

10 July 2018

Mr. M. Rosel
Senior Planner, Key Sites Assessments
Department of Planning & Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Matthew,

**Pemulwuy Project, Redfern
Modification of Project Approval MP11_0093**

Project Approval MP11_0093 (MP11_0093) was issued on 21 December 2012 for the construction of the buildings in Precincts 1, 2 and 3 in the Pemulwuy Project in accordance with *Concept Plan Approval MP06_0101 MOD1* issued on the same date.

Concept Plan Approval No. MP06_0101 MOD 2 (MP06_0101 MOD 2) and *State Significant Development Approval 8135 (SSD 8135)* for the modified student housing complex in Precinct 3 require conditions in *MP11_0093* relating to development in Precinct 3 to be amended or deleted as the issues raised by those conditions are to be addressed in *SSD 8135*.

In this regard, it is proposed to modify *MP11_0093* under the terms of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to affect these changes.

As the proposed modifications to *MP11_0093* do not propose any physical change to the buildings approved in Precincts 1 and 2, the only precincts to which the modified approval will relate, the development as modified will represent the same development as approved in Precincts 1 and 2.

The proposed modifications to *MP11_0093* are:

1. The description of the land to which the approval applies in **Schedule 1** is to be amended to exclude reference to the land in Precinct 3 to read:

"Land bounded generally by Louis Street, Vine Street, Eveleigh Street and Lawson Street, Redfern.

Land to which this approval applies also includes:

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



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The site comprises the following properties:

Street	House No.	Lot No(s)	DP
<i>Louis</i>	1-5	21	434387
	7-33	1-14	33299
	35-37	1-2	206799
	39-59	1-11	33106
<i>Caroline</i>	2-10	1-5	33107
<i>Eveleigh</i>		29	374
		1	975453
	44-48	3130	975455
	50	321	131476
	52	1	525094
	54	322	131476
	56-58	B & A	75111
	60-64	A, B & C	107218
	66-68	Y & X	440163
	70-74	A, B & C	437340
	76	1	981953
	78	1	906105
	80-84	X, Y & Z	107216
	86	1	981953
	88-90	A & B	444916
	92-100	E-A	441990
<i>Vine</i>	102	1	10425
	1-11	6-1	436836
	1-15	A-H	33204
	104-106	A-B	438843
<i>Caroline (south side)</i>	108	1	653482
	110	1	583847
	112	1	113726
	104	104	131639
<i>Lawson</i>	106	B	439351

2. The description of the approved development in **Condition A1 - Development Description** in **Schedule 2** in Precincts 1 and 2 is to be amended to read:

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

- 10,405m² of gross floor area comprising:
 - 1,215m² of retail/commercial gross floor area;
 - 7,340m² of residential gross floor area comprising:
 - 36 townhouses (5 x 2 bedroom, 18 x 3 bedroom and 13 x 4 bedroom);
 - 26 apartments (21 x 2 bedroom and 5 x 3 bedroom);
 - 1,850m² of cultural/community gross floor area, including a gymnasium/fitness centre, gallery, 60 place child care centre and offices for AHC;
- Basement car park for 115 vehicles including 10 accessible spaces;
- 8 at grade 90° angle spaces along the northern side of Caroline Street; and
- Landscaping and public domain improvement works.”

3. The table of approved drawings, reports and plans contained in **Condition A2 - Terms of Approval** in **Schedule 2** is to be amended to exclude items relating to development in Precinct 3 and is to read:

“This approval applies solely to development in Precincts 1 and 2 and any reference to any development in Precinct 3 in the following drawings, reports and plans is to be disregarded.

