

25 August 2022

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Transport for NSW
231 Elizabeth Street, Sydney NSW 2000
<https://www.planningportal.nsw.gov.au/paintshop>

Dear Sir/Madam

City of Sydney Submission on the Paint Shop Sub-Precinct rezoning proposals

The City of Sydney (the City) welcomes the opportunity to provide a submission on Transport for NSW's (TfNSW) rezoning proposals for the Paint Shop Sub-Precinct at North Eveleigh. The City acknowledges the consultation and work to develop the proposals and makes recommendations to improve and better articulate a unique future for the precinct informed by meaningful engagement with community and stakeholders.

The City has closely reviewed the Explanation of Intended Effect (EIE), Design Guide and supporting documents and acknowledges TfNSW's intention to achieve a consolidated, substantial employment precinct, and in particular to apply Connecting with Country principles to the redevelopment and the City's design excellence requirements to all new development.

However, the City remains concerned by several issues identified in its review of the publicly exhibited materials and **objects** to the proposals in their current form. Of particular concern is that the rezoning proposals:

- seek to declare future development applications 'State Significant' and erode the benefit of incorporating the Paint Shop Sub-Precinct into Sydney LEP 2012
- result in a significant increase in residential and overall GFA for the site which exceeds the floor space in the 2008 concept approval by up to 67%, has not been justified in strategic terms and will undermine the employment priority of the innovation precinct
- are based on a local infrastructure schedule which is inadequate, was not developed in consultation with the City of Sydney as the local authority, does not address the additional infrastructure demands from the development and creates uncertainty around infrastructure funding and delivery
- do not respect the heritage significance of the site and its individual components and include additions on buildings with exceptional or high significance which impact their form, fabric, and distinctive characteristics
- include the siting of residential towers adjacent to the railway corridor which is a source of noise and vibration that will affect the amenity, health and well-being of residents in apartments adjacent to the tracks and have only been located in the most unsuitable location for more yield
- include 18-28 storey, high grade commercial towers which will not deliver the type of large floorplate, adaptable and affordable employment space required for

creative uses in the Collaboration Area

- do not meet the City's target for a minimum of 25% affordable rental housing in perpetuity on a State Significant Site in accordance with Priority L3 of the City's Local Strategic Planning Statement
- facilitate Government-led development on Gadigal land in the Aboriginal Redfern precinct and do not include a commitment to provide for a minimum of 10% of the total residential GFA for culturally appropriate Aboriginal and Torres Strait Islander affordable housing to prevent their displacement from the area.
- do not establish an appropriate night-time economy on the site or leverage the location of the site immediately adjacent to the Carriageworks arts precinct or connections to Carriageworks being prioritised.
- do not include a firm commitment to provide an active transport bridge to connect the Paint Shop Sub-Precinct to business and innovation activities in South Eveleigh (former Australian Technology Park) and communities of Darlington and Chippendale with those in Erskineville, Redfern, Waterloo, and Alexandria.

These key issues are further expanded in Appendix 1 of this letter. The City has illustrated its concerns through an indicative alternative approach for the site at Appendix 1 which delivers in the order of 112,500 sqm of floor space and balances heritage significance, high quality public domain and residential amenity with a mixed contribution towards creative industries and innovation workspace together with affordable and diverse residential floor space in the U/C Collaboration Area. The alternative scenario provides 20,256 sqm more GFA than the 92,241 sqm of development approved in the 2008 Concept Plan for the eastern precinct, which is a 21% increase, rather than the 67% increase of the exhibited proposal.

It is strongly recommended that TfNSW consider these concerns as illustrated through the alternative approach as a basis to work with the City to review the scale of the exhibited precinct plan and ensure the City's key issues are addressed. The revised rezoning proposals should be resubmitted for public consultation after the revised design is complete, and TfNSW have publicly consulted on an infrastructure contributions framework and Sub-Precinct master planning for the Paint Shop Sub-Precinct. Further detailed comments on the Explanation of Intended Effects (EIE), Design Guide and supporting documentation is included at Appendix 2 of this letter.

