 spaces, which is less than the maximum number permitted.</p> <p>The provision of a reduced number of spaces is appropriate given proximity to public transport and services, and the known parking demands of future residents (refer Section 5.4).</p>
<p>(4) Additional on –street parking for 75 spaces on the newly created roadways within the</p>	<p>No on-street parking is proposed.</p>

Concept Plan Condition	Proposed development consistency
site (subject to Council approval if dedicated).	
(5) Public Parks, Public Domain and Roads.	The development does not impact on the parks, public domain or roads.
(5) Retention and adaptive reuse of buildings.	The site does not include any of the listed buildings.
(7) (b) Affordable housing.	Affordable housing is specified within the description of development approved under the Concept plan.
<b>A2 Development in accordance with the plans and documentation</b> 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 Concept Plan drawings prepared by Bates Smart.	The proposed development is generally consistent with the Environmental Assessment and Preferred Project Report. It has been identified above that it is proposed to modify the approved Concept drawings to increase the height and footprint of the building.
<b>B1 Built form</b> (1) Approval is given to a mixed use development involving a maximum of 177,527m <sup>2</sup> GFA, comprised of (d) a maximum 95,059m <sup>2</sup> residential GFA.	A total gross floor area is proposed which is less than the 95 059m <sup>2</sup> permitted under the Concept plan.  The Concept plan allocates 6 480m <sup>2</sup> of GFA for the site (Building D4). The proposed GFA of 6 098.4m <sup>2</sup> is below that permitted and will not compromise the development potential of other portions of the site.
(2) Despite (1) above, future project applications are not to exceed the GFA in each precinct (c) Western Precinct 50,698m <sup>2</sup> .	The site is located within the Western site. As stated above, the proposed GFA is less than that allocated to the site. Accordingly, the development is consistent with the planned intent of the Concept plan to provide a maximum GFA of 50 698m <sup>2</sup> in the western precinct.
<b>B2 Impacts on heritage buildings</b>	The application does not apply to the buildings specified within this modification.
<b>B3 Transport and Pedestrian Management</b> (1) A transport Management and Accessibility Plan (TMAP) is to be prepared prior to or concurrently with the first project application that includes new floor space for the site and should include: (a) Identification of measures to support the achievement of a maximum 40% mode share to car. The measures proposed should be to the satisfaction of the Ministry of Transport, and may include enhancements to public transport, changes in parking allocation and/or pedestrian infrastructure, policy initiatives or behaviour change programs.	A Transport Management and Accessibility Plan (TMAP) has been submitted ( <b>Appendix U</b> of the EIS).  The submitted only applies to the first 200 dwellings developed in the western precinct. The TMAP will be developed in a staged approach as future stages are realised. This approach is necessary due to uncertainty around certain portions of the site, which may be required for rail purposes.  Transport for NSW and the Department of Planning agreed to the preparation of a staged TMAP.  Transport for NSW has advised that it approves

Concept Plan Condition	Proposed development consistency
<ul style="list-style-type: none"> <li>(b) Detailed modelling of critical local and regional intersections, are to be calibrated and reviewed in consultation with the RTA and Ministry of Transport. Both AM and PM peaks are to be modelled to determine the impact of any proposed works on intersection operation.</li> <li>(c) Funding mechanisms and timing of road and intersection upgrades.</li> <li>(d) The method of achieving restriction to traffic generated by site staff and delivery vehicles during AM and PM peak periods.</li> </ul> <p>The TMAP is to be submitted to the Ministry of Transport for approval.</p>	<p>the TMAP.</p>
<p>(2) Notwithstanding modification B2(1)(c), the following are to be incorporated into the final TMAP:</p> <ul style="list-style-type: none"> <li>(a) Any recommended improvements to existing intersections controlled by traffic signals require assessment by the RTA's Network Operations Section.</li> <li>(b) The extension of existing left and right turning lanes in Abercrombie and Lawson Streets may involve the removal of on-street parking, and will require the concurrence of the City of Sydney Local Traffic Committee.</li> <li>(c) Further investigation into the feasibility of extending the existing right hand turn bay on Cleveland Street into Shepherd Street.</li> <li>(d) Costs associated with any road improvements are to be borne by the Proponent.</li> <li>(e) Further information regarding the consequences for pedestrians, if any, by removing the pedestrian scramble phase at the intersection of Abercrombie and Shepherds Streets.</li> </ul>	<p>The subject application does not generate the need to undertake the specified works. These matters will be addressed in subsequent versions of the TMAP.</p>
<p><b>B4 Staging of development</b></p> <p>(1) The Proponent shall demonstrate with each project application that the proposed development represents orderly and coordinate development, such that:</p> <ul style="list-style-type: none"> <li>(a) It may be serviced by existing infrastructure, by infrastructure approved by this Concept Plan, or is capable of being serviced; and</li> <li>(b) Access for vehicles and pedestrians is</li> </ul>	<p>UGDC has issued a Part 5 approval for infrastructure works, including roadways, intersection works, footpaths and a park. The proposed works will provide the western site with vehicular and pedestrian connections to the surrounding areas. The works are currently under construction.</p> <p>Sydney Water and Ausgrid have advised that there is sufficient capacity within their networks</p>



