

City of Sydney

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Mr Alan Bright
A/Director
Metropolitan & Regional Projects South
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Jane Flanagan
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Dear Sir,

PEMULWUY MIXED USE DEVELOPMENT, REDFERN - MP06_0101 MOD 1 & MP11_0093

I refer to your correspondence, dated 13 January 2011, advising of the exhibition of the project application and associated modification to the approved concept plan for the Pemulwuy Mixed Use Development in Redfern.

Given the timeframe provided to make comment on the Pemulwuy Project redevelopment, the proposal was not able to be referred to the Council's Planning Development & Transport Committee or the Central Sydney Planning Committee to obtain their feedback. The following information has been formulated by Council assessment staff for the consideration of the Department in its determination of the applications.

Relevant Background

The proposal involves the redevelopment of the site bounded by Lawson Street, Eveleigh Street, Vine Street and Louis Street, Redfern. The site has a collective area of 10,464sqm and involves the amalgamation of approximately 100 allotments and the closure of a number of laneways currently owned by the City of Sydney.

The Concept Plan (MP06_0101) for the redevelopment of the site as a mixed use development was approved by the Minister of Planning on 30 June 2009. The Concept Plan approved a total gross floor area of 15,500sqm.

The proponent has lodged concurrent applications with the Department of Planning to both modify the above Concept Plan and obtain Project Approval for construction of the Pemulwuy Project. It is understood that the modifications from the 2009 Concept Plan include the following:

- An increase in total gross floor area for the development by 1,865sqm;

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- A reduction in retail/commercial floor space by 4,595sqm;
- An increase in residential floor space by 6,525sqm;
- A reduction in community/cultural floor space by 65sqm;
- An increase in the provision of public open space by 200sqm;
- An increase in the total car parking provision by 45 car parking spaces; and
- Provision of a land bridge extension across the rail corridor.

In principle, the redevelopment of the site is supported by Council. Furthermore, the extent of modifications that have been made to the scheme since 2010 to reflect preliminary planning and design concerns raised by the City are noted and are appreciated.

Despite this, following a review of exhibition material provided by the proponent, a number of issues with the design and lack of sufficient assessment documentation have been identified by Council. These issues are summarised below for the consideration by the Department:

(1) Further variations in Height & Floor Space

The proposal seeks numeric variation from the development standards for height and floor space contained within State Environmental Planning Policy (Major Development) 2005 and from those approved under the existing Concept Plan. With regard to these departures, the following is provided for consideration:

- It is agreed that there may be scope to consider the site as a whole and redistribute building bulk in a more appropriate form across the site. However, it is considered that where this occurs the site should collectively achieve numeric compliance with combined gross floor area controls. The proposed scheme does seek to increase the overall GFA on the site by 477sqm beyond that permitted by SEPP (Major Project) 2005 and by 1,865sqm on the existing Concept Plan.
- In this instance, no objection is raised to the extent of variation sought to the maximum permitted residential FSR as it is understood this results primarily from the inclusion of student housing accommodation. The inclusion of the student housing component is considered to be a positive contribution to the overall scheme and the likely environmental and amenity impacts in this location are reasonable.
- Generally, the revisions proposed to the distribution of floor space and massing across the site are supported. In particular, the reduction in height of the building in Precinct 2 and its redistribution to Precinct 3 is considered to result in a better design outcome and a more appropriate transitioning to adjacent properties.
- It is considered that further justification could be submitted in relation to the increased height of the residential apartment building in Precinct 1. Despite the lack of written justification, the increased height in this location given the location and proximity to transport, services and open space is potentially acceptable.

(2) Planning & Urban Design

Precinct 1:

Setbacks

- The Precinct 1 buildings are significantly set back from the street boundary to create a view corridor and connection to the existing Community Park west of Louis Street. However, this connection is greatly eroded by the placement of 2 large substation kiosks in the public square, at the corner of Louis and Caroline Street. The kiosks clash with the proposed view corridor and pedestrian connection between the square and the park, and may pose safety issues by impacting on sight-lines across the public space.
- It is recommended that consideration be given to relocation of the substation kiosks and a subsequent reduction of the setback of Precinct 1 buildings from Caroline Street should be considered.