The development will be undertaken in accordance with MP 06_0101 MOD 1 and MP 11_0093 MOD 1 and the Environmental Assessment dated December 2011, prepared by Ludvik and Associates Pty Ltd, except where amended by the Preferred Project Report dated August 2012, prepared by Ludvik and Associates Pty Ltd, and the following drawings:

Drawing No./Report	Revision	Name of Plan
Architectural Plans prepared by Nordon Jago Architects		
Site Plan		
0DA015A	A	Proposed Site Plan
Precinct 1		
1DA005	F	Precinct 1 Perspectives and Site Analysis
1DA091	E	Basement Level B1
1DA100	E	Plan Level 01 – Townhouses
1DA101	E	Plan Level 02 – Townhouses
1DA102	E	Plan Level 01.1 (Mezzanine)
1DA103	E	Plan Level 02 – Residential
1DA104	E	Plan Level 03-05 Typical
1DA120	E	Roof Plan
1DA150	A	Townhouse Typical Detail Plan/Section
1DA151	A	Townhouse Street Perspectives
1DA200	D	Sections A & B
1DA201	D	Sections C & D
1DA300	D	North & West Elevations
1DA301	D	South & East Elevations
Precinct 2		
2DA005	F	Precinct 2 Perspectives and Site Analysis
2DA100	E	Level 1 Plan
2DA101	E	Level 2 Plan
2DA102	D	Level 3 Plan
2DA103	D	Level 4 Plan
2DA120	E	Roof Plan
2DA200	E	Sections
2DA300	D	Elevations

Report/Plan	Author	Date
Landscape Treatments		
Public Domain & Public Art Strategy	Scott Carver Pty Ltd/ Professor Michael Tawa	5 June 2017
Email to Greg Colbran (DeiCorp) regarding landscape treatments for townhouses	Andrew Turnbull, Scott Carver	23 August 2012
Acoustic Assessment		
Pemulwuy Acoustic Assessment	Koikas Consultants Pty Ltd	13 December 2011
Traffic Assessment		
Transport and Accessibility Impact Assessment	John Coady Consulting Pty Ltd	13 December 2011
Structural Assessment		
Structural report for Pemulwuy	Bonacci	12 December 2011
BASIX Assessment		
Precinct 1 BASIX Assessment	Windtech	13 December 2011
Site Investigations		
Geotechnical Assessment	SMEC Testing Services Pty Ltd	August 2010
Supplementary advice regarding groundwater conditions	SMEC Testing Services Pty Ltd	25 August 2010
Stormwater Drainage		
Stormwater Concept Plan SC 01	Neil Lowry & Associates	December 2011
Site Plan SC 02	Neil Lowry & Associates	December 2011
Construction Management		
Construction Management Methodology	DeiCorp	10 December 2011
Traffic and Pedestrian Management Plan	Lack Group	13 December 2011
Traffic Management Plan 2011/421	Lack Group	13 December 2011
Soil Water Management Plan Layout for Precinct 1 & 2, Redfern Dwg. No. C082 Rev A	Bonacci	March 2011
Sediment Basin Detail Dwg. No. C084 Rev A	Bonacci	March 2011
Wind Assessment		
Precinct 1 – Report No. WB028-01F02 (rev 2)	Windtech	7 December 2011
Precinct 2 – Report No. WB028-01F06 (rev 2)	Windtech	7 December 2011
Heritage Assessment		
Heritage Interpretation Strategy	NBRS	9 December 2011

except for:

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

Plan No. 0DA015A, a site plan showing Precincts 1 and 2 and the land to which the approval relates, has been added to the list of drawings and the public domain plan has been updated to the *Public Domain & Public Art Strategy*, dated 5 June 2017, prepared by Scott Carver Pty Ltd and Professor Michael Tawa, submitted with *MP06_0101 MOD 2*.

Copies of these plans are to be submitted with the application.