The City asks for a minimum 4-week general extension for public exhibition and submissions and the facilitation of TfNSW led community workshops. Should you wish to speak with a council officer about the above, please contact Julie Prentice, Senior Specialist Planner on 9246 9003 or at jprentice@cityofsydney.nsw.gov.au

Yours sincerely



Graham Jahn AM LFRAIA Hon FPIA
Director
 City Planning | Development | Transport

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Appendix 1: City of Sydney Paint Shop Sub-Precinct rezoning proposals: Key issues and alternative development scenario

Appendix 2: City of Sydney Detailed Comments on Paint Shop Sub-Precinct rezoning proposals

Appendix 1

**City of Sydney
Paint Shop Sub-Precinct
rezoning proposals: Key issues
and alternative development scenario**

Key issues

State Significant development erodes the integration into the Sydney LEP 2012

The proposal seeks to declare future development applications 'State significant' and erode the benefit of incorporating the Paint Shop Sub-Precinct into Sydney LEP 2012 in the first place. The Sub-Precinct has been removed from the Redfern-Waterloo sites in the Eastern Harbour City SEPP but is retained as State Significant Development (SSD) in the Planning Systems SEPP with the Minister being consent authority on development with a Capital Investment Value (CIV) of over \$10m.

The City continues to demonstrate its ability to deliver large-scale, high-value and complex urban renewal projects and development applications through the Central Sydney Planning Committee (CSPC). However, the continued removal of certain developments in State Significant Precinct areas such as The Rocks, Redfern-Waterloo, Darling Harbour, Barangaroo, Walsh Bay, Central Park and Moore Park as well as hotel, education, and museum projects over a certain value from the City's planning controls results in an inconsistent planning administration.

The City consistently requests the NSW Government to enable projects to be determined by the CSPC and reintegrate the precincts into the City's planning framework to ensure consistent place-based planning outcomes. The proposed amendments to Sydney LEP 2012 to incorporate new development standards for the precinct would be completely undermined by the retention of this provision of the SEPP, given that any new development would inevitably trigger a State significant development.

Recommendation: The City and the CSPC should be the consent authority for all development in the Paint Shop Sub-Precinct.

Increase in residential and overall GFA is excessive and unjustified

The significant increase in market residential and overall GFA for the site which exceeds the floorspace in the 2008 concept approval by 62-67% and has not been justified in strategic terms. This increase will undermine the creative and innovation precinct and will lead to significant impacts on views, heritage and public domain through excessive bulk and scale not in context with its surrounds; more traffic, public spaces lacking in sunlight with poor wind environments and people living in apartments exposed to the damaging health effects of noise and air pollution.

A genuine creative industries and innovation precinct is activated by light industrial, non-residential uses such as creative, cultural and commercial uses, which are given priority and not undermined by the need to preserve amenity for residential uses. It is understood that the target floor space to be delivered as part of the Collaboration Area is achievable without increasing the GFA of the 2008 approval for the precinct.

Recommendation: Review the proposals to reduce the market residential and overall GFA to align more closely to the 2008 Concept Plan Approval. The City has illustrated its concerns with an alternative development approach discussed elsewhere in this submission to use as a basis for this review.

Local infrastructure provision is inadequate and unclear

Development of the Paint Shop Sub-Precinct will place additional demands on infrastructure within the local area. With the Sub-Precinct looking to accommodate up to

6,200 workers, 650 residents as well as daily visitors and tourists, it is important that the infrastructure needs arising from the development are thoroughly considered. The City is well placed to provide advice on local infrastructure needs in the area, given its strong track record in funding, delivering, and maintaining local infrastructure assets throughout the local government area.

The local infrastructure schedule is inadequate and was not developed in consultation with the City of Sydney, despite this being a Study requirement. The local infrastructure schedule is a list of all the infrastructure that is proposed to be delivered on site. There are no infrastructure assets on this local schedule that are owned, or proposed to be owned, by the City of Sydney as the local government authority. For numerous items, the schedule states that ownership and management will be determined through further consultation in the next development phase. The City raises significant concerns that this lack of clarity and certainty may result in infrastructure that is not genuinely local or publicly accessible in perpetuity.

The local infrastructure schedule fails to look beyond the Sub-Precinct boundaries to determine what additional infrastructure demand will arise from the development. For example:

- while 12,550 sqm of open space is proposed, this is subject to site constraints (e.g., heritage and ground level changes), and with large, paved spaces will not be able to meet broader recreational needs (such as sports fields and playgrounds). The local infrastructure schedule fails to take into account that the development will place additional pressure in the City's existing parks and does not propose to contribute to any capacity improvements to existing nearby parks like Hollis Park on Wilson Street and Victoria Park in Camperdown.
- the potential for up to 6,200 jobs to be accommodated within the sub precinct will place additional pressure on existing local road, pedestrian and cycle networks in the vicinity of the precinct. The infrastructure schedule does not identify the need to upgrade local intersections and footpaths, improve pedestrian connections and amenity and deliver sections of cycleways.

Local infrastructure needs, beyond the site boundaries, must be identified and reflected in a local infrastructure schedule developed in close consultation with the City of Sydney.