Amenity & Environmental Performance

- The townhouses lack a provision for cross ventilation given the current design.
- Due to the configuration of the townhouses, the design permits overlooking from first floor bedroom windows to the private open space of adjacent townhouses. It is unclear from the architectural plans whether any screening is proposed to these first floor windows. It is recommended that amended plans or an appropriate condition be imposed to require screening where necessary.
- The fenestration and facade design of the townhouses could respond better to their orientation. The windows along the south-east (Eveleigh Street) elevation are treated exactly the same way as the north-west (Louis Street) elevation. These elevations should be amended to provide appropriate vertical screening to west-facing windows to allow passive control of the low afternoon sun.
- The west facing retail space at the corner of Louis and Caroline Street could be improved with an awning or any external sun / weather protection. The introduction of an additional or continuous awning around this corner should be considered.
- There is no landscape plan for Precinct 1. It is recommended that the proponent be required to provide an amended landscape plan that includes the proposed treatment of these areas prior to any approval being granted.

Façade treatment

- Greater differentiation between the design of the Eveleigh Street and Louis Street elevations could create an improved sense of identity and address for residents. This could be achieved by introducing passive solar design measures as described previously.

- Given the nature of the project it is recommended that alternative finishes, such as pre-finished systems or face brick/masonry, be considered to reduce maintenance long term.

Precinct 3:

- The outdoor area north-east of the buildings is shown as 'common area' on the architectural plans, whereas it is divided up as 'private outdoor terraces' on the Landscape Plan for Precinct 3. It is recommended that this area be provided as landscaped common area due to the lack of open space for the student housing units. Amended plans should be submitted to ensure consistency in documentation.

(3) Traffic & Parking

Proposed changes to the public roads

- The proposed relocation of the Vine Street/Abercrombie Street roundabout will require Council approval and will require a separate application to be made to the Council's City Infrastructure Traffic Operations Unit. If supported, the proposal will also require a referral to the Council's Pedestrian, Cycling and Traffic Calming Committee. This change can not be approved as part of this application and further detailed approvals should be conditioned. Its relocation appears to be the main strategy to encourage the vehicles to exit via this intersection. It is recommended that prior to any approval the applicant demonstrate they have considered alternative ways to encourage this movement.
- The desire to improve pedestrian connections between the site and the train station is supported. The Lawson Street crossing requires design amendment. A 6-metre separation between raised thresholds is not permitted under the Roads & Maritime Services (RMS) guidelines. Further design refinement is required between the proponent and the Council.
- The proponent is proposing to encourage traffic to use the Vine Street/Abercrombie Street intersection to access and exit the site. The proposal to include a dedicated right turn lane from Lawson Street into the site is, however, not supported as this would encourage additional traffic to make this turning movement and increase the traffic volumes on the shared zone on Eveleigh Street.
- Ensure that the revised public domain proposed, resulting from the realignment of Caroline Lane, has appropriate safety measures and incorporates crime prevention through environmental design.

Childcare centre

- The proposal to provide 6 drop-off/collection parking spaces for the new childcare centre on Caroline Street is not supported. These spaces are currently assigned within the resident permit parking restrictions to meet an existing need in the area. The childcare centre is part of a new development with off-street parking spaces, therefore, it is preferred that all parking and drop-off/collection spaces for the child care centre be contained within the basement car park.

- In relation to the number of drop-off/collection spaces, South Sydney Development Control Plan No. 11 – Transport Guidelines for Development 1996 (DCP 11) requires the provision of 8 drop-off/collection spaces based upon the proposed floor area of the centre. Whilst many of the provisions in DCP 11 are considered to be maximums this is not the case with childcare drop-off/collection spaces. The requirement outlined in DCP 11 is what Council has determined as being the correct number for a centre to operate without detrimentally impacting upon the provision of on-street parking and congestion of local streets.

(4) Public art & interpretation

The proposal includes several elements of public art and interpretation. These works will play a significant role in creating the character of the public domain, in particular:

- the Flagpole (which is shown differently on both the architectural and landscape plans);
- the 'meeting place' paving design; and
- the Turtle Wall.

The Heritage Interpretation Strategy outlines the intent for some of these artworks, however, inadequate detail has been provided to assess these aspects of the application.

The applicant should be required to consult with Council's Public Art Committee and officers on a Detailed Public Art Plan. Any plan should expand on the documentation already provided to nominate the curator, artist and procurement process for each work.

