

27 October 2017

File No: MP 06\_0101 MOD 2, SSD 8135  
Our Ref: R/2016/40/A

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Dear Amy,

**Pemulwuy, MP 06-0101 MOD2, SSD 8135**

Thank you for your correspondence dated 12 September 2017 which invites the City of Sydney ("the City") to provide comment on the modification proposal and new state significant development (SSD).

The City raises the following comments in respect of the proposed modification proposal and new SSD to be considered in the assessment of the proposal.

**Comparison to Approved Scheme**

The proposal significantly increases height (from 3-6 storeys to 3 – 24 storeys), floor space ratio (FSR) (from 2.25:1 residential to 6.95:1) and student rooms (154 to 522). Overall this represents significant increases in terms of a comparison to the approved development on Precinct 3 (P3). The proposed building height is up to four times the height of the approved scheme.

The assessment of the urban design context of the proposal included in the Environmental Assessment & Environmental Impact Statement (EA & EIS) notes that the overall height of the building responds to the existing and future character of the buildings surrounding the station including the following sites:

- 157-161 Redfern Street.
- 7-9 Gibbons Street
- 1 Lawson Square

These sites are each located on the eastern side of the Railway Line.

The surrounding locality on the western side of the Railway Line is predominantly low scale, up to 6 storeys, including the approved concept heights for precincts P1 and P2 within the development.

This is particularly telling in the applicant's own photomontage of the proposal as viewed from Regent Street.



The P3 development site adjoins two storey terrace dwellings to the north at 67 – 75 Eveleigh Street and 1-5 Holden Street, Redfern. The proposed building form is 3-9 storeys along the northern boundary adjacent to the terraces. The urban context report has not addressed the immediate locality in its consideration of the proposal.

The north and south 'wing' elements of the building that sit either side of the main building tower create visual bulk (particularly the south wing) and are prominent within the perspective views included in the application, particularly as viewed within the Pemulwuy precinct.

### **Applicant's explanation for the SSD**

The EA & EIS notes that for the approved development to be economically viable, it relied upon Federal and State grants, philanthropic grants, commercial borrowings, and the AHC financial resources. Funds were unable to be obtained. The proposed increase in student housing is to enable the Aboriginal Housing Company (AHC) to enter into a commercial arrangement with a student housing provider to fund the construction of the entire project (p2 Executive Summary, EA & EIS).

The student housing is proposed to be managed, operated and maintained by Atira Student Living.

The funding of the proposal is not a consideration in terms of the planning assessment of the proposal, nor should it be considered as a justification for increasing the height and FSR limits for the site.

Notwithstanding the above, it is suggested that the proposal make available 20 percent of approved rooms as 'affordable student accommodation' (at a reduced rental rate) within the Precinct 3 proposal for the use of Aboriginal and Torres Strait Islander and or other disadvantaged students, to assist in achieving the core objectives of the Pemulwuy Project to deliver affordable housing to Aboriginal and Torres Strait Islander communities.

### **Deed of Agreement between the City and AHC**

The site consolidation is subject to a Deed of Agreement between the City and the Aboriginal Housing Company. This Deed is associated with the transfer of certain land owned by the City to the AHC to facilitate the delivery of the proposal, and obligates the AHC to deliver on core elements of the project. These core elements include provision of affordable housing, child care, gallery and public open space. Should there be a breach of the Deed, the Deed allows for, at City of Sydney option, the land that was owned by the City to be transferred back to City.

Refer to attached Council resolution from 10 December 2012.

### **Gallery Space**

The concept plan (MP06\_0101) and the detailed SSD (MP11\_0093) approvals for the entire Pemulwuy development included an art gallery space (sized 485m<sup>2</sup>) within the Precinct 3 block. This is also included as a core element of the earlier mentioned Deed and its removal from the Pemulwuy development would represent a material change to the Deed.

This application proposes that the art gallery is to be relocated from the Precinct 3 block to the Precinct 1 block within the commercial/retail area. However, no concurrent application to facilitate this relocation has been lodged. In the absence of a concurrent application, obligation or planning approval to ensure the relocation of the gallery space, and in the absence of any information as to precisely where the gallery is to be relocated and whether this has implications on the delivery of other key elements of the Deed, the determination of this application should be held in abeyance, the current proposal should be amended to include the gallery space, or a Planning Agreement between the AHA and the City of Sydney facilitated by DPA positively requiring the inclusion and construction of the space in Precinct 3 would be required.

### **Public domain interface**

Clarification is requested in terms of the area noted as 'public domain' on plans - it appears that this is intended to remain as part of the development and not be dedicated to the City as indicated in the previous approval (which included a pedestrian bridge). It is also noted that the nature of the space is more akin to a forecourt to a private development rather than bona fide public open space. The area of land 'open to sky' has also been reduced in comparison to the previous approval (from 230m<sup>2</sup> to 130m<sup>2</sup>). Council requests that this land be dedicated to the City as public domain per the existing approval.