There is a lack of certainty around infrastructure funding and delivery. The EIE acknowledges that the Redfern Waterloo Authority (RWA) Contributions Plan 2006 (RWA Plan) applies to the Paint Shop Sub-Precinct, and notes that the Department of Planning and Environment is currently reviewing the Plan to determine if it should be updated or rescinded. This Plan has historically failed to provide adequate funding, appropriate infrastructure, or delivery within a reasonable time frame, which is in part due to the historic lack of governance and accountability in its implementation.

The City of Sydney Development Contributions Plan 2015 already applies to the Redfern Waterloo precinct and could provide a more contemporary means of funding and delivering current and future infrastructure for this rapidly growing precinct. If necessary, the City's 2015 Plan could be amended to incorporate new infrastructure items that reflect the evolving population's needs, including the needs of future populations of the Paint Shop Sub-Precinct. Incorporating the Redfern Waterloo precinct into a City contributions plan would provide existing and new communities with the confidence that local infrastructure will be delivered, given the City's strong commitment to timely delivery of local infrastructure.

The RWA Contributions Plan does not envisage the scale of development proposed in the Paint Shop Sub-Precinct and should be rescinded as a matter of urgency and replaced with a City of Sydney development contributions plan which applies throughout the RWA area, including the Paint Shop Sub-Precinct.

If the development of the Paint Shop Sub-Precinct proceeds as State Significant Development (SSD), it is unclear whether local contributions will apply to all SSD applications submitted. This is important to provide the City with certainty for the funding of local infrastructure. The City would not support any requests for offsets from local contributions for infrastructure provided as Works-In-Kind that it does not consider to be local (such as the infrastructure listed on the current version of the local infrastructure list) or on City-owned/controlled land.

Recommendations:

- That local infrastructure needs beyond the site boundaries be identified and reflected in a local infrastructure schedule developed in close consultation with the City of Sydney.
- To provide certainty for local infrastructure funding and delivery:
 - that the RWA Contributions Plan be rescinded as a matter of urgency and replaced with a City of Sydney development contributions plan which applies throughout the RWA area, including to the Paint Shop Sub-Precinct; and
 - that confirmation be provided that local contributions will apply to future SSD applications in the Paint Shop Sub-Precinct.

The proposals do not respect exceptional heritage significance

The proposals do not adequately respect the heritage significance or unique potential of the site and its individual components and include built extensions on buildings such as the Paint Shop and on the Fan of Tracks identified as having exceptional or high significance which impact their form, fabric and distinctive characteristics and diminish the heritage significance of the entire site.

The Eveleigh Railway Workshops are of state significance. The Carriage Workshops, Paint Shop, Chief Mechanical Engineers Office and Traverser No.1 are graded as exceptional, and the Fan of Tracks graded as exceptional and high. The Scientific Services Building No.1, Blacksmiths Workshop, Telecommunications Equipment Centre, Paint Shop Extension/Suburban Car Workshop and brick retaining wall along Wilson Street are also graded as high significance.

According to the *Eveleigh Railway Workshops - Overarching Conservation Management Plan*, the exceptional heritage significance of the complex of railway workshops is linked to its major contribution to the establishment, operation and growth of the NSW railways, which was essential to the growth and development of NSW from the late nineteenth century onwards. Further, the Workshops complex is significant as a rare remaining example of a relatively intact, large-scale nineteenth century railway workshops that retains unity of character as well as continued links to railway operations for over one hundred years to this day. This significance is linked to the evidence that the system provides for the maintenance and manufacture of rolling stock and engines.

According to standard heritage practice, places of exceptional and high significance should be conserved (including preservation, restoration, reconstruction in accordance

with the Burra Charter), and if adaptation is necessary for the continued use of the item, minimise changes, do not remove or obscure significant fabric. Furthermore, any proposed changes should be reversible.

The *Redfern North Eveleigh Precinct Renewal Project: Non-Aboriginal Heritage Study & SOHI—Paint Shop Sub-Precinct*, by Curio Projects (2022) confirms that buildings/site elements of exceptional or high heritage significance should be retained on site and in their original location. It notes opportunities for sensitive modifications as appropriate to the form, history, and significance of each individual item. This report also notes that any future works to these heritage items should retain their dominant form, layout, and significant fabric. It is best suited to creative industries use.

Recommendation: That buildings and spaces on the site of exceptional and high heritage significance are retained, free from development. An alternative development approach which seeks to minimise built form interventions to the heritage items is proposed for consideration and discussed elsewhere in this submission. Further consideration should be given to the retention of all or at least significantly more of the Paint Shop Extension/Suburban Car Workshops and appropriate adaptive reuse for creative industries or creative education use.