Concept Plan Condition	Proposed development consistency
<p>available and can be made available; and</p> <p>(c) Relevant infrastructure and publicly accessible areas are available.</p>	<p>for the proposed development.</p>
<p>(4) The project applications associated with the public parks identified by modification B(1)(3) are to be concurrently submitted with the respective first project applications lodged for new GFA in the Western Precinct. Public parks and other open space areas are to be provided as soon as practicable.</p>	<p>UGDC has lodged a development application with Sydney City Council seeking consent for 2 parks including a 3 350m<sup>2</sup> park in the western corner of the precinct.</p>
<p><b>B5 Developer Contributions</b> Contributions will be required by the Minister based on the 'Redfern-Waterloo Authority Contributions Plan 2006' or any other applicable Contributions Plan as advised by the Redfern Waterloo Authority or the Department of Planning at the time that future project applications are determined.</p>	<p>Clause 6 of the 2006 Contributions Plan identifies development to which the plan applies. Under this clause, development for provision of affordable housing, that is provided by or on the behalf of a community housing organisation registered with the Office of Community Housing can be exempt from the Contributions Plan, with permission from the Minister.</p> <p>The application is seeking approval for an affordable housing development as defined by the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>. City West Housing Pty Ltd is registered on the NSW Government Register of Community Housing (Registration No: R0158090625).</p>
<p><b>B6 Affordable Housing Contribution</b> To contribute to the provision or refurbishment of affordable housing within the Redfern Waterloo Operational Area, contributions will be 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 or the Department of Planning at the time that future project applications are determined.</p>	<p>Clause 6 of the <i>Affordable Housing Contributions Plan 2006 – Redfern-Waterloo Authority Operational Area</i> defines which development does not apply to.</p> <p>Under this provision, the Plan does not apply to affordable housing by a Registered Housing Provider.</p> <p>The application is seeking approval for an affordable housing development as defined by the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>. City West Housing Pty Ltd is registered on the NSW Government Register of Community Housing (Registration No: R0158090625).</p>
<p><b>Part C – Future Assessment Requirements</b> <b>C1 Wind Impacts</b></p> <ul style="list-style-type: none"> <li>Recommendations made in the Wind Effects Study, prepared by Vipac Engineers and Scientists Ltd and dated 12 September 2008, are to be implemented in each subsequent project application.</li> <li>A wind tunnel based assessment is to be undertaken when building design(s) are resolved at each project application stage, and should consider the following: <ul style="list-style-type: none"> <li>Main entries to buildings being located</li> </ul> </li> </ul>	<p>The VIPAC wind report (12 Sept 2008) provides an assessment of the potential impacts across the entire North Eveleigh site. Particular attention is given to the impacts from the taller buildings (8 – 16 storeys). A general recommendation of the report is that a wind tunnel assessment be undertaken of future buildings when detailed designs are prepared.</p> <p>The submitted EIS includes a wind impact report (<b>Appendix K</b>) also prepared by VIPAC. The report identifies that in general the wind</p>