Any Public Art Plan and interpretation should respond to Council's Eora Journey Project and the proponent should be required to liaise with Council's Eora Journey Curatorial Advisor on the project prior to finalise of the plan.

Guidelines on the requirements for a Detailed Public Art Plan can be found at the following website:

http://www.cityofsydney.nsw.gov.au/cityart/documents/INTERIM_GUIDELINES_PUBLIC_ART_IN_PRIVATE_DEVELOPMENTS_SEP2006.pdf

(5) Public domain

The City has a standard palette of materials and finishes for the public domain and if non-standard materials are proposed, then the City may ultimately not wish to take control and maintain these areas. It is suggested that the proponent be required to consult with the Council to agree the finishes and furnishing to the public domain before any approval for Construction Certificate is given.

The following information should be taken into account with regard to the treatment of the public domain:

Dedicated Land & Proposed land bridge over railway corridor

- While the land will be publicly accessible open space, the City does not specifically gain a public benefit from taking ownership of the land, particularly where responsibility for maintenance of non-standard items or accessibility under overhangs becomes a factor for consideration. Taking ownership may not be desirable in these cases, and restrictions on title, such as an easement to maintain public access may be a more appropriate mechanism.
- While the improved pedestrian link and visual links created by the bridge are supported, concern is raised over the ownership issues surrounding dedication, ownership and access to the proposed land bridge. In particular the issue of ownership and stratum, where control by Railcorp ends and that of the City begins, and responsibility and liabilities for maintenance and rights for access have been raised previously.
- If these issues can be resolved satisfactorily, the issue of suitable materials for use and barriers above the walkway is raised. The use of granite is not supported as the Sydney Street Design code requires the use of either asphalt or concrete pavers. The land bridge, although a key component of the opening up of pedestrian and visual links across the site, is not a significant space in its own right that warrants the use of natural stone when it doesn't feature in other more significant areas of the design. The applicant is requested to review the Sydney Street Design Code for the relevant materials appropriate to the location and intended use of the space.

Appropriateness of Materials & Treatments

- Concern is raised over the use of tinted concrete surfaces to the shared zones linking from Lawson Street into Caroline Lane and Eveleigh Streets.
 - *Colouring*: The colours selected in some cases are very light and subject to staining and creating additional maintenance needs. In addition, these areas are not well shaded and the light colours may result in reflection and glare issues. Concern is raised over the lack of contrasting colours, which may result in confusion;
 - *Materials deviation from the City of Sydney Street Design Code*: In general the code outlines brick or insitu concrete as the typical footway material. The proposal deviates from this through the introduction of coloured and textured surfaces. It is understood that these proposals are integral to the success of the design;
 - *Patterning*: The application of a motif in the ground plane has led to banding that may confuse pedestrians, cyclists and vehicular traffic as to the correct path of travel or place to be. While it is understood that this uncertainty may reduce vehicle speeds which is desirable, it may also lead to undesirable conflicts.
- Concern is raised over the use of Cor-ten steel in many of the vertical elements of the public domain:
 - The surface of the cor-ten steel is designed to weather after installation to rust to a certain depth and then stabilise. The characteristic of this is that the surface is not smooth with pitting and flakes making it exceptionally difficult to clean if vandalised.

- Cor-ten weathers initially to create the desired rust colour. Any runoff of water from these surfaces may contain iron oxides that can stain surfaces. The manufacturers of this type of surface generally recommend designing the finish to so that water runoff is directed away from surfaces quickly. It is felt that the design of the public domain does not yet achieve this though could be modified to reach a suitable result.
- The maintenance and repair of these different surfaces could prove to be difficult in the long term; even if the various concrete oxides and tints were to be matched exactly differences would be visible due to the differences in age of the materials. The strength of the imagery is key to the success of the motif and a patched and repaired look several years down the track is likely to detract from it.
- Some differentiation between the emergency access area and the Eveleigh and Caroline Lane shared zones may be required to direct traffic to prevent the route being used more commonly as a general route.

It is suggested that the applicant revisits the materials and finishes palette with a view to simplifying it and including more standard materials that are more durable from maintenance and repair functionality.