Proposed height, floor space and siting of development should be reconsidered

The heights, floor space and built form must be reconsidered to ensure better public space and the health and well-being for future workers, visitors, and residents of the precinct. As discussed elsewhere in this submission, the City does not support the public space layout or the proposed land use distribution including a large proportion of residential floor space as it fails to prioritise uses that contribute to the innovation corridor and results in an inferior public space outcome.

The siting of residential towers adjacent to the railway corridor will create noise and vibration impacts that will affect the amenity, health, and wellbeing of residents in apartments adjacent to the rail tracks. The City has consistently advised that residential, habitable rooms and other sensitive uses should be located away from the tracks and non-residential uses which are better placed to absorb sound and activity be located adjacent to the railway corridor.

Recommendation: That residential development be relocated away from the rail corridor to establish good amenity and promote the health and wellbeing of future residents. An alternative development approach which locates the residential development away from the railway corridor on the northern edge of the site in areas of good amenity on Wilson Street is proposed for consideration and discussed elsewhere in this submission.

Employment space does not meet the needs of the innovation precinct

The proposed 18-28 storey, high grade commercial towers will not deliver the type of creative workspace required in the innovation precinct. The precinct will need to attract deep tech, innovation and start up uses, which will require flexible offices, prototyping workshops, laboratories, or clean rooms to serve the Medtech, Health, Space, Food and Agriculture, Environment and Energy, and Intelligent Industry sectors. The heritage Paint Shop is suited to a wide range of creative uses such as film, video and gaming production.

The character and nature of creation and innovation floor space is different to commercial space and should include robust, easy to build, large floorplate, warehouse

style construction, which is very compatible with industrial character of the site, is cheaper to build and more affordable to occupy. The site is within the Eveleigh node of the innovation precinct which has an opportunity to support the growth in higher education, research, and creative industries. This is distinct, yet complementary, to the focus on technology and media in the Central node and Bio-med in the Camperdown node. The commercial spaces proposed do not support the unique contribution of the Eveleigh node to the innovation corridor.

The provision of standard/high grade commercial space in the precinct does not reflect the specific needs of the precinct for affordable, adaptable, and flexible workspace and may instead, as indicated in the supporting Economic Productivity and Job Creation report, establish an oversupply of the type of commercial space which exists in the CBD. It also does not capitalise on the unique colocation with the established Carriageworks.

Recommendation: Provide non-residential workspace which is adaptable for the innovation precinct. An alternative development scenario which proposes large floor plate buildings which will better respond to the need for robust, adaptable and easy to build warehouse space is proposed for consideration and discussed elsewhere in this submission.

Affordable housing provision is not adequate for a State Significant site

The proposals do not meet the City's target for a minimum of 25% affordable rental housing in perpetuity on a State Significant Site in accordance with Priority L3 of the City's Local Strategic Planning Statement. At a minimum, the affordable housing provision must be increased in line with any increase in density over and above the 2008 Concept Plan approval. Currently, the proposed is for 15% affordable (including social) which should be further increased by 10% due to the nature of the proposed uses.

In addition, the planning framework should include a requirement for 15% diverse housing for student housing, and co-living houses and mixed tenure housing to accommodate creative/live work opportunities.

The affordable housing should be the subject of a planning agreement to deliver housing on-site, or otherwise a contribution should be paid in accordance with the City of Sydney affordable housing program. A monetary contribution to the RWA program is not acceptable as there is no plan for distribution of the funds the program it already contains.

Recommendation: Include in the planning controls a requirement for 25% on site affordable rental housing in perpetuity and in addition 15% diverse housing for student housing, co-living and mixed-use tenure housing to accommodate creative/live/work opportunities.

Absence of provision for Aboriginal Housing

The proposals for NSW Government-led housing development on Gadigal land in the Aboriginal Redfern precinct do not include a commitment to provide for a minimum of 10% of the total residential GFA for culturally appropriate Aboriginal and Torres Strait Islander affordable housing to prevent their displacement from the area.

The absence of this commitment is inconsistent with the objectives of applying Connecting with Country principles to the Paint Shop Sub-Precinct. It is not sufficient or appropriate (as stated in the supporting Planning Report) for the provision of

Aboriginal housing to be addressed in the future tenancing of residential buildings on the site, because this provides no certainty to the City or its community that this will be provided in individual development proposals. The design guide is to address the provision of Aboriginal housing, similar to the Design Guides prepared for NSW Government sites at Waterloo Estate (South) and 600-660 Elizabeth Street, Redfern. Firm commitments and implementation plans must be established alongside the planning controls and the affordable housing requirement for the entire site.

