

21 December 2016

Our Ref: TRIM 2016/667223
File Ref: R/2016/40
Your Ref: MP 06_0101 MOD 2 / SSD 8135

Mr Brendon Roberts
Team Leader
Key Sites Assessments
Department of Planning & Environment, Planning Services
23 – 33 Bridge Street
SYDNEY NSW 2000

Via Email: damajorprojects@cityofsydney.nsw.gov.au

Dear Brendon,

Request for SEARs Concept Plan Modification (MP 06_0101 MOD 2) and State Significant Development Application (SSD 8135) – Pemulwuy, The Block, Redfern

I refer to your letter dated 7 December 2016 where you sought Council's input on the draft Secretary's Environmental Assessment Requirements (SEARs).

The proposal seeks to modify the approved concept plan for Precinct 3 of the abovementioned development. The proposed modifications include an increase in the maximum building height from 6 to 16 storeys and the GFA/FSR from 6,462m²/2.9:1 to 17,080m²/7.16:1 to accommodate a student accommodation building for 522 students.

The modification proposes a *significant* departure from the numeric height and floor space development standard contained within the State Environmental Policy (Major Development) 2005 and the envelopes approved under the existing concept plan. The proposed building must exhibit design excellence and the City strongly recommends that the proposal be subject to a design competition as required in clause 22(3) of the SEPP, given the height of the modification proposes a building height well in excess of 12 storeys (being the SEPP trigger for a competitive process), the sites proximity to the Darlington Heritage Conservation Area and the existing and future scale of surrounding development should be detailed through an urban design analysis of the context.

The applicant should undertake a competitive design process in accordance with the City's Competitive Design Policy. Any competitive design competition should be undertaken in accordance with an approved Design Excellence Strategy, which would define the location and extent of the competitive design process, the type of competitive design process to be undertaken, the number of designers involved and how design variety is to be achieved and the target benchmarks for ESD. A minimum of three competitors are to be invited to participate in the process and prepare a submission in response to the competition design process brief. A jury is to be established to judge the submissions, declare a winner and prepare a jury report that may make further design recommendations. A copy of the City's Policy is attached for the Department's and Applicant's information. It is also noted that the

Director General's Design Excellence Requirements may also serve as guidelines to a required design competition.

It is noted that the procurement process outlined by the applicant does not constitute a competitive design process that would provide architectural variety by inviting different architectural firms to participate. A competitive design process will enable different schemes to be assessed and compared side-by-side to determine which scheme best responds to the site's constraints and best delivers design excellence. It is noted that the examples cited by the applicant, where a design competition was not required, are projects stemming from 2008 and 2009. Since then, the Department has issued the *Director General's Design Excellence Guidelines* (2010) and the City's design excellence requirements and competitive design process was extended to apply LGA wide (2012).

It should be noted that selection of a master architect with review by a Department appointed Design Advisory Panel is not supported in this instance - as in the case of the Crown Casino Development at Barangaroo, the Design Advisory Panels comments were ignored leading to a lack of transparency in the planning process; a subsequent community backlash and further erosion and confidence in the NSW Planning system.

In regard to the proposed departure from the SEPP controls, it is noted that the Draft SEARs proposes to include a detailed justification for the proposed height, FSR and land use. The City recommends that the SEARs include a detailed analysis of the proposal's compatibility with the surrounding context having regard for the Sydney Local Environmental Plan 2012, which identifies the area located to the west of the subject site as being located within the Darlington Heritage Conservation Area which is generally subject to a maximum permitted building height of 9m or 2 storeys and a maximum FSR of 1.25:1 (the site should not be considered as an 'island site'). Detailed overshadowing and view loss analysis is required for public parks and streets as well as to private residential premises to demonstrate that the proposal will not have a significant impact on the amenity of the surrounding area. Views back to the subject site from key areas in the LGA are also required.

The proposed modification will result in a larger student accommodation building, where the existing approval provides 154 beds for student accommodation contained within 42 individual dwellings. It must be demonstrated that the provision of 522 student accommodation rooms in the modified proposal provides for a development that is of a higher or equal design to the approved development including a development with a higher or equal level of internal amenity for the future occupants of this development. The proposal must include a detailed assessment of the proposed student accommodation against the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Part 4.4 of the Sydney Development Control Plan 2012. Any proposal is to include detailed floor plans including room layouts and the provision and layout of communal space (internal and external). The rooms and communal areas are to achieve adequate access to sunlight, daylight, natural ventilation and visual and acoustic privacy.

In addition to the above, the City recommends the following provisions be added to the draft SEARs:

- A detailed plan of management for the operation of the proposed student accommodation in accordance with Section 4.4.1.7 of the Sydney Development Control Plan 2012
- A Waste Management Plan in accordance with Section 3.14 of the Sydney Development Control Plan 2012

- Details of the provision of car parking, loading and servicing facilities, bicycle parking and end of trip facilities in accordance with Section 3.11 of the Sydney Development Control Plan 2012
- A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes
- Specific details of the design of the ground floor level illustrating how the development contributes to the activity, safety, amenity and quality of the streets and the public domain in accordance with Section 3.2 of the Sydney Development Control Plan 2012 given the modification proposes to delete the ground level commercial tenancies.
- Details of any Public Art provision within the development.
- Details of ESD performance.
- A physical model of the proposal to a scale that will fit into the City of Sydney model which also includes a 3D Digital model of the proposal. For details of these requirements please contact Marc Werner on Ph. 9265 9360.

