

6 December 2016

Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Brendon Roberts - Executive Officer

Dear Sir,

**Pemulwuy Project - Eveleigh/Vine/Louis/Caroline & Lawson Streets, Redfern
Proposed Modified Precinct P3 Development
Request for Secretary's Environmental Assessment Requirements**

On behalf of the *Aboriginal Housing Company (AHC)*, I request the Secretary's Environmental Assessment Requirements (*SEAR's*) for the preparation of environmental assessments relating to applications to be made to the Department:

- to modify Concept Plan Approval No.MP06_0101 issued on 21 December 2012 for the Pemulwuy Project (Project) insofar as it relates to development in Precinct P3 of the approved development; and
- to obtain a State Significant Development (SSD) approval for the modified Precinct P3 development.

Development in Precincts P1 and P2 in the *Project* is to be carried out in accordance with the modified Concept Plan Approval No.MP06_0101 and Project Approval No.MP11_0093, issued on 21 December 2012.

The purpose of the modification to the concept plan relating to development in Precinct P3 is to facilitate the construction of purpose built student accommodation containing 522 accommodation rooms in this Precinct.

The building is to exceed the height and floor space ratio standards contained in Clauses 21(1) and (2) of *State Environmental Planning Policy (State Significant Precincts) 2005*, (*State Significant Precincts SEPP*).

Clause 21(3) of the *Policy* provides that these standards only apply where the Minister for Planning & Environment has not approved a concept plan which provides for the construction of a building that exceeds these standards.

It is in this context that modification to the Concept Plan Approval for the *Project* is sought.



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Under the terms of Schedule 6A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the Secretary may continue to issue environmental assessment requirements for the modification of an approved Part 3A Concept Plan in accordance with Section 75W(3) of the *Act*.

The *SEAR*'s for the *SSD* approval is to relate solely to the carrying out of the Precinct P3 development in accordance with the modified concept plan.

The following information is provided to assist with the preparation of the *SEAR*'s.

1.0 BACKGROUND

The Minister for Planning & Environment on 30 June 2009 granted Concept Plan Approval No.06_0101 to the *AHC* for the *Project* which involved the construction of a mixed-use development which included residential, commercial, retail, community and cultural development, open space and landscaping on land fronting Eveleigh, Vine, Louis, Caroline and Lawson Streets, Redfern.

Subsequently, modified Concept Plan Approval No.06_0101 and Project Approval No.MP11_0093 were granted on 21 December 2012 for the *Project* which involved:

- the demolition of existing improvements;
- the redevelopment of the 3 Precincts involved in the *Project* as follows:
 - Precinct P1:
 - The construction of a two (2)/part six (6) storey mixed-use building containing:
 - 62 dwellings;
 - 340m² of retail/commercial space;
 - 905m² of gymnasium/fitness centre space;
 - a car park accommodating a total of 115 spaces in a basement level under the building, including 10 spaces capable of being used by people with a disability; and
 - the provision of 865m² of publicly accessible open space.
 - Precinct P2:
 - The construction of a two (2)/part three (3) storey mixed-use building containing:
 - 1,465m² of retail/commercial space; and
 - a 60 place child care centre;
 - Precinct P3:
 - The construction of a three (3)/part six (6) storey mixed-use building containing:
 - 1,100m² of retail/commercial space; and
 - a 475m² gallery; and
 - student housing accommodating a total of 154 beds in 42 units and a manager's flat;
- the strata subdivision of the dwellings in Precinct P1 upon the completion of the development;

- the establishment of open space areas:
 - in Eveleigh Street between Lawson and Caroline Streets, to be known as *Pemulwuy*, “the meeting place” adjacent to the Eveleigh Street/Caroline Street intersection; and
 - fronting Caroline Street between Eveleigh and Louis Streets in Precinct P1; and
- the carrying out of public domain improvements and associated roadworks.

No changes are proposed to the approved development in Precincts P1 or P2.

It is stressed that the entire development is to be retained in the *AHC*'s ownership upon its completion.

2.0 THE SITE

The *Project* involves the redevelopment of the land in Eveleigh, Vine, Louis, Caroline and Lawson Streets, Redfern, indicated on the plan contained in **Figure 1** in Precincts P1, P2 and P3.

The development is to be modified only in relation to the development approved in Precinct P3.

Precinct P3 is located between Lawson Street, Eveleigh Street and the railway line connecting Central and Redfern Railway Stations and comprises the properties known as 77-123 Eveleigh Street.

