



# Preferred Project Report

## **Pemulwuy Project**

Modification of Concept Plan

Approval No.06\_0101 and Project  
Approval Application No.11\_0093

Eveleigh/Vine/Louis/Caroline and  
Lawson Streets  
REDFERN

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## 1.0 Introduction

This Preferred Project Report has been prepared in connection with the applications that were made to the Department of Planning & Infrastructure concurrently:

- to modify Concept Plan Approval No.06\_0101 to facilitate the comprehensive redevelopment of land in Eveleigh, Vine, Louis, Caroline and Lawson Streets, Redfern, for a mixed-use development involving residential, commercial, retail, community and cultural facilities as well as public open space and landscaping; and
- for Project Approval for the construction of the development in accordance with the proposed modification of Concept Plan Approval No.06\_0101.

The modified development involves:

- 17,380m<sup>2</sup> of gross floor area comprising a maximum of:
  - 2,655m<sup>2</sup> of retail/commercial gross floor area;
  - 12,730m<sup>2</sup> of residential gross floor area, including the student housing; and
  - 1,995m<sup>2</sup> of cultural/community gross floor area, including a gymnasium/fitness centre, a child care centre, a gallery and offices for the Aboriginal Housing Company (AHC);
- 700m<sup>2</sup> of public open space in accordance with plan 0DA070[E] and,
- a car park accommodating one hundred and fifteen (115) cars plus 8 spaces dedicated to Precinct 2 child care drop off.

The applications were submitted under the terms of under Section 75W of the *Environmental Planning and Assessment Act 1979* and *State Environmental Planning Policy (Major Projects) 2005*, (*Major Projects SEPP*).

Environmental Assessments addressing the Director-General's Requirements, issued on 12 August 2011, accompanied the applications.

The applications were publicly exhibited between 19 January and 29 February 2012 and a number of submissions were received by the Department during this exhibition period from Government agencies and the community at large.

This report provides a review of the proposed modifications to the Concept Plan Approval and the Project Approval application in light of:

- the preliminary assessment that has been made of the applications by the Department of Planning & Infrastructure and the issues raised in the Department's letter of 3 April 2012; and
- the submissions received from various Government agencies and the community at large following the public exhibition.

The issues that have been raised have resulted in minor design refinements which are not of such significance as would warrant the re-notification of the applications.

This report concludes that the project should proceed on the basis of the revised preferred project plans that are to accompany the report.

## **2.0 Submissions**

### **2.1 Department of Planning & Infrastructure**

Following the closing of the public exhibition of the applications, the Director-General is obliged to provide copies of all of the submissions that were received to the applicant and the applicant is required to respond to them and lodge a preferred project report.

The Department, in a letter dated 3 April 2012, has identified a number of key issues that the Department considered needed to be addressed.

These issues relate to:

- residential amenity, in terms of:
  - internal dwelling layouts, natural cross ventilation and daylight access to dwellings, including a plan/section to demonstrate the environmental performance of the various dwelling;
  - consideration being given to the potential to incorporate balconies and roof terraces as private open space for the student;
- design and streetscape, in terms of:
  - the height and relatively solid design of courtyard fences which prevent surveillance of Louis, Vine, and Eveleigh Streets from ground floor living areas and the need for the submission of a materials and finishes board which demonstrates that the courtyard fencing is semi-permeable;
  - consideration being given to the provision of individual access to the town houses and the enclosure of the bin areas;
  - clarification of the accessing and servicing of the residential flat building/retail garbage storage areas;
- the works proposed on the Lawson Street bridge over the railway line, in terms of:
  - the submission of owner's consent from RailCorp;
  - liaison with Sydney City Council in relation to the Council's requirement for taking final ownership of the bridge, failing which details are to be provided for an appropriate mechanism for access and maintenance;
- car parking and access, in terms of:
  - improving the functionality of access between the basement car park and the proposed town houses, including the provision of additional stairs on the Eveleigh Street elevation; and
  - the provision of on-site car parking, in close proximity to the child care centre, to provide safe and convenient pedestrian access.