The City thanks the Department for the opportunity to comment on the proposal. Should you wish to speak with a Council officer about the above, please contact Julia Kingsbury, Senior Planner, on 9246 7240 or jkingsbury@cityofsydney.nsw.gov.au.

Yours Sincerely



Christopher Corradi
AREA PLANNING MANAGER (Major Projects)



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19 December 2016

Mr Brendon Roberts
Department of Planning and Environment
23-33 Bridge Street
Sydney NSW 2000

Dear Mr Roberts

**Response to Request for Secretary's Environmental Assessment Requirements
Concept Plan Modification MP 06_0101 MOD 2 and State Significant
Development Application SSD 8135 – Pemulwuy, The Block, Redfern**

Thank you for the opportunity to provide a response to the draft SEARS for the application above.

Relevant plans, strategies and guidelines

On 25 November 2016, UrbanGrowth NSW released the Urban Transformation Strategy (UTS) for the Central to Eveleigh corridor. This is a reference document linked to the Greater Sydney Commission's Draft Central Sydney District Plan. The released UTS is located here <http://www.centraltoeveleigh.com.au/the-strategy/the-strategy/>

Information in the applicants submission refers to draft and conceptual information prepared during preparation of the UTS. The Lawson Street precinct is not part of the final UTS. However, we support consideration of the ten key moves in the UTS that were developed with stakeholders including: Key Move 9 integrating new high density mixed use buildings with existing neighbourhoods and places; and Key Move 10 deliver a diversity of housing choice and tenure.

Redfern-Waterloo contributions plans

The *Redfern Waterloo Affordable Housing Contributions Plan 2006* and *Redfern Waterloo Development Contributions Plan 2006* will be used to calculate affordable housing and development contributions that will apply to the development.

If you have any further questions, please contact Sarah Glennan (02) 9391 2906 or sglennan@urbangrowth.nsw.gov.au.

Yours sincerely,

Duncan Read
General Manager
UrbanGrowth NSW Development Corporation

City of Sydney

Competitive Design Policy



City of Sydney

Competitive Design Policy

Purpose of this Policy

- (1) The City of Sydney Competitive Design Policy, adopted by the Council on 9 December 2013, establishes the processes an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process.
- (2) Clause 6.21(5) of the *Sydney Local Environmental Plan 2012* specifies the types of development that are required to undertake a competitive design process.
- (3) Clause 6.21(5) of the *Sydney Local Environmental Plan 2012* states that consent must not be granted to those types of development specified unless the proposed development is the result of a 'competitive design process'.
- (4) Competitive design process means either:
 - (i) An architectural design competition; or
 - (ii) The preparation of design alternatives on a competitive basis;
- (5) A competitive design process must be undertaken in accordance with an approved Design Excellence Strategy.
- (6) Clause 6.21(7) of the *Sydney Local Environmental Plan 2012* allows the consent authority to consider granting an additional amount of height or floor space of up to 10% of the maximum permissible to a development that is the result of a competitive design process.
- (7) If the development is located within Central Sydney, and is the result of an architectural design competition, it is eligible to receive a discount on the amount of Heritage Floor Space that is required to be allocated in accordance with Clause 6.11(2) of the *Sydney Local Environmental Plan 2012* up to a maximum of 1,000sqm.

Objectives

- (a) Establish the steps an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process
- (b) Clarify the timing of a competitive design process in a staged Development Application process
- (c) Ensure that the competitive design process works within the framework of an approved Design Excellence Strategy
- (d) Establish a competitive design process brief that ensures:
 - (i) the Consent Authority's design excellence requirements are balanced with the developer's objectives; and
 - (ii) procedural fairness for competitors.
- (e) Set out the different requirements for architectural design competitions and competitive design alternatives processes

- (f) Detail the approach for assessment, decision-making and dispute resolution within the competitive design process
- (g) Ensure that design excellence integrity is continued into detailed development proposals
- (h) Clarify that the rationale for granting up to 10% additional floor space or building height under Clause 6.21(7) of the *Sydney Local Environmental Plan 2012* is to cover the cost of the competitive design process.

Provisions

1.1 Demonstrating a competitive design process

- (1) An applicant can demonstrate that a competitive design process required by the *Sydney Local Environmental Plan 2012* has been achieved by undertaking an architectural design competition or the preparation of design alternatives on a competitive basis.
- (2) The competitive design process is to be undertaken prior to the detailed development application stage (Stage 2 Development Application).

1.2 Design excellence strategy

- (1) The competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by the Consent Authority as part of an associated site-specific DCP or concepts stage development application (Stage 1 development application).
- (2) The Design Excellence Strategy is to define:
 - (a) The location and extent of each competitive design process;
 - (b) The type of competitive design process(es) to be undertaken:
 - (i) an architectural design competition, open or invited; or
 - (ii) the preparation of design alternatives on a competitive basis.
 - (c) The number of designers involved in the process(es);
 - (d) How architectural design variety is to be achieved across large sites;
 - (e) Options for distributing any additional floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a competitive design process.