4. **Condition B1 - Design Modifications** is to be amended to delete paragraph (a) which relates to development in Precinct 3.
5. **Condition B2 - Waste Management** is to be amended to delete paragraph (d) which relates to development in Precinct 3.
6. **Condition B21 - Adaptable Housing** is to be amended to delete reference to “and 3 of the student housing units” in paragraph (a). The issue of adaptable student housing in Precinct 3 is addressed in *SSD 8135*.
7. **Condition C9 - Public Domain** is to be amended to provide clarity by changing:
 - “Prior to the commencement of construction” to “Prior to the commencement of construction of public domain works” at the beginning of the 1st paragraph; and
 - the 1st sentence in the 2nd paragraph to read “The Public Domain Plan must be prepared in accordance with the City of Sydney’s Public Domain Manual and the Public Domain & Public Art Strategy, dated 5 June 2017”.
8. **Condition C10 - Public Art/Cultural Interpretation** is to be deleted as this issue has been satisfactorily resolved in the current *Public Domain & Public Art Strategy* which has been comprehensively reviewed by the Design Excellence Design Review Panel and endorsed by the AHC in relation to its cultural appropriateness
9. **Condition E7 - Site Landscaping** is to be amended by changing “B17” to “B16” to rectify a typographical error.
10. **Condition E13 - Easement for Public Access** is to be amended to reflect the dedication of the forecourt area of Precinct 1 and the 8 car parking spaces along the Caroline Street frontage of Precinct 1 for public use in accordance with *MP06_0101 MOD 2*. The condition is to read:

“Prior to the issue of an Occupation Certificate for this development, the forecourt area of Precinct 1 and the 8 car parking spaces along the Caroline Street frontage of Precinct 1 are to be dedicated to Council for public use.”
11. **Condition E14 - Site Consolidation** is to be amended to reflect the approval applies solely to Precincts 1 and 2 and is to read:

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

12. **Condition E16 - Contribution levied under Redfern-Waterloo Authority Contribution Plan (RWCP)** is to be amended to reflect the contribution required for the development in Precincts 1 and 2 by changing “\$1.4 million” in paragraphs (a) and (b) to “\$883,925”
13. **Condition E17 - Contribution levied under Redfern-Waterloo Authority Affordable Housing Contribution Plan (RWAHCP)** is to be amended to reflect the contribution required for the development in Precincts 1 and 2 and the current contribution rate by, in paragraph (a), changing:
 - “\$1,271,118” to “\$880,263”; and
 - “\$73.12/m²” to “\$84.60/m²”.
14. **Condition F15 - Drainage** is to be amended to remove the second paragraph that relates specifically to development in Precinct 3.
15. The following conditions are to be deleted from **Schedule 2** because they refer to development in Precinct 3 and RailCorp’s requirements associated with development in this precinct, which are addressed in *SSD 8135*, or they refer to the land-bridge which is to be abandoned by virtue of *MP06_0101 MOD 2*:
 - **B25 - Geotechnical and Structural Stability and Integrity**
 - **B26 - Building, Balconies and Window Design**
 - **B27 - Use of Lights and Reflective Materials**
 - **B28 - Demolition, Excavation and Construction Impacts**
 - **B29 - Crane and Other Aerial Operations**
 - **B30 - Requirement for the Proponent to enter into an Agreement with RailCorp**
 - **C7 - Rail Corridor Alignment**
 - **C8 - Archival Recording of Murals**
 - **C11 - Services Searches**
 - **C11 - Survey**
 - **C12 - Stray Currents and Electrolysis from Rail Operations**
 - **C13 - Dilapidation Surveys**
 - **C14 - Fencing**
 - **C15 - Derailment Protection**
 - **D14 - Scaffolding**
 - **D15 - Track Possessions and Power Outages**
 - **D16 - Safe Working Rules**
 - **D17 - Access Management**
 - **E9 - Student Housing Manager**
 - **E18 - Dilapidation Surveys**
 - **E19 - Maintenance of Development**
 - **E20 - Maintenance of Bridge Widening**
 - **E21 - As-Built Drawings**
 - **F3 - Plan of Management for Student Housing**
 - **F17 - Graffiti, Screening and Landscaping**
16. The Statement of Commitments contained in **Schedule 3** is to be replaced with the attached Statement of Commitments which refers solely to development in the area to which *MP11_0093* applies.

The modifications do not involve any physical changes to the buildings approved in Precincts 1 and 2.

The modification to the public domain works in the *Public Domain & Landscape Report*, dated 9 December 2011, prepared by Scape, by the *Public Domain & Public Art Strategy*, dated 5 June 2017, prepared by Scott Carver Pty Ltd in consultation with Professor Michael Tawa evolved in response to the modification of *MP06_0101 MOD 1* for the Project and was comprehensively reviewed by the Design Excellence Design Review Panel.