The allotments in Precinct P3 comprise:

Address	Lot	DP
77-79 Eveleigh Street	1	996782
81-83 Eveleigh Street	B	326761
85 Eveleigh Street	B	81200
87 Eveleigh Street	1	996783
89 Eveleigh Street	1	741715
91 Eveleigh Street	1	779120
93-95 Eveleigh Street	A & B	439127
97 Eveleigh Street	1	797845
99 Eveleigh Street	1	94785
101-105 Eveleigh Street	1	88846
107 Eveleigh Street	1	708931
109 Eveleigh Street	1	996784
111-119 Eveleigh Street	1 to 5	230305
121 Eveleigh Street	1	995857
123 Eveleigh Street	1	803299

The land:

- fronts Eveleigh Street;
- has an area of some 2,385m²; and
- contains the partially demolished structure of the Murawina Child Care Centre and an area currently used for open space purposes by the local community.



Figure 1 – Locality Plan

3.0 DESCRIPTION OF PROPOSED MODIFIED DEVELOPMENT

The development in Precinct P3 approved by virtue of Project Approval No.MP11_0093, issued on 21 December 2012, involves the construction of a 3/part 6 storey mixed-use building with a floor space ratio of 2.9:1 containing:

- 1,100m² of retail/commercial space;
- a 475m² gallery; and
- student housing accommodating a total of 154 bed spaces in 42 units and a manager's flat.

The proposed modified development involves the construction of purpose built student accommodation containing 522 accommodation rooms, with the building:

- ranging in height from 3 to 16 storeys;
- having a gross floor area of 17,080m²; and
- a floor space ratio of 7.16:1.

Concept plans indicating the modified development, prepared by Nordon Jago Architects, are attached.

The plans have been designed:

- to provide the critical mass of development required to enable the *AHC* to complete the entire *Project*, i.e. all of the development in Precincts P1, P2 and P3, without having to rely on outside funding sources; and
- to meet the specifications of The Pad Student Living, one of Australia's leading student housing providers.

The facility is to be leased and operated by The Pad and will accommodate both indigenous and non-indigenous students attending nearby tertiary educational institutions.

4.0 PURPOSE OF MODIFICATION

4.1 Economic Development

The underlying purpose of the modified development is to facilitate the economic use and development of the land by the *AHC*.

The currently approved development was designed to make the *Project* economically viable and deliverable using:

- grants provided by the State and Federal Governments, including the *National Rental Affordability Scheme*;
- philanthropic grants;
- commercial borrowings; and
- the limited financial resources available to the *AHC*.

However, insufficient funds could be made available by the various levels of Government and philanthropists and the *AHC* will be required to fund the *Project* using commercial borrowings.

To do so will require additional student housing to be established in Precinct P3.

It has been determined that 522 accommodation rooms would be required to provide the critical mass of development to enable the *AHC* to complete the entire *Project*, without having to rely on funding from Government or philanthropic grants.

4.2 Student Accommodation

On the basis of data from the Australian Bureau of Statistics, the NSW Department of Industry has indicated that:

- international education has surged ahead of tourism to become NSW's main service export;
- the number of overseas students at the State's universities has grown by 22.4% from 140,000 enrolments in the first half of 2013 to 171,000 in the first half of 2015; and
- the value of international education to State's economy has jumped from \$5.5 billion in 2013 to \$6.69 billion in 2015.

A research study, entitled *Australian Purpose Built Student Accommodation - Supply, Demand, Needs and the Investment Opportunity in the Sector*, was published by Knight Frank Research in April 2016.

The study revealed that:

- the rising number of students in Australia, in particular international students, is having a direct impact on the demand for quality and affordable student accommodation;
- there is an undersupply of purpose built student accommodation, currently estimated to be 290,525 beds nationally, with the potential for that figure to rise closer to 404,700 by 2020 if full-time (both domestic and international) growth and student mobility trends continue;
- the undersupply in Sydney is projected to increase from 74,763 bed spaces today to 99,275 bed spaces in 2020
- the fundamentals for the establishment of student accommodation are location, amenity and the quality of the accommodation; and
- there is a need for State and local governments to review their policy settings and strategies relating to purpose built student housing to help the sector grow.

The site is ideally located for the establishment of student housing because of its proximity to:

- a wide range of major tertiary educational establishments, including:
 - Sydney University, which caters for some 52,000 students;
 - University of Technology Sydney, which caters for some 40,000 students;
 - Notre Dame University, which caters for some 3,500 students; and
 - TAFE Ultimo;
- high-frequency public transport services, including Redfern Railway Station and the bus services using Lawson, Gibbons and Regent Streets;
- local shopping and service facilities; and
- the Sydney CBD.