2.1 Three types of competitive design process

- (1) A developer can undertake:
 - (a) an 'open' architectural design competition; or
 - (b) an 'invited' architectural design competition.
 - (c) an 'invited' competitive design alternatives process.
- (2) In an 'open' competition, the developer is to publicly notify the architectural design competition and call for expressions of interest. All respondents are then supplied with

- the competitive design process brief and invited to participate.
- (3) The call for expressions of interest for an 'open' competition is to state:
 - (a) the form and purpose of the competition;
 - (b) any prizes to be awarded; and
 - (c) the minimum submission requirements.
 - (4) In an 'invited' architectural design competition, the developer invites a minimum of five (5) competitors to participate in the competition and supplies each with the competitive design process brief.
 - (5) In an 'invited' competitive design alternatives process the developer invites a minimum of three (3) competitors to participate in the process and supplies each with the competitive design process brief.
 - (6) Each competitor in a competitive process must be a person, corporation or firm registered as an architect in accordance with the *NSW Architects Act 2003* or, in the case of interstate or overseas competitors, eligible for registration with their equivalent association.
 - (7) The competitive design process must allow the competitors at least 28 days to complete their designs.

2.2 Documentation requirements and costs

- (1) To ensure probity, the applicant is to ensure that the documentation of the process is sufficient to enable an audit to be carried out by an independent person or body such as the Australian Institute of Architects if required by the consent authority.
- (2) The architectural design competition or competitive design alternative process is to be paid for by the developer. In the event of an architectural design competition, the Consent Authority will convene the competition jury, including the provision of administrative and secretarial services for the recording of the jury proceedings and preparation of the Design Competition Report.

2.3 The competitive process brief

- (1) All details about the conduct of the competitive process brief are to be contained within the competitive design process brief and no other document.
- (2) The competitive design process brief is to be reviewed and endorsed by the consent authority prior to its distribution to competition entrants.
- (3) The competitive process brief is to be in accordance with the Council's Model Competitive Design Process Brief.
- (4) The competitive design process brief is to include a disclaimer stating that the jury's or developer's decision will not fetter the discretion of the Consent Authority since the Consent Authority will not form part of the judging process.
- (5) If the proposed competitive design processes brief is not approved by the consent authority, the consent authority is to give its reasons within 14 days of the lodgement of the brief.

- (6) The competitive design process brief must clearly set out the fees and/or prizes offered to participants in the competition.

Note:

Council's Model Competitive Design Process Brief was prepared by Council in consultation with the Australian Institute of Architects. It aims to ensure procedural fairness for competitors. Proposed variations of the Model Competitive Design Processes Brief must be reviewed and endorsed by the consent authority.

3.1 Architectural Design Competitions (Open and Invited)

3.2 Judging the competition entries – jury establishment

- (1) The jury is to comprise a minimum of four (4) members and a maximum of six (6) members.
- (2) The jury is to comprise of:
 - (a) half the members nominated by the consent authority, who have no pecuniary interests in the development proposal or involvement in approval processes; and
 - (b) half the members nominated by the developer.
- (3) Jury members are to:
 - (a) represent the public interest;
 - (b) be appropriate to the type of development proposed;
 - (c) include only persons who have expertise and experience in the design and construction professions and industry; and
 - (d) include a majority of registered architects with urban design expertise.

Note:

More detail regarding the jury obligations is contained in the Model Competitive Design Process Brief.

3.3 Heritage-related applications

- (1) If the proposed development includes a building listed in Schedule 5 of *Sydney Local Environmental Plan 2012* or where a site is located within a conservation area, or in the vicinity of a heritage item, then at least one member of the jury is to be an appropriately qualified heritage consultant.

3.4 Assessment and decision

- (1) A minimum of five (5) competitive submissions must be considered.
- (2) At least a week prior to the convened jury meeting a copy of the submissions will be distributed to the jury members and a site inspection will be carried out for them-
- (3) The competitors must present their entry to the jury in person. The presentation must be no longer than 30 minutes followed by questions from the jury.
- (4) Each competitor's submission may be graded (i.e. 1st, 2nd, 3rd, etc) by the jury according to the assessment criteria.

- (5) The jury's decision will be via a majority vote. Unanimous agreement is not required.
- (6) The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development application associated with the development site that is the subject of the competition.
- (7) In the event that a winner is not selected, the jury may recommend that further refinements be made to one or more of the submissions. For these submissions they will list the design issues for the first and second ranked scheme and request they redesign their entry and represent the entry within 21 days of the initial presentation. Upon completion of the second presentation to the jury, the jury will rank the competition submissions (first and second).
- (8) The jury may decline to declare a winner of the architectural design competition if none of the entries exhibit design excellence. If the jury declines to declare a winner, the jury may recommend that none of the entries exhibit design excellence and accordingly end the process.