Concept Plan Condition	Proposed development consistency
<p>away from building corners;</p> <ul style="list-style-type: none"> <li>- The use of canopies/awnings to assist in effective wind amelioration;</li> <li>- The use of other wind amelioration measures necessary.</li> </ul>	<p>conditions will be acceptable, but recommends the addition of trees in the north-western corner and midway along the western boundary to ameliorate some impacts. The trees would need to be located outside the boundaries of the site in the public domain areas currently controlled by UGDC. It is a recommendation of this report that a condition be imposed requiring the applicant to negotiate with UGDC to provide the trees.</p>
<p><b>C2 Site Contamination and Remediation</b> Prior to lodgement of the first project application, a remediation strategy and remediation action plan are to be prepared and submitted to the Department and Council. The remediation strategy and remediation action plan must be implemented in a staged manner and in a rational and orderly manner.</p>	<p>The site is being remediated as early works undertaken under the Part 5 approval issued by UGDC. In their submission the Environmental Protection Authority state that they anticipate that the site remediation will be completed prior to any construction works commencing.</p> <p>It is the recommendation of this report that a condition be imposed specifying that prior to commencement of construction works, a site audit statement should also be issued by an accredited Site Auditor specifying the site is suitable for the proposed use.</p>
<p><b>C3 Heritage and Archaeology</b></p> <p>(1) Archival or oral historical research together with the local Aboriginal community into the nature and significance of the Aboriginal connections with the railyards as a whole is to be undertaken prior to or during the preparation of an Interpretation Plan for the site.</p> <p>(2) An Aboriginal Cultural Heritage Impact Assessment on archaeological grounds for the small area of land adjacent to Wilson Street, as identified in the Historical Archaeological Impact Assessment and Zoning Plan and Impact Mitigation Strategy prepared by AHMS dated April 2008, is to be prepared and submitted with the project application for development in this part of the site.</p> <p>(3) An interpretation plan is to be submitted:</p> <ul style="list-style-type: none"> <li>• With the lodgement of the first Project Application, if the site is developed as a whole, or</li> <li>• With the first Project Application for each precinct, if the site is developed in parts.</li> </ul>	<p>UGDC has prepared an Interpretation Plan and Implementation Strategy (3D Projects – Artscape and Only Human - February 2012). The strategy was prepared in consultation with the community and other stakeholders and has been adopted by the Minister for Planning &amp; Infrastructure.</p> <p>The site does not include the two areas with the North Eveleigh precinct with the potential to contain Aboriginal relics.</p> <p>A Heritage Impact Assessment was included as part of the EIS (<b>Appendix P</b>).</p>
<p><b>C4 Landscaping and Tree Removal</b></p> <p>(1) The recommendations contained in the conclusion of the Arboricultural Assessment and Development Impact Report prepared by Guy Paroissien Landscape Matrix Pty Ltd are to be adopted and incorporated in to the</p>	<p>The referenced Arboricultural assessment identifies a Cinnamon Camphor Laurel (Tree No.227) within the site area. The tree is identified as an environmental weed species and recommended for removal.</p>

Concept Plan Condition	Proposed development consistency
<p>detailed design of future project applications, including replacement trees.</p> <p>(2) Detailed landscape plan(s) are to be submitted with subsequent project applications, informed by principles set out in the Landscape Masterplan Drawing No. DAL1 dated 20.10.08 prepared by Bates Smart Architects and Turf Design Studio + Jeppe Aagaard Andersen.</p>	<p>The EIS includes a detailed landscape plan (<b>Appendix R</b>). The plan is consistent with the landscape master plan providing a consolidated landscaped area on the southern portion of the site.</p>
<p><b>C5. Dedication of Public Open Space and Roadways</b></p>	<p>The application does not include any public parks, roads or public domain elements.</p>
<p><b>C6 Site Management Agreement</b> A Site Management Agreement for construction and ongoing operations, between the owner of Carriage Works and the Blacksmiths Shop and the owner(s) of residential and commercial buildings, will be required to be prepared for future Project Applications.</p>	<p>The EIS includes a Site Management Agreement (<b>Appendix T</b>). The applicant advises that this agreement was prepared in consultation with the operators and other stakeholders in the Precinct and has been executed.</p>
<p><b>C7 Site servicing</b> Emergency and service vehicles must have adequate access to and within the site and into each proposed basement car parking area.</p>	<p>The applicant advises that "the basement will be accessible to cars and small van servicing and emergency vehicles. Larger emergency vehicles will be capable of accessing the site easily from the street, with emergency crew able to access the building via the ground floor lobby".</p>
<p><b>C8 ESD and Sustainable Design</b></p> <ul style="list-style-type: none"> <li>The future project applications for residential development are to demonstrate compliance with the provisions of SEPP BASIX.</li> <li>Future project applications are to consider the Water Management Plan of the Environmental Assessment and are to investigate options for reducing potable water consumption, provision of alternative water supply for non-potable uses, and the use of recycled water.</li> </ul>	<p>The EIS includes a BASIX Certificate (No: 469854M) (<b>Appendix Q</b>). The certificate specifies that the apartments will include 4 star toilet flushing systems and 5 star bathroom taps, which are considered 'sustainable' fittings under the Water Management Plan for North Eveleigh. It is proposed to collect and harvest roof water for toilet flushing and laundry uses to reduce usage of potable water.</p> <p>The selected landscape scheme has low water requirements.</p> <p>The EIS includes an ESD Report (<b>Appendix N</b>).</p>
<p><b>C9 Sydney Water</b></p> <ul style="list-style-type: none"> <li>Future project applications are to consider the impacts on Sydney Water stormwater infrastructure. Prior to lodgement of project applications, consultation with Sydney Water regarding any potential impacts on this infrastructure is to occur.</li> <li>Future project applications are also to liaise with Sydney Water to: <ul style="list-style-type: none"> <li>Ensure water and sewer infrastructure</li> </ul> </li> </ul>	<p>Sydney Water did not raise any issue in their submission regarding impacts on their infrastructure.</p> <p>The EIS includes a Stormwater Management Plan (<b>Appendix L</b>). The proposed stormwater system includes tanks and basins to mitigate the flows of water from the site.</p>