In summary:

- there is an established need for increased levels of purpose built student housing development in this area;
- the site is ideally located to fulfil that need; and
- the development will support the continued growth of the international education sector and the tertiary educational establishments in this area and contribute to this sector's growth and the NSW economy.

5.0 STATUTORY PLANNING CONTEXT

5.1 State and Regional Development SEPP

Development on the Redfern-Waterloo Sites, with a capital investment value in excess of \$10 million, represents State significant development under the terms of Clause 8(1)(b) and Clause 2(g) in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The modified development in Precinct P3 is to have a capital investment value in the order of \$46 million.

5.2 State Significant Precincts SEPP

The prevailing environmental planning instrument controlling development on this land is the *State Significant Precincts SEPP*.

The site is within the area known as the Redfern-Waterloo Authority Sites (RWAS) and controls for development on it are contained in Part 5 in Schedule 3 of the *Policy*.

The land is zoned Business Zone - Mixed Use under the *Policy*.

The development for the purposes of student housing is permissible, with consent, in this zone and is consistent with the relevant zone objectives.

The height and floor space ratio standards applying to development in Precinct P3 under Clauses 21(1) and (2) in Part 5 of Schedule 6 of the *State Significant Precincts SEPP*, if there is no approved concept plan, are:

Building Height	Floor Space Ratio	
	Maximum	Maximum Residential
5 storeys	2:1	1:1

Concept Plan Approval No.MP06_0101, issued on 21 December 2012, granted approval for a building in Precinct P3:

- containing 6 storeys;
- with a floor space ratio of 2.9:1; and
- with a residential floor space ratio of 2.3:1.

The proposed modified concept plan involves a building:

- ranging in height from 3 to 16 storeys; and
- a floor space ratio of 7.16:1.

It is in this context that the application seeks to modify Concept Plan Approval No.MP06_0101.

There are no buildings on the site that have been identified as “*heritage items*” on the *Redfern-Waterloo Authority Sites: Heritage Map* and the only “*heritage item*” identified in the vicinity of the site is the Redfern Station Booking Office.

Clause 22(1) in Part 5 of the *Policy* provides that consent should not be granted for the construction of a new building in *RWAS* unless consideration is given to whether the proposed development exhibits design excellence, while Clause 22(2) specifies the criteria to be considered to determine design excellence.

The modified development is to be designed to achieve the outcome of design excellence by:

- creating a high architectural standard in terms of the building’s form and detailing;
- using a range of materials and colours to create interesting and attractive elements in the townscape and streetscapes in this area; and
- incorporating best-practice ecologically sustainable design features.

It will significantly improve the amenity of this area when viewed from the public domain and provide a catalyst and stimulus for the ongoing renewal and revitalisation of this area in the manner contemplated by the *State Significant Precincts SEPP*.

Clause 22(3) in Part 5 provides a design competition may be required for any development over 12 storeys.

A design competition has not previously been required in relation 18 storey developments in *RWAS*, such as the developments approved at 157-161 Redfern Street and 7-9 Gibbons Street.

The *AHC* is committed to the building achieving design excellence.

There has already been an extensive review of design options, with the *Project*’s architect, Nordon Jago Architects, having developed 3 design scenarios as a prelude to the *AHC* deciding on the preferred option, a copy of which accompanies this request.

It is proposed that design excellence will be achieved by a peer review of the development plans by Turner Studio, one of Sydney’s leading architectural firms.

In this context, a design competition of the nature contemplated by Clause 22(3) is unwarranted and the issues associated with design excellence can adequately be assessed by the Department in its assessment of the applications under the terms of Clause 22(2).

5.3 Other State Environmental Planning Instruments

The following State environmental planning policies apply to the proposed modified development:

- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No.55 - Remediation of Land*
- *State Environmental Planning Policy (Urban Renewal) 2010*

5.4 Design Guidelines

The following planning guidelines apply to the proposed modified development:

- *Redfern-Waterloo Built Environment Plan (Stage 1), August 2006 - Redfern-Waterloo Authority*
- *Section 4.4 - City of Sydney Development Control Plan 2012 – Boarding Houses & Student Accommodation*

5.5 Summary

The environmental assessments of the proposed modification of Concept Plan Approval No.MP06_0101 and the SSD approval for the development in Precinct P3 will need to address these statutory planning policies and guidelines.

6.0 PRELIMINARY ASSESSMENT

A preliminary assessment of the issues associated with the modified plans for the Precinct P3 development is as follows.

6.1 Urban Design/Visual Impact

The principal consideration of the proposed modified development is its height, bulk and scale in the context of the existing and desired future character of development of this area.