3.5 Architectural Design Competition Report

- (1) Following its determination, the jury is required to prepare a report (to be referred to as the Architectural Design Competition Report) detailing:
 - (a) the competition process and incorporating a copy of the competition brief;
 - (b) the jury's assessment of the design merits of each of the entries;
 - (c) the rationale for the choice of preferred design which must clearly demonstrate how it best exhibits design excellence in accordance with the provisions of Clause 6.21(4) of the *Sydney Local Environmental Plan 2012* and the approved Design Excellence Strategy; and
 - (d) an outline of any further recommended design amendments or proposed conditions of development consent that are relevant to the achievement of design excellence.
- (2) The jury is expected to reach a decision on whether to request a redesign within 14 days and will submit a jury report (referred to as the architectural design competition report) to the developer and the consent authority, within 14 days of its decision.
- (3) Following the jury's decision, the consent authority may require the developer to hold a public exhibition of the design competition entries.

3.6 Procedure where there is an outstanding resolution of a preferred design

- (1) In the event that:
 - (a) the jury does not reach a decision,
 - (b) the developer is not satisfied with the nomination,
 - (c) the developer wishes to make a substantive modification,
 - (d) the consent authority considers the project submitted for approval (or as subsequently modified) to be substantially different, or
 - (e) the Consent Authority indicates it will not grant consent to the design nominated either the developer or the Consent Authority may request that the Jury reconvene and make a recommendation as to what further competitive processes or requirements

would be necessary to permit an alternative or revised design to satisfy the design excellence provisions.

- (2) The jury shall make such recommendations within 28 days of a request.
- (3) The cost of such review is to be borne by the developer.
- (4) In the event that the developer decides not to proceed with the architect of the winning entry. The developer will -
 - (a) provide the consent authority with written reasons for this decision and,
 - (b) restart the Architectural Design Competition

3.7 Completion of the architectural design competition process

- (1) The *Sydney Local Environmental Plan 2012* requirement that an architectural design competition be held in relation to a proposed development is deemed to be satisfied upon:
 - (a) the issue of a report by the competition jury, or
 - (b) the completion of any further competitive processes recommended by the Jury following a requested review, or
 - (c) should the jury make no further recommendations, 28 days after such a request for review is made, in which case the competition requirement is considered discharged.

4.1 Competitive Design Alternatives Process

- (1) The design alternatives are to be prepared in response to a Competitive Design Process Brief by a minimum of three (3) different architectural firms who can demonstrate experience in the design of high quality buildings. Each alternative should provide, at a minimum, an indicative design solution for the site, with sufficient detail to demonstrate that it is a feasible development option and achieves design excellence in accordance with the approved Design Excellence Strategy.
- (2) The consent authority will nominate at least one independent person as observer of the competitive design alternatives selection process. The observer must be provided with reasonable notice to attend all meetings involved with the competitive design alternatives selection process.
- (3) The role of the observer is to verify that the competitive process has been followed appropriately and fairly.
- (4) The developer determines the outcome of the selection process.

4.2 Assessment and decision

- (1) A minimum of three (3) competitive submissions must be considered.
- (2) A presentation of the design alternatives is to be made to the developer's selection panel. A copy of the submissions will be provided to the consent authority a week prior to the convened presentation of alternatives.
- (3) The developer may rank the competition submissions (i.e. 1st, 2nd, 3rd, etc).

- (4) The decision of the developer will not fetter the discretion of the consent authority in its determination of any subsequent development application associated with the development site that is the subject of the competition.
- (5) In the event that a winner is not selected, the developer may recommend that further refinements be made to up to two (2) of the submissions. For these submissions they will list the design issues for the first and second ranked scheme and request they redesign their entry and represent the entry within 21 days of the initial presentation. Upon completion of the second presentation to the developer, the developer will rank the competition submissions (first and second).

4.3 Competitive Design Alternatives Report

- (1) When competitive design alternatives have been prepared and considered, the consent authority requires the applicant to submit a Competitive Design Alternatives Report prior to the submission of the relevant Stage 2 Development Application.
- (2) The Competitive Design Alternatives Report shall:
 - (a) include each of the design alternatives considered;
 - (b) include an assessment of the design merits of each alternative;
 - (c) set out the rationale for the choice of preferred design and clearly demonstrate how this best exhibits design excellence in accordance with the provisions of Clause 6.21(4) of the *Sydney Local Environmental Plan 2012* and the approved Design Excellence Strategy.
 - (d) include a copy of the brief issued to the architectural firms.
- (3) The consent authority will advise the applicant whether it endorses the process and outcome and whether it fulfils the requirements of the competitive design alternatives process in the form of pre-development application advice.
- (4) The consent authority may need to determine whether the resulting development application or subsequent Section 96 modification is equivalent to, or through design development, an improvement upon the design qualities of the endorsed outcome. If necessary, further competitive processes may be required to satisfy the design excellence provisions.

5.1 Design Integrity

- (1) The designer of the winning scheme (as chosen via the 'competitive design process') is to be appointed as the Design Architect to:
 - (a) prepare a Development Application for the preferred design;
 - (b) prepare the design drawings for a construction certificate for the preferred design;
 - (c) prepare the design drawings for the contract documentation; and
 - (d) maintain continuity during the construction phases to the completion of the project.
- (2) The winning architect may work in association with other architectural practices but is to retain a leadership role over design decisions.