In addition, the Department requested the submission of the following additional information:

- written justification for variations to the height and floor space ratio standards applying to the development of the site;
- a further written assessment addressing the relevant “Rules of Thumb” contained in the *Residential Flat Design Code* in relation to Building Amenity, Building Performance/Waste Management and Building Form;
- a materials and finishes board;
- a water sensitive urban design strategy incorporating environmentally sensitive design best practice to address the on-site detention requirements of Sydney Water;
- a comprehensive plan of management for the student housing;
- operational details of the management of the car park, including details concerning access control, security and the allocation of car spaces to the various uses and dwellings in the three (3) precincts;
- a waste management plan;
- a detail plan at 1:50 scale of typical town house elevations to both Louis and Eveleigh Streets;
- a revised Statement of Commitments responding to the submissions;
- details of mechanisms to ensure that the sixty-two (62) dwellings in Precinct 1 are retained as affordable housing in perpetuity;
- details demonstrating that the proposed 4-bedroom town houses nominated as adaptable housing comply with the accessibility standards of *AS 4299-1995*; and
- revised plans to reflect any changes that have been made to the submitted plans.

The issues relating to the variations to the height and floor space ratio standards applying to the development of the site are to be addressed in Section 3.0 of this report and all of the other additional information sought by the Department is to accompany this report.

A summary of the issues raised by the Department and the applicant’s response to them is contained in **Appendix 1**.

## 2.2 Agency Submissions

Submissions concerning the proposal were received from:

- NSW Transport - RailCorp;
- NSW Office of Environment & Heritage;
- Sydney Water Corporation;
- NSW Police Force;
- Sydney City Council (SCC); and
- NSW Roads & Maritime Services (RMS).

A number of the issues that were raised were reflected in the matters referred to in the Department's letter of 3 April 2012.

Other issues that were raised are summarised in **Appendix 2**, together with the applicant's response to them.

These issues are capable of being addressed by appropriate conditions of approval.

## 2.2 Community Submissions

A total of eight (8) submissions concerning the proposed development were received from a community group, REDWatch, and the following seven (7) residents:

- Mr. T. Dive, 17 Caroline Street, Redfern;
- Ms. N. Bath, 33 Caroline Street, Redfern;
- Mr. A. Combe, 35 Caroline Street, Redfern;
- Mr. L. Marengo, 41 Caroline Street, Redfern;
- Mr. M. Araldi, 108 Lawson Street, Redfern;
- Mssrs J. & C. Sophios, 31-47 Eveleigh Street, Redfern; and
- Mr. & Mrs G. Carrard, 22 Lansdowne Parade, Oatley.

The submission from REDWatch supported the proposal:

- to provide welcomed affordable housing for Aboriginal families;
- to provide student housing and the increased height of the student housing facility;
- to retain a gymnasium on the land;
- to remove the Elders' Centre from the project given that Wyanga provides services to elderly Aboriginal people in nearby Cope Street;
- to include a child care centre in the development; and
- to open up the area from Lawson Street as it will create an open space and sight-lines into the precinct.

The seven (7) resident submissions objected to the proposal.



Objections related to:

- the capability of the *AHC* to undertake and manage the project;
- the appropriateness of the mix of uses proposed;
- the impacts of the heights of the buildings proposed in Precincts 1 and 3;
- the larger buildings not being located to the north of the site in the vicinity of Vine Street;
- the height, bulk, scale and character of the development;
- the need for more commercial development in the area to attract workers and business people;
- the inadequacy of open space and vegetation in the project;
- the adequacy of the parking proposed for the child care centre;
- the impact of the operation of the proposed child care centre on the amenity of the area;
- the increased traffic to be generated to the area and associated traffic congestion;
- the impact of the development on the amenity enjoyed by local residents;
- the lack of assurances that housing will be retained as social housing;
- the re-alignment of Caroline Lane;
- the capacity and capability of the infrastructure serving this area to accommodate the proposed development; and
- management of the construction phase of the development.