Concept Plan Condition	Proposed development consistency
<p>are appropriately sized to correlate with the requirements of the Water Management Plan.</p> <ul style="list-style-type: none"> <li>– Investigate the potential of having a reticulated recycled water scheme for the development.</li> </ul>	
<p><b>C10 RailCorp</b> Future project applications must address the following requirements of RailCorp:</p> <ul style="list-style-type: none"> <li>• Corridor Protection <ul style="list-style-type: none"> <li>– Prior to lodgement of an application seeking approval for any structure within 25 metres of the rail corridor that involves ground penetration of greater than 2 metres, the following are to be prepared in accordance with RailCorp's requirements and lodged with the relevant application: <ol style="list-style-type: none"> <li>(i) A Geotechnical and Structural Report;</li> <li>(ii) An Excavation and Construction Methodology; and</li> <li>(iii) 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.</li> </ol> </li> </ul> </li> </ul>	<p>The proposed development is approximately 60-90 metres from the existing rail line.</p> <p>Railcorp has provided a set of conditions which it requests be included within any development consent. The conditions require that the development comply with the requirements of the geotechnical report included in the EIS (<b>Appendix Z</b>).</p>
<ul style="list-style-type: none"> <li>• Derailment protection <ul style="list-style-type: none"> <li>– Prior to the lodgement of any project application seeking approval for new structures located within 20 metres of the rail corridor, a derailment protection risk assessment in accordance with AS 5100 must be prepared and lodged with the application.</li> </ul> </li> </ul>	<p>The proposed development is approximately 60-90 metres from the existing rail line.</p>
<ul style="list-style-type: none"> <li>• Drainage <ul style="list-style-type: none"> <li>– Stormwater drainage from the North Eveleigh site may be discharged across the rail corridor utilising either the existing drainage system or through the installation of a new drainage system across the corridor serving the subject land;</li> <li>– The final drainage solution is to be development in consultation with Railcorp, with the written approval of Railcorp and landowner, prior to the lodgement of either the first application for subdivision or first application for new GFA, whichever occurs first.</li> <li>– Notwithstanding the above, the following information is to be submitted regarding the final drainage solution:</li> </ul> </li> </ul>	<p>UGDC has prepared a stormwater management plan for the broader western precinct. This plan and the works it proposes was approved under by UGDC under the Part 5 approval it issued for infrastructure works. The plan was included in the EIS. The EIS also included a site specific stormwater plan.</p> <p>Railcorp has provided a set of conditions which it requests be included within any development consent. The conditions require that a final stormwater plan be provided to them for their approval, prior to commencement of works.</p>



Concept Plan Condition	Proposed development consistency
<ul style="list-style-type: none"> <li>(i) Demonstrate that drainage and stormwater within the site can be managed without any adverse impact on the rail corridor, and that any existing future pipes, across the corridor, can accommodate any increase in stormwater and drainage loads. Any necessary amplification or upgrading of the downstream drainage system is to be borne by the Proponent. Stormwater runoff from and through the property is to be appropriately managed, including by volume, direction and speed, so as to control nuisance, damage and hazard during storm events.</li> <li>(ii) Provide drainage calculations carried out in accordance with 'Australian Rainfall and Runoff' published by the Institute of Engineers Australia, including a contoured catchment diagram and delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.</li> <li>(iii) Provide full computer modelling of stormwater drainage design and analysis of the site and results of the computer output shown on the engineering plans. Detention system shall not be designed to ensure that post development flow rates from the site is not more than the pre-developed site discharge at each discharge point for all rainfall events up to 1 in 100 year ARI.</li> <li>(iv) That stormwater runoff from all impervious surfaces on the property is collected and conveyed to a point suitable for integration with the construction drainage system. The drainage system shall convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from the storm events up to 1% AEP.</li> <li>(v) Details of future care and control of the drainage system.</li> </ul>	
<ul style="list-style-type: none"> <li>• Noise and vibration               <ul style="list-style-type: none"> <li>– An acoustic assessment is to accompany any project application for a new building.</li> </ul> </li> </ul>	<p>The EIS included an Acoustic Report (<b>Appendix J</b>). The acoustic assessment concludes that Railcorp's noise criteria can be met with</p>