Recommendation: Firm commitments and implementation plans for the provision of 10% of the total residential GFA for culturally appropriate Aboriginal and Torres Strait Islander affordable housing must be established alongside the planning controls and the affordable housing requirement for the entire site.

Absence of a commitment to provide an active transport connection over the rail corridor

There is no commitment to provide a pedestrian/cycle bridge to connect the Paint Shop Sub-Precinct to business and innovation activities in South Eveleigh (former Australian Technology Park) and the communities of Darlington and Chippendale with those in Erskineville, Redfern, Waterloo, and Alexandria.

As expressed by the Lord Mayor in her letter to the Minister for Transport and Roads on 10 November 2021, the City wishes to collaborate with TfNSW, key stakeholders and communities to provide this essential pedestrian and cycling connection across the rail line. We also need to heal the scar of the railway which has divided suburbs.

The NSW Government recognised the need for a crossing in the Tech Central Place Based Transport Strategy to better connect the Royal Prince Alfred precinct and University of Sydney to Eveleigh, Redfern and Waterloo and committed to investigating the crossing (Priority 1.4). The Redfern North Eveleigh proposal is the obvious opportunity for the investigation as connecting the proposed innovation uses in the Paint Shop Sub-Precinct to business and innovation activities in South Eveleigh support the innovation precinct. Without this over bridge, there is a physical disconnect between the Paint Shop Sub-Precinct and the remainder of the innovation precinct.

Recommendation: Include a firm commitment and implementation plan for the construction of a pedestrian/cycle bridge to business and innovation activities in South Eveleigh (former Australian Technology Park) and the communities of Darlington and Chippendale with those in Erskineville, Redfern, Waterloo, and Alexandria.

Alternative Development Approach

To illustrate a solution to our objections and concerns, the City has developed an alternative development approach for the site shown in Figures 1-3 below which will achieve improved design, built form and amenity outcomes while providing approximately 112,500 sqm of non-residential and residential floor space on the site. The alternative scenario achieves the FSR of 2:1 as currently included in the SEPP (Precincts – Eastern Harbour City) 2021 with an additional 10% for design excellence.

This alternative approach is based on a layout which respects key heritage buildings on the site and establishes the Fan of Tracks as a central open space and is compatible and integrated with the Carriageworks. It locates residential development away from the railway corridor in an area of good amenity on Wilson Street and places non-residential development, which is more able to absorb impacts, alongside the rail corridor.