Contemporary Development in Redfern

Contemporary development on the eastern side of the Central to Redfern railway corridor and Redfern Railway Station in the vicinity of Precinct P3 involves:

- the 18 storey mixed-use development accommodating shops, the Redfern RSL Club, offices and apartments constructed on 157-161 Redfern Street in accordance with Project Approval No.09_0039, issued on 22 December 2009;
- the 18 storey mixed-use development accommodating retail and commercial uses, a supermarket and apartments constructed on 7-9 Gibbons Street in accordance with Project Approval No.08_0112, issued on 22 October 2010; and
- the 2 x 12 storey commercial office buildings, known as the GCA Towers, constructed on 1 Lawson Square.

In addition:

- an 18 storey mixed-use development accommodating student accommodation for 370 students and retail and commercial premises is currently under construction on 60-78 Regent Street in accordance with SSD 6724 approved on 25 August 2015; and
- Consent No. SSD-5249 was issued on 18 December 2014 to make alterations and additions to the existing 2 x 12 storey office towers on 1 Lawson Square to create an 18 storey mixed-use development comprising retail and commercial uses at the ground floor of both towers and at Levels 1 to 5 of the western tower and residential apartments in the remainder of the development.

Central to Eveleigh Urban Transformation & Transport Program

UrbanGrowth NSW is in the process of implementing the *Central to Eveleigh Urban Transformation & Transport Program (Central/Eveleigh Program)* which covers an area of around 80 hectares of government-owned land in and around the railway corridor from Central to Macdonaldtown and Erskineville Railway Stations.

To ensure the *Program* considers other possible renewal opportunities and impacts on neighbouring areas, the study area includes land in a 10-minute walking catchment of the corridor.

The study area is around 500 hectares and is shown on **Figure 2**.

Land in the vicinity of Precinct P3 is located in the *Redfern-Waterloo Potential Precinct* identified in *State Environmental Planning Policy (Urban Renewal) 2010*.

The aims of this *Policy* are:

- to establish the process for assessing and identifying sites as urban renewal precincts;
- to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts; and
- to facilitate delivery of the objectives of any applicable State, regional or metropolitan strategy connected with the renewal of urban areas that are accessible by public transport.

Government landholdings being considered in the *Program* include:

- Redfern Railway Station;
- Eveleigh Rail Yards;
- the airspace above the railway lines; and
- the Redfern and Waterloo social housing estates.



Figure 2 - Central to Eveleigh Urban Transformation Area

This urban transformation strategy will guide development over the short, medium and long term and will contain:

- an urban design and planning framework, which includes design and planning principles and a consolidated spatial plan for development within the corridor;
- a delivery framework outlining infrastructure funding methods, preferred planning pathways and a governance framework; and
- community and government stakeholder feedback and technical work, including studies on transport, heritage, housing diversity, economics and community facilities, which will inform the urban transformation strategy.

The strategy is expected to be publicly exhibited in the near future and will guide detailed master plans for different neighbourhoods within the area and be used to support rezoning proposals.

Discussions with UrbanGrowth's Program Director indicate that:

- the Lawson Street/Cleveland Street precinct is expected to be exhibited with building envelopes of 20+ storeys; and
- increased height adjacent to the rail corridor in Precinct P3 should be generally consistent with the approach to increase density in the urban transformation strategy.

Contemporary Planning Practice

Accepted town planning practice dictates that, in terms of urban form and structure, building height and development density should be concentrated within 400m of public transport nodes, such as a railway station, and that building height and density should gradually decrease relative to distance from nodes.

This practice is consistent with:

- the aims and objectives of *A Plan for Growing Sydney*, published by the NSW Department of Planning & Environment in December 2014;
- the integrated transport and land use policies and transit-oriented development principles of Transport for NSW;
- the NSW Legislative Assembly Committee on Transport and Infrastructure's inquiry into the utilisation of land adjacent to rail corridors in the Sydney metropolitan area held in 2012; and
- the principles espoused in the *Sydenham to Bankstown Urban Renewal Corridor Strategy* published by the Department in October 2015.

The modified development is to be consistent with these contemporary planning principles and practice.

Urban Design Considerations

The site is ideally located adjacent to the principal access to the Redfern Railway Station in Lawson Street and the major pedestrian route connecting the Station to Sydney University.

The modified concept plan has been designed:

- to provide the critical mass of development required to enable the *Project* to be brought to fruition in an economical viable manner;
- to be consistent and compatible with existing contemporary development in the vicinity of Redfern Railway Station and the desired future character of development contemplated by *Central/Eveleigh Program* in this identified urban renewal precinct;
- to provide a sympathetic urban design relationship with surrounding development, which almost exclusively involves development in Precincts P1 and P2 of the *Project*; and
- to meet the needs for student accommodation as determined by The Pad.