Shared way treatment

- The proposal to create shared zones is generally supported. This shared way should be clearly differentiated from the roadway, and the proposal to extend the surface treatment of the public squares across the shared-way is supported.
- The proposal includes the use of bollards along the eastern side of Eveleigh Street to demarcate the shared-way. The use of bollards in this location is not supported due to the clutter and obstruction of the public domain. It is recommended that the bollards be removed from the proposal and instead pavement markers be used to help delineate the shared-way.
- Bollards along the Eveleigh Street shared-way should be deleted and replaced with pavement markers.

Street Furniture

- It is noted that in some instances, the proponent proposes to locate furniture within land already owned by the City of Sydney. These seats and planters are of non-standard designs and their maintenance is of concern as the materials are not part of the City's palette of materials.
- In addition, seating provision appears to be limited. It is felt that to encourage people to dwell longer in these spaces, more seating should be provided.
- Other furniture provision, while in early design stages needs to be considered. Bicycle racks for example have a standard fitting that might prove difficult to implement in the current range of furniture.

While it is desirable to create a special identity through the use of unique street furniture, function as well as form needs to be considered especially with respect to items that will be maintained by the City of Sydney.

Soft Landscaping in Public Open Space

- The provision of soft landscaping within the public domain treatment is under developed. The provision of further planting would assist in providing greater shade or wind protection.
- Additional tree planting could be included beyond that of the sculptural tree planting that would provide seasonal shade without detracting from sight lines.
- Increased planter beds could provide some articulation of space for seating areas and the walls to these would provide opportunities to increase the seating provision.
- It is noted that the tree species *Angophora costata* noted in the City of Sydney Street Tree Masterplan as being planted in Eveleigh St seems to have been substituted by *Cupaniopsis anacardioides*.

It is suggested that the proponent review the soft landscaping component of the proposal with the view of increasing the area of soft landscaping particular tree cover and note the deviations from the Street Tree Masterplan.

(6) Social Planning

Insufficient documentation

The following key social planning documents were submitted with the 2009 Concept Plan:

- Aboriginal Housing Company (2007) *Community Social Plan Redfern – Pemulwuy Project*
- Angela Pitts (2007) *Safety Assessment of the Pemulwuy Project, Redfern, NSW*

These documents were prepared on the quite different Concept Plan scheme, and they have not been submitted with this application. No amended Social Plan has been submitted with the application and it is recommended that the proponent be requested to submit this documentation as housing diversity and assessment was listed as a key issue on the Director General's Requirements.

Housing, tenancy and affordability

The project documentation notes that the project meets a number planning objectives through the provision of housing to Aboriginal and Torres Strait Islander people. There are concerns that the funding for the project, as described, will only allow certain types of households to reside in the proposal. **Table 1**, below, illustrates that the proposed units can be estimated to have a rental value of approximately \$625-\$700 (townhouses) or \$470-\$525 (flats) in today's rental market.

By these calculations, this would make the proposal unaffordable to low income Indigenous households, with only high and moderate income households able to afford to reside in the proposal. There is a risk that the proposal is not able to deliver the proposed social benefits that some of the built environment concessions are being set against, given the likely rental levels.

- It is recommended that the Proponent be required to amend their Statement of Commitments to include a clear statement that the housing in Precinct 1 will be for Aboriginal and Torres Strait Islander people.
- It is recommended that the Proponent be required to amend their Statement of Commitments to include a mechanism to deliver a proportion of housing to low (and very low) income Aboriginal and Torres Strait Islander households. For example, a statement that some of the housing in Precinct 1 will be managed by a Grade 1 certified community housing provider.

Table 1: Pemulwuy Project - affordability analysis

Factors	scenario	3 bedroom house	2 bedroom flat
2011 rental estimates Based on median (high) and first quartile (low) for average of postcodes 2016 (Redfern) & 2018 (Darlington) ¹	high	\$700	\$525
	med	\$662	\$498
	low	\$624	\$470
2011 rental - NRAS discounted Market rent minus 25% (NRAS subsidy)	high	\$525	\$394
	med	\$496	\$373
	low	\$468	\$353
Equivalent 2006 rental rates (Equivalent rent in 2006 ² indexed to change in median and 1 st quartile rents)	high	\$347	\$270
	med	\$329	\$249
	low	\$312	\$229
% of Indigenous households paying less than this rate in 2006³	high	72%	61%
	med	69%	58%
	low	67%	55%
2006 household incomes required to support rents Assuming paying no more than 30% of household income in housing costs	high	\$1,155	\$901
	med	\$1,098	\$831
	low	\$1,040	\$764
% of indigenous households who would not be able to afford to live in the proposed housing (households who would pay more than 30% of household income in housing costs - classified as in 'housing stress' - if housed in the development)	high	63%	55%
	med	61%	53%
	low	59%	52%

Student accommodation

- Consideration should be given to locating the student accommodation entrance closer to Pemulwuy Place would provide an improved presence of students in the area, providing a sense of shared ownership, guardianship and community membership, as well as contributing to social cohesion and crime prevention.