Figure 1 Alternative development approach – site layout

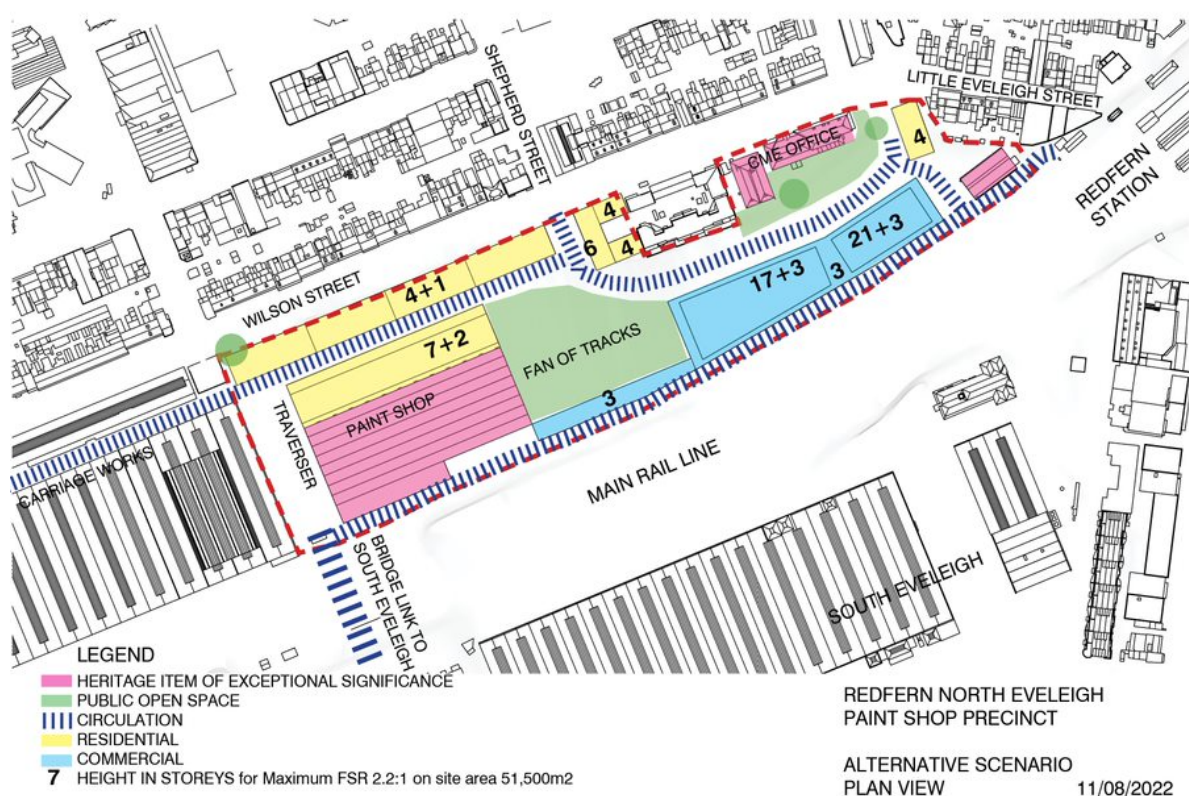


Figure 2 Alternative development approach – massing diagram – view from west

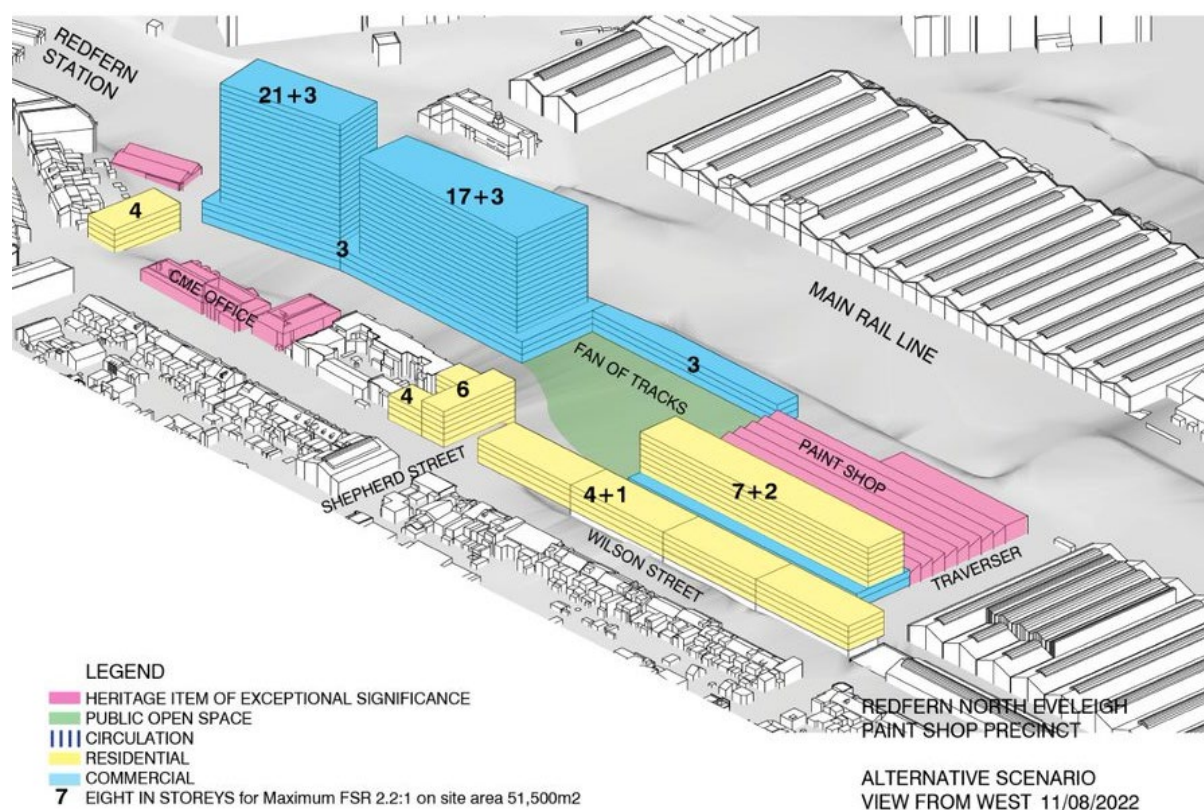
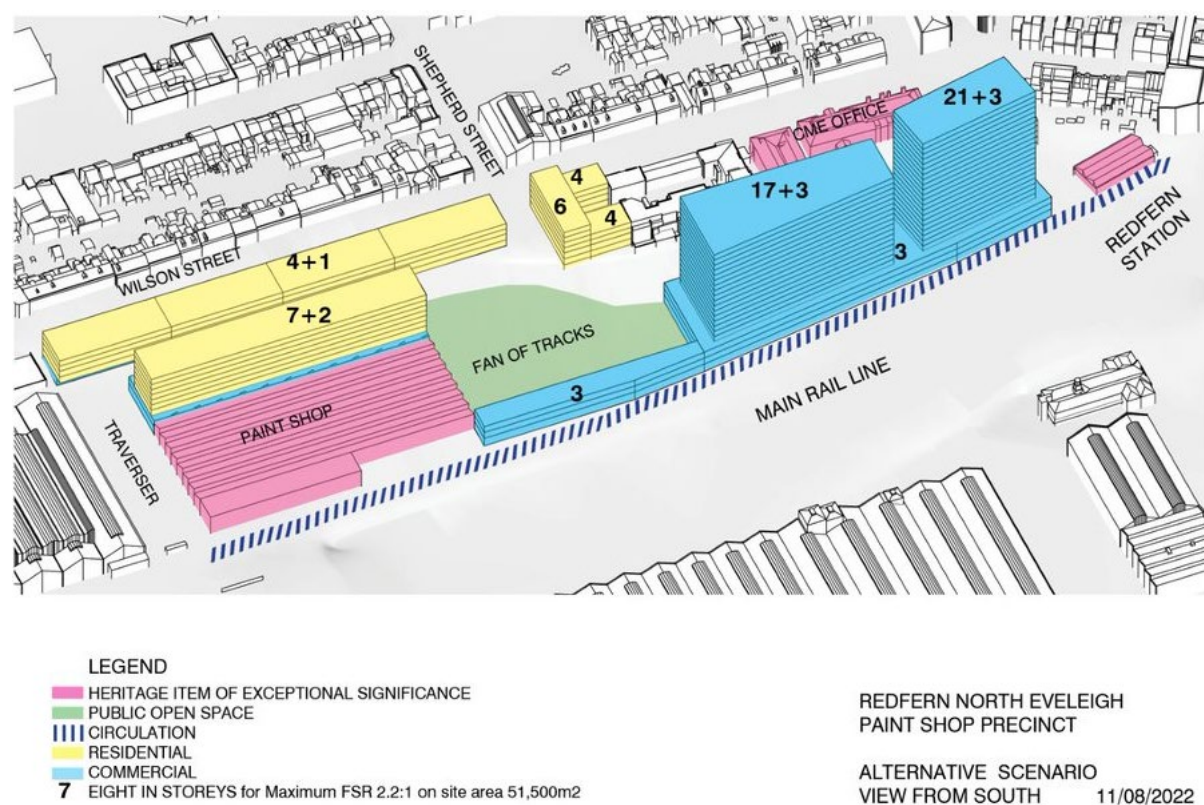