A summary of the matters raised in these submissions and the applicant's response to them is contained in **Appendix 3**.

It would suffice to say that none of the matters raised would warrant the project not proceeding.

## 3.0 Key Issues

### 3.1 Height, Bulk & Scale of the Development

The *Major Development SEPP* earmarked the land bounded by the Railway Line and Lawson, Louis, Vine, Abercrombie and Cleveland Streets for mixed-use redevelopment, with floor space ratios (FSR) ranging from 1.5:1 to 3:1 and building heights ranging from 3 to 5 storeys.

Consequently, the *Policy* contemplates and plans for significant change to the desired future character of development in this area.

The development standards in the *Policy* not only control maximum FSR's, but also the maximum proportion of development that may contain residential development.

These standards are set arbitrarily.

In this context, Clause 21(3) in Part 5 of Schedule 3 of the *Major Development SEPP* provides that the building height and FSR standards imposed by Clauses 21(1) and (2) only apply to development where a concept plan has not been approved for the construction of buildings exceeding those standards.

That is to say, the legislation specifically made provision for development standards to be modified when considering development in the larger context of a concept plan.

The principal purpose of the modification to Concept Plan Approval No.06\_0101 is to obtain the required approval to facilitate the issuing of a Project Approval for the development, as proposed, which exceeds the height and FSR standards imposed by Clauses 21(1) and (2).

The height and FSR standards contained in Clauses 21(1) and (2) are as follows.

Precinct	Building Height in Storeys	Floor Space Ratio	
		Maximum	Maximum Residential
1	3	1.5:1	0.75:1
2	3	1.5:1	0.75:1
3	5	2:1	1:1

A comparison between the approved and modified Concept Plans in terms of their height and floor space ratio is as follows.

Precinct	Approved Concept Plan No.06_0101			Proposed Modification		
	Building Height in Storeys	Floor Space Ratio		Building Height in Storeys	Floor Space Ratio	
		Maximum	Maximum Residential		Maximum	Maximum Residential
1	2 to 4	0.95:1	0.92:1	2 to 6	1.35:1	1.2:1
2	3	2.25:1	Nil	2 to 3	1.4:1	Nil
3	3	2.55:1	Nil	3 to 8	2.9:1	2.3:1

It is relevant that the prevailing Concept Plan Approval itself involved a development that varied from the standards contained in Clauses 21(1) and (2), albeit in different areas to those proposed in the modifications proposed in the current applications.

The most significant modifications relate to increasing the extent of residential elements of the development with the incorporation of student housing at the expense of commercial office space and/or a commercial car park.

The bias toward more residential development as proposed in the modified development:

- will reduce height, bulk and scale of buildings as a result of the lower floor to floor heights associated with residential development when compared to commercial office space; and
- will reduce traffic generated to the area by residential use when compared to commercial uses.

Justification of the variations to the height and FSR standards in each precinct is as follows.

### **Precinct 1**

The development in Precinct 1, with an overall FSR of 1.35:1, is well under the standard of 1.5:1 specified in the *Policy*.

However, the residential component of the development is to have a FSR of 1.2:1, which exceeds the 0.75:1 standard for residential development.

The bias in the project toward more residential development is justified in terms of:

- the project's basic underlying tenet of providing sixty-two (62) affordable dwellings in Precinct 1 to meet the needs of the local Aboriginal and Torres Strait Islander (ATSI) community; and
- the interface Precinct 1 with surrounding residential development to the west in Caroline and Hugo Streets.

Development complying with the FSR standard:

- would not have enabled the AHC to achieve its primary goals relating to housing for the local ATSI community;
- would have resulted in a larger and bulkier development resulting from the introduction of commercial development into Precinct 1; and
- would have generated considerably more traffic to the locality with its associated increased demand for parking.