5.2 Design Integrity Assessment

- (1) Where a competitive design process winning scheme is subsequently developed or modified a Design Integrity Assessment (DIA) will be required to be submitted to the Consent Authority with the application.
- (2) The purpose of the Design Integrity Assessment (DIA) is to inform the consent authority on whether the proposal (development application or Section 96 modification) is equivalent to, or through design development, an improvement upon the design excellence qualities of the winning competition scheme.
- (3) The DIA will be prepared by the jurors or an independent panel appointed by the Consent Authority at the cost of the developer.
- (4) Where a continuation of design integrity has not occurred, the competition jurors appointed by the consent authority or an independent panel established by the consent authority will make a recommendation as to what further competitive processes or requirements would be necessary to permit an alternative, or revised design to satisfy the design excellence provisions.
- (5) The jury shall make such recommendations within 28 days of a request.
- (6) The cost of such review is to be borne by the consent authority.

5.3 AMP Circular Quay Precinct

- (1) The objective of this section is to recognise the specific characteristics of the AMP Circular Quay Precinct and its intended redevelopment by setting out a site specific architectural design competition framework which will achieve:
 - (a) an integrated design excellence outcome for the whole precinct,
 - (b) competition winning design excellence for the Bridge and Alfred Block tower, and
 - (c) fine grain design excellence and architectural diversity for the Young and Loftus Block.
- (2) For development subject to the provisions of clause 6.26 AMP Circular Quay Precinct of *Sydney Local Environmental Plan 2012* an architectural design competition, subject to an approved Design Excellence Strategy, may include two components as follows:
 - (a) an initial phase where an international architectural design competition is undertaken for the whole of the site where:
 - i. each competitor must submit a detailed design for the Bridge and Alfred Street Tower and other related development within the Bridge and Alfred Street Block; and
 - ii. each competitor must also submit preliminary design concepts and principles for building projects within the Young and Loftus Street Block;
 - iii. the designer of the winning scheme for the initial phase of the international architectural design competition is to be appointed as Design Architect in accordance with clause 5.1 of this Policy for the Bridge and Alfred Street Block.

(b) a second phase where:

- i. separate design architects are appointed for each building project within the Young and Loftus Street Block, and are to be selected by an Expressions of Interest Process, the terms of which are to be agreed to by the consent authority through an approved Design Excellence Strategy; and
- ii. successful architects selected through the Expressions of Interest Process will be appointed as Design Architect for each building project within the Young and Loftus Street Block and are to carry out the tasks identified in section 5.1 of this Policy for their assigned building project(s).



Office of Environment & Heritage

DOC16/629947
MP06_0101 MOD 2 & SSD 8135

Mr Brendon Roberts
Team Leader Key Sites Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Alexander Scott

Dear Mr Roberts

Request for SEARs - Concept Plan Modification and New student accommodation, Pemulwuy, The Block, Redfern

I refer to your letter received 7 December 2016 by the Office of Environment and Heritage (OEH) requesting input into the Secretary's Environmental Assessment Requirement's (SEARs) for the Concept Plan Modification (MP06_0101 MOD 2) and New student accommodation, Pemulwuy, The Block, Redfern (SSD 8135).

OEH has reviewed the relevant documentation and recommends the inclusion of the following Aboriginal cultural heritage assessment requirements in the SEARs.

Aboriginal cultural heritage

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in the EIS. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW, 2011).
2. Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EIS.

3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

If you have any queries regarding this matter please contact Marnie Stewart, Senior Regional Operations Officer, on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 15/12/16

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

File No: EF16/14307
Ref No: 16/620389
Previous: MP06_0101 MOD 1
MP11_0093

Mr Brendon Roberts
Team Leader, Key Sites Assessments
Department of Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Mr Alexander Scott

Sent by e-mail to: alexander.scott@planning.nsw.gov.au

Dear Mr Roberts

Request for Secretary's Environmental Assessment Requirements (SEARs) for Pemulwuy Project, The Block, Redfern: bounded by Eveleigh, Vine, Louise, Caroline and Lawson Streets - Concept Plan Modification MP 06_0101 MOD 2 and State Significant Development application SSD 8135 regarding Precinct 3

Reference is made to your correspondence received on 8 December 2016 requesting SEARs input from the Heritage Council of NSW (the Heritage Council) for the above proposal.

The proposed State Significant Development (SSD) seeks to modify the Concept Plan approval issued on 21 December 2012 as it relates to Precinct P3, to vary the 5 storey height control to facilitate construction of purpose-built student accommodation for 522 rooms, ranging from 3 storeys along Eveleigh Street up to 16 storeys in height. The subject site is in the vicinity of State Heritage Register (SHR) item *Redfern Railway Station Group* (SHR item no. 1234). In addition the Railway Corridor Retaining wall on its western side has identified heritage significance and will be partly affected by the proposed works.