The modifications to the approved public domain works in the area to which *MP11_0093* is to apply involve:

- the pavement system being upgraded from concrete to granite finishes, in line with the City of Sydney guidelines;
- the “Pemulwuy-Meeting Place” graphic overlay being removed from the share-way pavement and instead being displayed on the glass wall of the gymnasium in Precinct 1; and
- a slightly elevated outdoor seating area, with a northerly aspect, being provided in Precinct 2 at the intersection of the share-way and Caroline Street to enhance its usability and resolve level differences.

The streetscape and tree planting on the Precinct 1 frontages are to remain unaltered.

These modifications represent a refinement of the approved public domain works.

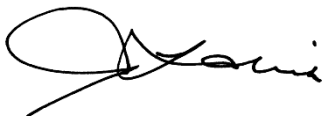
Public domain issues associated with the deletion of the land-bridge over part of the railway corridor to the east of Precinct 3, the retention of the existing “art wall” at the interface of Lawson Street and Precinct 3 with the railway corridor and the public domain works within Precinct 3 are addressed in *MP06_0101 MOD 2* and *SSD 8135*.

Conclusion

The development, as modified:

- represents the same development as approved by *MP11_0093* in Precincts 1 and 2;
- will not have any environmental effects; and
- is suitable for approval under Section 4.55 of the *EP&A Act*.

Yours sincerely,



Andy Ludvik
Ludvik & Associates Pty Ltd

Statement of Commitments

No.	Subject	Commitment	Timing
1	Authority Approvals	All necessary approvals and permits required for the construction of the buildings under State and Commonwealth legislation are to be obtained.	Prior to the carrying of work
2	Demolition	Demolition works are to be carried out in accordance with the requirements of AS 2601-2001: <i>Demolition of Structures</i> .	During the demolition of the existing buildings
3	Remediation	Any soil contamination encountered during the construction phase is to be remediated in accordance with relevant <i>Australian Standards</i> , Codes and guidelines.	As part of site preparation works and prior to the commencement of building works
4	Building Works	The buildings are to be constructed in accordance with the approved plans, the relevant Construction Certificate and in accordance with the <i>Building Code of Australia</i> .	Ongoing from the commencement of construction
5	Construction Management	<p>Construction work is to be carried out in accordance with the Construction Pedestrian and Traffic Management Plan to be prepared in consultation with Transport for NSW prior to the issue of a Construction Certificate for the Project.</p> <p>All contractors/suppliers will be advised of the Management Plan and will be required to adhere to those requirements throughout the construction phase.</p> <p>Erosion and sediment control measures are to be installed and maintained for the duration of the construction works and until all ground disturbed by the works is stabilised.</p> <p>Measures are to be taken to mitigate dust emanating from the site to protect the amenity of surrounding properties during the construction phase.</p>	Ongoing from the commencement of construction

No.	Subject	Commitment	Timing
6	Waste Management	<p>Wastes associated with demolition works, construction work and the on-going operation of the buildings are to be managed in accordance with the approved Waste Management Plan.</p> <p>The removal of all wastes, including asbestos-based wastes, is to be undertaken in accordance with the regulations and requirements of the NSW Government and relevant codes of practice and guidance notes.</p>	Ongoing from the commencement of demolition works
7	Public Domain	Public domain works are to be constructed in accordance with the <i>Public Domain & Public Art Strategy, June 2017</i> , prepared by Scott Carver Pty Ltd and Professor Michael Tawa.	As part of construction works
8	Safety and Security	All outdoor lighting is to be installed in accordance with <i>AS/NZ 1158.3:1999 - Pedestrian Area (Category P) Lighting</i> and <i>AS 4282:1997 - Control of the Obtrusive Effects of Outdoor Lighting</i> .	As part of construction works
9	Acoustic & Vibration	The buildings are to be constructed in accordance with the recommendations contained in the report prepared by Koikas Associates Pty Ltd relating to acoustic and vibration measures to be implemented.	As part of construction works
10	Road Traffic Facilities	The road traffic facilities identified in the Transport and Accessibility Impact Assessment prepared by John Coady Consulting Pty Ltd are to be established.	As part of construction works
11	Car Parking, Loading & Access	<p>One hundred and fifteen (115) off-street car parking spaces are to be provided in Precinct 1 in accordance with <i>AS2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking</i>.</p> <p>Loading facilities are to be established in accordance with the approved plan and <i>AS2890.2-2002: Parking Facilities - Part 2: Off-Street Commercial Vehicle Facilities</i>.</p>	As part of construction works
12	Retail & Commercial Uses	Development applications for the commencement of the use of the retail and commercial tenancies are to be submitted to and approved by Sydney City Council prior to the commencement of their use.	Prior to the commencement of use of retail and commercial tenancies