The proposed FSR will, therefore, not result in any adverse impact on the amenity of surrounding residential properties.

Concept Plan Approval No.06\_0101 issued on 30 June 2009 approved development ranging in height from 2 to 4 storey on the land.

The proposed modification proposes buildings ranging from 2 to 6 storeys.

Both plans exceed the 3 storey height standard.

The variation from the height standard is justified in terms of:

- the higher building accommodating more dwellings and freeing up land at ground level to provide more space for the dwellings in the remainder of the Precinct;
- providing greater housing variety and choice;
- providing an interesting and attractive urban design outcome for the development of this Precinct; and
- the variation not resulting in any undue or unreasonable impact on the amenity enjoyed by residents of surrounding properties.

The variations from the height and FSR standards is justified in terms of the Precinct's location and proximity to transport, services and open space services and facilities.

In these circumstances, the variations to the standards applying to development in Precinct 1 are satisfactory and appropriate.

### **Precinct 2**

The development in Precinct 2 is to well below the height and FSR standards.

### **Precinct 3**

Precinct 3 represents the least sensitive area for development in terms of its relationship with the surrounding residential properties.

It is separated from residential development to the west by the developments proposed in Precincts 1 and 2.

It is also located in close proximity to the Railway Station and adjacent to the Railway Line and is, therefore, most suited for:

- the highest density development within the project; and
- more intense use for commercial and student housing purposes.

The development in this Precinct is to have an FSR of 2.9:1, which exceeds the 2:1 FSR standard and the FSR to be devoted to the student housing of 2.3:1 exceeds the residential FSR standard of 1:1.

The building is to contain between 3 and 8 storeys, substantially complying the 5 storey height standard applying to the land.

Neither the FSR or height of the proposed development will not result in any adverse impact on the amenity of surrounding residential properties.

The variations from the height and FSR standards is justified in terms of the Precinct's location and proximity to transport, services and open space services and facilities.

In these circumstances, the variations to the standards applying to development in Precinct 3 are satisfactory and appropriate.

## **General**

The Sydney City Council has indicated that:

- in principle, the redevelopment of the site is supported by Council;
- generally, the revisions proposed to the distribution of floor space and massing across the site are supported; and
- the increased height in this location given its location and proximity to transport, services and open space is potentially acceptable.

The proposal will:

- lead to a desirable and appropriate urban design outcome for the development of the land in this locality;
- facilitate the extent and nature of the development required to enable the *AHC* to develop the land in an economically viable manner to provide affordable housing for the local *ATS/* community; and
- ensure that the project is fundable and deliverable by the *AHC* in accordance with its adopted business plans.

In these circumstances, the modified Concept Plan and the Project Plan represent an appropriate design response to the development of the land and its setting, despite its variation from the numerical values of the development standards contained in Clauses 21(1) and (2).

As such, the applications are suitable for approval.

## **3.2 Amendments to Submitted Plans**

As a result of the submissions that were received, a number of relatively minor design refinements have been made to the plans submitted with the applications.

These design refinements are not of such significance as would warrant the re-notification of the application.

The amendments are generally referred to in **Appendix 1** of this report.

## **4.0 Conclusion**

It is reasonable to summarise the submissions that have been received following the public exhibition of the applications as being generally supportive of the applications.

While there have been objections expressed by a number of residents of this locality, the matters that have been raised would not justify the proposal not proceeding.

The issues that have been raised in the submissions have not warranted any significant change to the development depicted in the plans that originally accompanied the applications.

Where relevant issues have been raised, these have, or can be, addressed:

- by the imposition of appropriate conditions of consent; or
- as shown on the amended project plans.

The design refinements that have been made in this regard are minor and not of such significance as would warrant the re-notification of the applications.

This review of the submissions indicates that the project should proceed on the basis of the preferred project plans accompanying this report.