The modified concept plan involves a highly articulated building form ranging in height from 3 to 16 storey with:

- a 3 storey element along Eveleigh Street in the northern part of the site, with an 8 storey element setback significantly from the street, designed to integrate the development into the residential character of development to the west; and

- higher 14 to 16 storey elements in the southern section of the site where it more of a visual relationship and connection with contemporary higher- rise development on the eastern side of the railway corridor, the land involved in the *Central/Eveleigh Program* and approved development in Precincts P1 and P2 of the *Project*.

Many of the views of the building from the residential area to the west of the site will be obstructed by other elements of the *Project*, Including:

- the 2 to 6 storey mixed-use building in Precinct P1 which is to accommodate residential, retail/commercial and gymnasium/fitness space; and
- the 2 to 3 storey mixed-use building in Precinct P2 which is to accommodate retail/commercial space and a child care centre.

A preliminary shadow analysis indicates that the modified building form will not have any undue or unreasonable effect on the level of solar access enjoyed on residential properties in the vicinity of the site.

The *AHC* is committed:

- to achieving design excellence in the construction of the building; and
- to an extensive community consultation program throughout the design, assessment and determination processes associated with the development.

An urban design analysis is to accompany the environmental assessments.

6.2 Other Considerations

Social & Economic Considerations

The key social, environmental and economic outcomes associated with the modified development are:

- to achieve a socially desirable outcome for the local indigenous community;
- to ensure that the *Project* is economically viable and deliverable; and
- to foster and promote the economic use and development of the land in accordance with the objects of the Environmental Planning and Assessment Act 1979.

It is important that development meets the aims of:

- A Plan for Growing Sydney;
- State and regional development policies for the Redfern-Waterloo area; and
- the *Central/Eveleigh Program*.

Noise & Vibration

The approved development in Precinct P3 includes the provision of student housing.

Acoustical assessments supporting that development have provided the basis for establishing a satisfactory acoustic environment for students living on the site as a result of noise and vibration associated with operation of the adjoining railway infrastructure.

A further acoustical assessment will inform the modified development and the intensification of student housing on the land.

Transport, Traffic and Parking

The use of the building for student accommodation and the site's location relative to public transport services and the tertiary education institutions likely to be attended by students is not expected to generate any significant parking demand or generate any significant traffic to the locality.

The environmental assessments will be supported by a transport, traffic and parking assessment.

Land Contamination

Contamination issues relating to the redevelopment of Precinct P3 were addressed in Project Approval No.MP11_0093, issued on 21 December 2012, when a student housing development was approved on the land.

Further consideration of this issue is considered unnecessary and unwarranted.

Sustainability

The environmental assessments will include sustainability criteria in a BASIX certificate issued under the terms of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

Stormwater

The modified development will not result in any significant change to the stormwater infrastructure associated with the approved development in Precinct P3.

A modified stormwater plan is to be included in the environmental assessments.

Heritage

A revised heritage impact statement is to be included in the environmental assessments.

7.0 CONSULTATION PROCESS

7.1 Public Authorities

There was extensive consultation with public authorities in connection with the environmental assessments associated with the approved *Project* and there have been preliminary discussions relating to the proposed modified development with:

- the Council of the City of Sydney; and
- Department of Planning & Environment.

Further formal consultations should be conducted with:

- the Council of the City of Sydney; and
- RailCorp.

7.2 Community Consultation

In addition to statutory requirements, the *AHC* is committed to an extensive consultation process with the local community concerning the proposed modified development.

In this regard, a specialist consultant is to be appointed to undertake this consultation process.

The process is expected to include:

- briefings and meetings with key stakeholders;
- community information sessions; and
- community newsletters and updates.

8.0 SCOPE OF SEAR'S

AHC propose to concurrently:


- modify Concept Plan Approval No.06_0101, issued on 21 December 2012, to facilitate the modified development in Precinct P3;
- obtain *SSD* approval for the development of Precinct P3; and
- amend the *Height of Building Map* and the *Floor Space Ratio Map* associated with the *State Significant Precincts SEPP* to reflect the building height and floor space ratio standards to be applied to the development in Precinct P3.

The *SEAR's* are required to inform:

- the modification of Concept Plan Approval No.MP06_0101; and
- the *SSD* approval for the modified development.

Please contact me directly should you require any additional information concerning this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andy Ludvik', with a stylized, cursive script.

Andy Ludvik
Ludvik & Associates Pty Ltd

A16023.LT1

ATTACHMENT:

Modified Concept Plans

MODIFIED

CONCEPT

PLANS