No.	Subject	Commitment	Timing
13	Ecologically Sustainable Development	The buildings are to be constructed in accordance with the commitments contained in the BASIX Assessment prepared by Windtech Consultants Pty Ltd.	As part of construction works
14	Heritage/Archaeology	<p>Appropriate action is to be taken should any unexpected historical archaeological relic or Aboriginal object be discovered during the excavation program.</p> <p>An archival recording of the site is to be undertaken prior to construction and an interpretative heritage strategy is to be developed.</p>	During excavation works
15	Stormwater Drainage	Stormwater drainage works are to be carried out in accordance with the plans prepared by Neil Lowry & Associates.	As part of construction works
16	Access & Facilities for People with a Disability	<p>Access facilities are to be provided in accordance with AS1428-2001 - <i>Access for Design and Mobility - New Building Work</i>.</p> <p>57 of the dwellings in Precinct 1 are to be constructed in accordance with AS4299-1995 - <i>Adaptable Housing</i>.</p>	As part of construction works
17	Public Utilities	<p>The buildings are to be connected to the required water, sewerage and electricity infrastructure in accordance with the requirements of Sydney Water Corporation and EnergyAustralia.</p> <p>Other utilities, such as gas and telecommunications, are to be connected in accordance with the requirements of the service providers.</p> <p>The provision and/or adjustment of public utility infrastructure is to be carried out in accordance with the requirements of the relevant public authority.</p> <p>Any easements required to facilitate the provision of utility infrastructure are to be granted to the relevant public authority.</p>	As part of construction works
18	Development Contributions	All reasonably required contributions are to be paid.	When required
19	Occupation of the Building	All required certificates are to be provided to the Principal Certifying Authority and an occupation certificate issued prior to the occupation of the buildings.	Prior to occupation of the building

No.	Subject	Commitment	Timing
20	Community Consultation	The Aboriginal Housing Company will continue to liaise with the local community during the construction phase.	Ongoing
21	Child Care Centre	The child care centre is to be constructed and operated in accordance with the requirements of the <i>Department of Community Services</i> .	Ongoing
22	Dwellings in Precinct 1	<p>The sixty-two (62) dwellings in Precinct 1 are to be retained in the ownership of the Aboriginal Housing Company.</p> <p>These dwellings are to be managed by the Aboriginal Housing Company to provide affordable housing for the local Aboriginal and Torres Strait Islander community.</p>	Ongoing
23	Gallery	<p>A gallery is to be constructed, established and maintained in Precinct 1 for use by the Aboriginal Housing Company to display articles associated with the Aboriginal and Torres Strait Islander community.</p> <p>A development application for the use and fit-out of this space as a gallery is to be submitted to and approved by Sydney City Council prior to the establishment of the gallery.</p>	Prior to the commencement of use of the gallery and ongoing
24	Development	Development of the Project, i.e. in Precincts 1, 2 and 3, is to be carried out concurrently	Ongoing
25	Dedication of land to Sydney City Council	An area of some 988m ² of the land is to be dedicated to Council as part of the public domain, of which 753m ² is to be located in Precinct 1 and 235m ² in Precinct 2	Prior to the occupation of the development
26	Design Excellence	The design excellence of the Project is to be retained throughout the Project to the completion of construction	Ongoing