¹ NSW Rent and Sales Report #98 December quarter, 2011,

² Based NSW Rent and Sales Report #77 September quarter 2006

³ Australian Bureau of Statistics (2006) 2006 Census Tables - Gross Household Income (Weekly) By Rent (Weekly) By Landlord Type For Households Containing Indigenous Persons, Cat. No. 2068.0

- It is recommended that any consent granted include the condition requiring the proponent to prepare a Comprehensive Plan of Management for the student accommodation.
- Consideration should be given to the use of student housing accommodation outside of University semesters. It is recommended that any Plan of Management prepared address any alternate use proposed for this accommodation during these times, such as short term rentals or holiday accommodation.

Access to community facilities and services

The Pemulwuy Project Social Plan (AHC, 2007) specifically highlighted the importance of early childhood intervention as an important mechanism for addressing the higher rates of social disadvantage which can occur in Aboriginal and Torres Strait Islander families. Local evidence⁴ suggests the importance of childcare for Aboriginal and Torres Strait Islander people being both:

- Affordable: – including to very low income Aboriginal and Torres Strait Islander parents – often the group most at risk of cyclical disadvantage.
- Aboriginal/Torres Strait owned/managed: local evidence also suggests that the presence and operation of child care by an Aboriginal and Torres Strait Islander owned/managed provider is an important aspect of its cultural inclusiveness for Aboriginal and Torres Strait Islander parents. This cultural inclusivity is an important aspect of Aboriginal and Torres Strait Islander parents propensity to actually use the child care, and children and families to receive the benefits.

It is recommended that the proponent be required to amend its statement of commitments to include mechanism to deliver childcare by an Aboriginal and Torres Strait Islander-owned or managed community-based child care provider.

Public domain treatment

In terms of reinforcing the Indigenous cultural identity of the precinct, the project is strongly supported. It has the possibility of defining a strong cultural identity through:

- the public domain interpretive treatments,
- the potential for a community gallery,
- the potential for substantial component of Aboriginal and Torres Strait Islander residents on the site.

However, it is recommended that consideration be given to amending the public domain treatment to enhance opportunities for incidental meeting, informal congregation and socialising in high activity locations.

It is important to provide these opportunities in places with high levels of activity. It is recommended that the public domain treatment be amended to consider the increased provision of integrated seating elements to facilitate socialisation.

⁴ Redfern and Waterloo Authority Human Services Plan - Implementation Senior Officers Group (ISOG) (2011) meeting discussion.

Crime and safety

The proposal should comply with the *Safety Assessment of the Pemulwuy Project, Redfern* assessment, which was prepared for the Concept Plan. However, the following recommendations are made with regard to the car park design:

- All physical dividers in the car park are to be visually permeable, e.g. between the different car park levels and between storage areas and car parking areas;
- Access to the Residential Storage Area should be fenced and controlled separately to the car park as a whole.
- Access to the Residential Bike Storage Area should be caged and controlled separately to access to the car park as a whole.
- Ensure swipe card security access to the car park.
- Install CCTV at all entry points, lift access, walkways and foyers.

(7) Use of Council land

The content of assessment within this correspondence is a response to the information provided by the Proponent in their application. Please note that this submission does not give the consent of Council for the use/closure of any Council owned land or lanes, with such works being the subject of a separate process.

The City thanks you for the opportunity to provide input at this stage of the proposal. It would be appreciated in the event that any amendments are made to this proposal, prior to determination by the Department, that the City be provided with a further opportunity to comment.

Should you require further information or wish to arrange a meeting, please contact Nicola Reeve, Senior Planner, on 9265 9961 or by email at nreeve@cityofsydney.nsw.gov.au.

Yours sincerely,



KIM WOODBURY
Acting Chief Executive Officer