Figure 3 Alternative development approach – massing diagram – view from south



The alternative approach:

- Provides 112,500 sqm of non-residential floor space for innovation and creative uses and residential GFA and a FSR of 2.2:1 (including 10% design excellence):
- Retains:
 - the Paint Shop, the Traverser and Chief Mechanical Engineer's (CME) Office, Scientific Services Building and Telecommunications Building identified in the CMP which have exceptional and high heritage significance and should be free from built additions
 - The Fan of Tracks establishing it as primary public space which complies with the City's solar access requirements and is free from development
 - a second area of public space south of CME building
 - trees of high significance at Wilson Street, east of CME building at Little Eveleigh Street, and south of CME building
- Provides 32,000 sqm of residential floor space on the northern edge of the site in areas of good amenity, in buildings ranging from 4-9 storeys (including one or two storey podiums). This will provide opportunities for:
 - open market housing on Wilson Street and Little Eveleigh Street to complete Wilson Street, and
 - rental student and diverse housing (13,000sqm) above the Suburban Car Workshop
- Provides 80,500 sqm of non-residential floor space adjacent to the rail corridor
 - in large 20 and 24 storey footprint buildings including a three-storey podium accessible from Redfern station, and
 - three storey commercial buildings to provide a noise and visual screen for the public open space located on the Fan of Tracks
- Creates movement through:
 - a share way connecting to Carriageworks with retail and workshops located beneath the residential along Wilson Street and podium to residential adjacent to Paint Shop
 - an east-west share way with commercial/retail character between Carriageworks site
 - an east-west share way near the Chief Mechanical Engineers Office with landscape character
 - an east-west continuous path alongside rail tracks

The alternative development approach will deliver 20,256 sqm more GFA than the 92,241sqm of development approved in the 2008 Concept Plan for the eastern precinct. This is a 21% increase rather than the 67% increase in the exhibited proposal. The scenario balances heritage significance, high quality public domain and residential amenity, with a significant contribution towards commercial, in a range of more suitable spaces, and residential floor space in the innovation precinct.