Concept Plan Condition	Proposed development consistency
	appropriate glazing and wall treatments.
<ul style="list-style-type: none"> <li>Balconies and Windows               <ul style="list-style-type: none"> <li>Any proposed balcony or window that is within 20 metres of the rail corridor is to incorporate adequate measures that prevent the throwing of objects onto the rail corridor.</li> </ul> </li> </ul>	<p>The proposed development is approximately 60-90 metres from the existing rail line.</p>
<ul style="list-style-type: none"> <li>Reflective material               <ul style="list-style-type: none"> <li>Future structures located along the railway corridor are to minimise the use of reflective material such as mirrored glass and metal finishes.</li> </ul> </li> </ul>	<p>The proposed development comprises mostly solid masonry material. The roof over the mid-section of the upper storey is zinc (a metal finish). The southern face of the roof is narrow, and only a small portion of the overall southern face and unlikely to cause any significant glaze.</p>
<ul style="list-style-type: none"> <li>Future North Eveleigh Dive Alignment               <ul style="list-style-type: none"> <li>Railcorp have nominated the North Eveleigh Dive Alignment adjacent to the southern boundary and in the southern section of the site, which may accommodate a future underground rail connection.</li> <li>All new structures which have the potential to impact on the North Eveleigh Dive Alignment must be designed in accordance with RailCorp's design criteria.</li> <li>The location of basements for Block B, C and D are to be located outside the RailCorp exclusion zone for the Dive Alignment. Future project applications involving basement structures of any block adjacent to the Dive Alignment are to be developed in consultation with RailCorp.</li> <li>A detailed regime is to be prepared in consultation with RailCorp, for the future excavation of the site and the construction of building foundations (including ground anchors) which have a potential impact on the Dive Alignment, and may include geotechnical and structural certification.</li> </ul> </li> </ul>	<p>The proposed development is located 60-90 metres from the identified North Eveleigh Dive Alignment. Railcorp have provided comments on the application and have not raise any issue regarding impact on their future corridor.</p>
<p><b>C11 Water Table / Ground Water</b></p> <p>Future project applications involving basement structures are to provide details of how the water table and ground water will be managed during and after construction of the basement car park.</p>	<p>The EIS included a Groundwater Impact Assessment (<b>Appendix AA</b>). The assessment concludes groundwater is present and consideration will need to be to including drainage in the basement retaining walls (pumps) or tanking the basement.</p>
<p><b>C12 Airport zone of influence</b></p> <p>The future project application(s) involving an RL in excess of 51 metres AHD are to be in</p>	<p>The proposed building reaches a maximum height of RL 49.82.</p>

Concept Plan Condition	Proposed development consistency
<p>accordance with the requirements of the <i>Airports (Protection of Airspace) Regulations 1996</i>.</p>	
<p><b>C13 Car Share</b> Details of car share arrangements are to be submitted with future project applications.</p>	<p>The EIS includes an in-principal letter of support (<b>Appendix X</b>) from 'goget', a provider of shared car schemes. The letter states feasibility study will need to be undertaken.</p>
<p><b>C14 Child Care</b> Details of location and timing of child care use(s) are to be submitted with future project applications for commercial and residential uses.</p>	<p>The EIS includes a Social Impact Assessment (SIA) (<b>Appendix H</b>). It is a conclusion of the SIA that it is unlikely that the small increase in local population will have a significant impact on local social infrastructure (such as child care centres). The SIA also notes the existing centres within the area and the centre planned for the North Eveleigh Precinct.</p> <p>The Statement of Commitments includes a commitment to provide child care facilities on site in accordance with Council's DCP.</p>
<p><b>C15 Design Competition</b> The proposed residential tower located at the eastern end of the site will be subject to a design competition in accordance with Clause 22(3) of the Major Projects SEPP.</p>	<p>Not applicable.</p>

## **APPENDIX F    RECOMMENDED INSTRUMENTS OF APPROVAL**

---