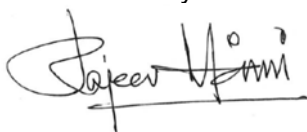
It is recommended that the draft heritage SEARs (in *italics*) are amended as recommended (in **bold**) and the following additional SEARS (in **bold** also) are included:

- *The Environmental Impact Statement (EIS) should identify any listed or potential heritage items within the proposed project area. If any listed or potential heritage items are likely to be affected, a **revised** Heritage Impact Statement (HIS) must be prepared in accordance with the guidelines in the NSW Heritage Manual. The HIS should assess how the development would impact on any places of heritage significance in or surrounding the SSD site and how these impacts can be avoided or mitigated.*
- **The revised Heritage Impact Assessment (HIS) should include a view impact assessment, photomontages of the interface and visual impacts of the proposal as seen from surrounding streets, Lawson Street road bridge (over the railway lines), Redfern Railway Station's Lawson Street entry and surrounds.**

- An historical archaeological assessment should be prepared by a suitably qualified historical archaeologist in accordance with the 2009 Heritage Division, Office of Environment and Heritage guidelines '*Assessing Significance for Historical Archaeological Sites and 'Relics'*'. This assessment should identify what relics, if any, are likely to be present, assess their level of heritage significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. In the event that harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations. This methodology should include appropriate actions to guide monitoring, stop-work provisions should relics be found, appropriate recording, storage and public display provisions for relics.

If you have any questions regarding the above matter, please contact Stuart Read, Assessment Officer, Conservation Section at the Heritage Division, Office of Environment and Heritage on telephone (02) 9873 8554 or by e-mail: stuart.read@environment.nsw.gov.au.

Yours sincerely



Rajeev Maini
Acting Manager, Conservation
Heritage Division
Office of Environment & Heritage
As Delegate of the Heritage Council of NSW
21 December 2016



**Transport
for NSW**

Mr Brendon Roberts
Team Leader
Key Sites Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Alexander Scott

Dear Mr Roberts

Request for SEARs for Concept Plan Modification MP06_0101 MOD 2 and State Significant Development Application SSD 8135 - Pemulwuy, The Block, Redfern

Thank you for your letter dated 7 December 2016 requesting Transport for NSW (TfNSW) provide its input into the draft Secretary's Environmental Assessment Requirements (SEARs) for the above.

The suggested additions and changes to the SEARs are provided in track changes in the attached draft SEARs for the above development application.

If you require further clarification regarding this matter, please don't hesitate to contact Para Sangar, Senior Transport Planner on 8202 2672.

Yours sincerely

22/12/16

Mark Ozinga
**Principal Manager, Land Use Planning and Development
Freight, Strategy and Planning**

Objective Number - CD16/17264

Secretary's Environmental Assessment Requirements

Section 75F and 78A(8A) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application number	06_0101 MOD 2 and SSD 8135
Project	Pemulwuy Mixed Use Development
Modification/Proposal	<p>Concept Plan: Modification to the approved Concept Plan in relation to Precinct 3 to:</p> <ul style="list-style-type: none"> • Increase maximum building height from 6 to 16 storeys; • Increase gross floor area (GFA) from 6,462m² to 17,080m²; • Increase floor space ratio (FSR) from 2.9:1 to 7.16:1; and • Increase student accommodation rooms from 154 to 522. <p>State Significant Development Application: New student accommodation building in Precinct P3 consistent with the proposed Concept Plan modification.</p>
Location	Precinct 3, Pemulwuy, The Block, Redfern
Proponent	Aboriginal Housing Company Ltd
Date issued	6 October 2006
Date modified	
General requirements	<p>The Environmental Assessment (EA) and Environmental Impact Statement (EIS) must include:</p> <ul style="list-style-type: none"> • an executive summary. • a table demonstrating where the requirements of the SEARs are addressed. • landowners' consent for all properties within the development site where work is proposed or where properties are included in floor space ratio (FSR) calculation; • demonstration as to how residential and non-residential components of the project will be integrated for each stage to ensure the achievement of a mixed use precinct; • description of the site, including cadastre, title details, existing easements (including sewer mains, and/or encumbrances and existing access ramps); • details of the proposed layout, land uses, size and scale of the main components of the development, FSR, height (AHD) and any staging of the proposal; • a detailed justification for the proposed height and FSR and land use mix having regard to any relevant impacts; • an assessment of the environmental impacts of the project with particular focus on the key assessment requirements specified below; • a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project; • an amendment to the approved Statement of Commitments (where relevant); and • a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
Key issues	<p>1. Relevant EPIs, Strategies, Plans and Guidelines</p> <ul style="list-style-type: none"> • Address the provisions of State environmental planning policies, strategies, plans and guidelines that would apply as if those provisions applied to the carrying out of the project, including the following: <ul style="list-style-type: none"> ◦ <i>State Environmental Planning Policy (State and Regional Development) 2011</i>; ◦ <i>State Environmental Planning Policy (State Significant</i>

- Precincts) 2005 (SSP SEPP);*
- *State Environmental Planning Policy No 55 – Remediation of Land;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *NSW State Priorities;*
- *A Plan for Growing Sydney (including draft Central District Plan);*
- *Draft Architecture and Design Policy for NSW;*
- *NSW Long Term Transport Master Plan;*
- *Integrated Public Transport Service Planning Guidelines: Sydney Metropolitan Area 2013;*
- *Sydney's Walking Future 2013;*
- *Sydney's Cycling Future 2013;*
- *Sydney's Bus Future 2013;*
- *Sydney's Rail Future 2013; and*
- *Development Near Rail Corridors and Busy Roads 2008;*
- *Redfern-Waterloo Built Environment Plan (Stage One) August 2006;*
- *Redfern-Waterloo Contributions Plan 2006;*
- *Central to Eveleigh Urban Transformation Strategy, Urban Growth, 25 November 2016;*
- *Redfern-Waterloo Affordable Housing Contributions Plan 2006; and*
- *City of Sydney Development Control Plan 2012.*