The ground floor Eveleigh Street frontage of the proposal includes solid elements to areas including fire stairs, bathrooms, laundry, cinema, substation rooms and loading dock. Approximately 62% of the frontage will be solid materials. An improved design with less solid elements along Eveleigh Street would provide improved surveillance, activation and presentation to the street.

Wind conditions have not been assessed with wind tunnel testing to give quantifiable impacts as part of the application. It is recommended that this work be done to ensure that appropriate comfort levels are provided both for the proposal and on the adjacent public domain. The proposed 'drop off zone' shown within the Eveleigh Street footpath is not supported.

The footpath width along Eveleigh Street should be assessed in terms of the increased demand from the proposal and its capacity. It may be necessary for the building to be setback to ensure an acceptable pedestrian comfort environment.

## Public Art

Given the scale and prominence of the site it is recommended that the proponent engage with the City's Public Art Advisory Panel for further feedback. Details of their meetings can be provided. Comments regarding the included Public Domain + Public Art Strategy (the strategy) are provided as follows:

- It is recommended that the proponent engage a Curator with experience in Contemporary Aboriginal and Torres Strait Islander art and contemporary public art to work with the project team to assist in procuring artists and developing artist's briefs.
- The Pemulwuy logo facade should be considered as branding rather than a public art opportunity.
- It is recommended that opportunities identified as public art involve the engagement of an artist, working in collaboration with the architect when proposed to be integrated into the built form. It is recommended that the strategy be amended to allow for one or more opportunities that provide artists the opportunity to respond to the site in a more holistic way without physically defined outcomes to allow the artist to lead the design of the artwork.
- The strategy should outline the budget commitment to public art.
- The strategy would ideally identify the existing and future artworks outside the immediate development site to provide a context for artist to work within.

## Landscaping

The wind report requires trees within the 'forecourt' to address adverse wind conditions. Details of the proposed tree species to address this requirement have not been provided for consideration.

Notwithstanding the earlier 'forecourt' comments, further details should be developed on the treatments provided to the area labelled as 'public domain' within the southern portion of the site in order to achieve the vision principles and create a usable space for both the P3 proposal and to be integrated within the whole Pemulwuy Project. The Crime Prevention Through Environmental Design Assessment report does not provide specific recommendations for this space which will be an important interface for the development.

The Level 2 – 'eco roof' noted as being inaccessible could be explored as an opportunity to provide additional outdoor common area for residents' use.

## Internal amenity

The internal amenity for residents of the building should be adequately provided for so that the proposal will not 'borrow' amenity from other sites, and to ensure that residents will have appropriate quality of liveability. Whilst the Sydney Development Control Plan (DCP) 2012 does not apply to the proposal, a comparison is provided against the proposal with regards to the DCP controls for boarding houses as follows:

- Internal communal space – 577m<sup>2</sup> proposed (includes gym, lounges, cinema room, study areas). DCP control – 745m<sup>2</sup>.
- Laundry facilities – indicatively shown 28 washing machines, 28 dryers. DCP control – 50 washing machines and dryers.
- Bicycle parking – 172 spaces internal, 8 external.
- Private balconies – numbers provided are unclear (this should be confirmed, elevation plans appear to show balconies to 22 rooms, whilst the floor plans may show only 7. The floor plans are not clear as to what areas would be private accessible balconies). DCP control – 172 rooms to have balconies.

- 65 rooms have a single easterly aspect with a wall adjacent to the rail corridor. These rooms will require acoustic treatments, including closed windows. An additional 14 rooms with a northerly aspect are adjacent to the rail corridor and will require acoustic treatments including closed windows. An additional 26 north facing rooms require acoustic treatments and are not suitable for natural ventilation; and additional 6 south facing rooms require acoustic treatments and are not suitable for natural ventilation (total of 111 rooms). The amenity of these rooms would be compromised.
- Wind conditions have not been assessed with wind tunnel testing to give quantifiable impacts. Tree species between the development and the rail corridor may need to be reconsidered to provide wind attenuation. The wind report also recommends that a 1.8m high impermeable perimeter screen be provided to the roof terrace, however it is not evident that this has been provided on the drawings.

### Summary

This application results in a significant uplift in height and FSR as compared to the current approval. Although the applicable planning policies enable this uplift by virtue of Schedule 3, Part 5, Clause 21(3) of SEPP (State Significant Precincts) 2005, a proposal which seeks to exceed the current height and FSR controls to such a significant extent should result in better outcomes in terms of both external impacts and the provision of internal amenity and provide beyond what the controls (and relevant comparable controls) provide.

Should you wish to speak with a Council officer about the above, please contact Shannon Rickersey, Senior Planner, on 9265 9333 or at [srickersey@cityofsydney.nsw.gov.au](mailto:srickersey@cityofsydney.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Jahn', with a stylized flourish at the end.

**Graham Jahn AM**  
**Director**  
City Planning | Development | Transport