2. Built Form and Urban Design

- Demonstrate a design excellence process for each stage of the proposal, having regard to Clause 22, Part 5 of Schedule 3 of the SSP SEPP.
- Include a detailed justification for proposed increases in GFA and height with particular consideration to the height, bulk, scale and setbacks of the proposed development, its impacts on amenity, views and vistas, and how it would successfully relate to the built form of the existing and future character of the surrounding area.
- Provide an urban design strategy, including a detailed site analysis and consideration of crime prevention through environmental design principles, and demonstrate how the proposal responds to this strategy.
- Provide further consideration of:
 - urban design elements and treatment to proposed areas of public domain;
 - activation of ground level spaces and links between proposed buildings and other existing public facilities;
 - the architectural language of the buildings to ensure an appropriate urban design link between them; and
 - the existing traditional architecture that dominates Caroline, Lawson, Louis and Eveleigh Streets and the southern side of Vine Street.
- Provide evidence of engagement with relevant Aboriginal stakeholders regarding cultural design elements, including motifs, public art and place and building naming.
- Provide details of clearly defined building entries and adequate pedestrian, vehicle and residential access.
- Demonstrate the proposal's overshadowing of nearby residential areas and public domain (within and outside the Pemulwuy site) in accordance with relevant planning controls.
- Provide details of selection of materials to minimise glare reflectivity impacts.

3. Amenity

Address and outline design principles incorporated into the development in terms of sunlight/overshadowing, natural ventilation, wind impacts, reflectively, visual and acoustic privacy, and safety and security.

4. Ecologically Sustainable Development (ESD)

The EA/EIS shall identify how best practice ESD principles will be incorporated in the design of the development, and include innovative and best practice

proposals for environmental building performance.

5. Visual Impacts

A visual impact assessment must be undertaken to identify the visual changes and view impacts of the project to/from key vantage points and surrounding land. Photomontages or perspectives should be provided showing the project

6. Employment and Enterprise

Provide details of potential local employment generation of the project, particularly for Aboriginal people. Details of opportunities for Aboriginal and local enterprise are also required.

7. Social Impacts

Address the relocation of existing residents during the construction phase of the proposed development and any longer term impacts on the immediate and wider Aboriginal community. As some of the existing houses within the project site provide a source of affordable housing for Aboriginal people, the impact on these residents and the neighbouring community must be addressed. The project shall identify employment, education, cultural, social and residential opportunities that will be provided to support the development of a sustainable community. The project must address long term social sustainability issues such as governance, housing mix, community safety, local community impacts and minimisation of crime and anti-social behaviour.

8. Safety/ Public Domain/ Pedestrians

The EA/EIS is to demonstrate how the proposed building envelope, building design and treatment of the public domain and open spaces will:

- Maximise safety and security within the public domain, particularly for pedestrians travelling between the site and the railway station;
- Maximise surveillance and activity within the public domain;
- Maximise safety and security for occupants of the buildings;
- Ensure access for people with disabilities;
- Minimise potential for vehicle and pedestrian conflicts; and
- Demonstrate good urban design and quality landscaping of the public domain.

9. Heritage

A heritage impact statement of potential heritage impacts of the project on the site, buildings and existing archaeological items is required having regard to the Heritage Office guideline *Assessing Heritage Significance*.

If any impact is anticipated on any archaeological relics, it is recommended that a research design for the proposed excavation should either be included in the Heritage Impact Statement or submitted as a separate document as part of the EA/EIS.

10. Traffic Impacts (Construction and Operational)

A traffic and transport impact study shall be submitted with the environmental assessment which assesses the traffic and transport impacts of the project. The **Traffic and Transport Impact Assessment study should shall include, but is not limited to, the following:**

- accurate details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements and existing traffic and transport facilities and services provided on the road network located adjacent to the proposed development;
- details of estimated the total daily and peak hour trips likely to be generated by the proposed development, including vehicle, public transport, pedestrian and bicycle trips;
- assess impacts on local and arterial roads; adjacent road intersections; access points to development; existing traffic volumes with and without the development; AM and PM peak volumes; pedestrian **traffic movements**; parking requirements; provision and treatment of car parking; potential parking overflow; 10 year projected volumes with and without the

	<p>development; cumulative impacts of adjoining and adjacent developments; where appropriate.</p> <ul style="list-style-type: none"> • detail measures to be implemented to mitigate any impacts identified; • identify any required upgrading of roads and improvement works to ameliorate any traffic inefficiency and safety impacts associated with the development and the need for associated funding for upgrading or road improvement works; • identify existing and proposed pedestrian and bicycle routes and facilities; • assess the adequacy of public transport, pedestrian and bicycle provisions to meet the demand of the proposed development; • detail measures to encourage sustainable travel and non-car mode share, (e.g. implementing a sustainable travel plan and end of trip facilities); • details of the proposed number of car parking spaces and compliance with appropriate parking codes and justify the level of car parking provided on the site (particularly in light of the options available to the site in terms of access via public transport and active modes to a wide range of activities); • appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network; • propose bicycle and car parking in accordance with relevant RMS guidelines and Australian Standards; and • provide details of service and delivery vehicle movements and site access arrangements (including vehicle type and likely arrival and departure times of service vehicles); • assessment of proposed loading dock and servicing provisions and access arrangements to loading docks; • Demonstrate how the proposal is consistent with the 2016 Central to Eveleigh Urban Transformation Strategy; • Consideration of the impact of development the role and function of the road hierarchy in the study area; • In relation to construction traffic: <ul style="list-style-type: none"> ○ assessment of cumulative impacts associated with other construction activities; ○ assessment of road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity; ○ details of anticipated peak hour and daily truck movements to and from the site; ○ details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements; ○ details of temporary cycling and pedestrian access during construction; ○ details of proposed construction vehicle access arrangements at all stages of construction; and ○ assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists and public transport operations, including the preparation of a draft Construction Pedestrian and Traffic Management Plan to demonstrate the proposed management of impact. This Plan needs to include vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all demolition/construction activities. <p>Relevant Policies and Guidelines:</p> <ul style="list-style-type: none"> • <i>Guide to Traffic Generating Developments (Roads and Maritime Services)</i> • <i>Sydney City Centre Access Strategy</i> • <i>EIS Guidelines – Road and Related Facilities (DoPI)</i> • <i>NSW Planning Guidelines for Walking and Cycling</i> • <i>Guide to Traffic Management – Part 12: Traffic Impacts of Development (AUSTROADS)</i>
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	<p>11. Rail Infrastructure</p> <ul style="list-style-type: none"> Assessment of the structural impacts on the rail corridor as a result of the modification proposal in consultation with Sydney Trains; and Structural design shall comply with all standards from the Asset Standards Authority (ASA) of Transport for NSW. <p>12. Noise and Vibration</p> <ul style="list-style-type: none"> Provide a noise and vibration assessment of construction, operation, traffic and cumulative noise impacts prepared in accordance with the relevant EPA guidelines. This assessment must consider any potential noise impacts on nearby noise sensitive receivers and outline proposed noise mitigation and monitoring issues. Consider impacts of rail noise on the proposal and outline proposed design responses and mitigation measures. <p>12. Construction Impacts</p> <ul style="list-style-type: none"> Address measures to ameliorate potential impacts arising from the construction of the proposed development, including but not limited to consideration of noise and vibration, traffic and parking (including service vehicle routes and contractor parking), air quality, and erosion and sediment controls. <p>13. Drainage and Flooding</p> <p>The EA/EIS is to address drainage/flooding issues associated with the development.</p> <p>14. Services/infrastructure and utilities</p> <ul style="list-style-type: none"> In consultation with relevant agencies, address the existing capacity and requirements of the development for water, electricity, waste disposal, telecommunications and gas. Details of any augmentation to services and utilities required to meet the demand generated by the proposed project. <p>15. Land Ownership and Tenure</p> <p>Details should be provided of current land ownership and proposed management of future ownership in the concept plan area. This should include public land, proposed open space and road reserves. Any proposed road closures should be identified.</p>
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>EP&A Regulation 2000</i>. Provide these as part of the EA/EIS rather than as separate documents.</p> <p>In addition, the EA/EIS must include the following:</p> <ul style="list-style-type: none"> architectural drawings (to a usable scale at A3); architectural design statement; landscape drawings (to a usable scale at A3); landscape design statement; site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings; site analysis plan; shadow diagrams; ESD statement; pre-submission consultation statement; heritage impact assessment; archaeological impact assessment; access impact statement; traffic and parking assessment; visual and view impact analysis and photomontages; stormwater concept plan; flood risk assessment sediment and erosion control plan; operational management plan;

	<ul style="list-style-type: none"> • preliminary construction management plan, including a construction traffic management plan, construction noise and vibration management plan, construction waste management plan and cumulative impact of construction activities on other nearby sites; • geotechnical investigation and report; • services and infrastructure report; • contamination assessment; and • schedule of materials and finishes.
Consultation	<p>During the preparation of the EA/EIS, you should perform an appropriate and justified level of consultation with relevant local, State or Commonwealth government authorities, service providers and the community, with particular regard to:</p> <ul style="list-style-type: none"> • UrbanGrowth NSW; • Office of the Government Architect; • Sydney Trains; • Roads and Maritime Services; • Transport for NSW; • Office of Environment and Heritage; • NSW Police Force; • City of Sydney Council; and • Local Aboriginal and community groups <p>Given the significance of the Block to the wider Aboriginal community, details of the consultation undertaken with the Aboriginal community in the formulation and design of the project should be provided.</p> <p>The consultation process and the issues raised should be described in the EA/EIS.</p>
Further consultation after 2 years	<p>If you do not lodge a development application and EA/EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EA/EIS.</p>