The City strongly recommends that TfNSW consider this approach as a basis to work with the City to review the scale of the exhibited precinct plan and ensure the City's key issues are addressed. The rezoning proposals should be resubmitted for public consultation after the revised design is complete, and the TfNSW have publicly consulted on an infrastructure contributions framework and Sub-Precinct master planning for the Paint Shop Sub-Precinct.

Appendix 2

**City of Sydney
Detailed comments on
Paint Shop Sub-Precinct
rezoning proposals**

Detailed comments on the Design Guide and supporting documentation

The City makes the following recommendations for change to the planning proposal and the draft design guide prior to making the new planning controls for the Paint Shop Sub-Precinct.

Connecting with Country

- (1) The City of Sydney supports a Connecting with Country approach to the project. This should include:
 - Implementing the Government Architect's draft Connecting with Country framework and its principles in all stages of the project. In particular, noting the need for the project to deliver ongoing benefits for First Nations communities.
 - Highlighting the importance of purposeful and coordinated engagement that is connected to outcomes and builds on previous conversations with community members.
 - Establishing a governance process to ensure the Connecting with Country principles, and the perspectives and needs of First Nations people, are present and embedded throughout the lifecycle of the project from planning to operation. This may include establishing a centralised / precinct engagement approach that avoids duplicated conversations with First Nations people but rather builds a respectful and informed relationship between Government and community. This approach seeks to avoid the burden on community of ineffective and disconnected engagement and a lack of accountability that may result if individual developments consult community for each DA.
- (2) TfNSW work with Aboriginal and Torres Strait Islander communities to develop a model for implementing Connecting with Country principles consistently across the full range of NSW Transport redevelopment projects.
- (3) Amend the planning framework to address:
 - How the Connecting with Country principles will be implemented and applied on the Redfern/Eveleigh site throughout the lifecycles of development. The Design Guide should address how the principles will be integrated from the initial concept design through development applications, construction, availability of space for Aboriginal communities and programs to care for country, activate spaces and involve communities in the place.
 - How the Redfern/Eveleigh proposals will 'close the loop' by sharing cultural knowledge and information collected through the Connecting with Country work with members of the local community
 - How the project will provide economic benefits to Aboriginal communities, including opportunities for Aboriginal businesses and employment opportunities, housing and spaces for cultural practice.
 - How the project can contribute benefits to Aboriginal control organisations in the surrounding areas, including investment in programs, services, and facilities.
- (2) The design guide is to address the provision of 10% of the total residential GFA for

dedicated Aboriginal and Torres Strait Islander affordable housing, similar to the Design Guides prepared for NSW Government sites at Waterloo Estate (South) and 600-660 Elizabeth Street, Redfern. Firm commitments and implementation plans must be embedded in established alongside the planning controls in line with and the affordable housing requirement for the entire site. The Design Guide and objectives and provisions should address the need to provide culturally appropriate housing on-site in accordance with the City of Sydney's affordable housing program.

- (3) Amend section 2.3 'Principles' of the Design Guide to include explicit mention of the Connecting with Country approaches, the significance of Aboriginal Redfern and the need to maximise the presence, visibility and celebration of First Nations organisations, businesses and cultures. A principle should also seek to reflect the rich social, cultural and civic rights history of Aboriginal Redfern alongside pre-1788 local Aboriginal histories.
- (4) Include in section 4.1 objectives and provisions to address the retention and enhancement of the presence and visibility of Aboriginal and Torres Strait islander businesses and organisations. Provisions should encourage sites with services, businesses or dwellings that are important to Aboriginal and Torres Strait Islander communities to remain in the precinct during and after construction.
- (5) Amend section 4.1, provision 2(d) of the Design Guide to identify that architecture and landscaping are ways through which Aboriginal living cultures may be expressed and require acknowledgment of indigenous cultural and intellectual property rights to protect indigenous traditional arts and culture.
- (6) Include in section 4.1 of the Design Guide of Aboriginal heritage, a provision which ensures that development reflects the Aboriginal, pre-colonial heritage of the local area and surrounds, and acknowledges Country through design, landscaping, on-structure planting and/or public art which overrides non-Indigenous heritage to the extent of any inconsistency.
- (7) Include in section 4.1, provision 4(a) of the Design Guide, which addresses targeted engagement, the aim of ameliorating or reducing impacts on existing or recent spaces or activities on the site that are important for Aboriginal communities.
- (8) Include in section 4.2.3 'Public Art' of the Design Guide an explicit objective to promote the visibility of Aboriginal and Torres Strait Islander communities through public art, including on corner sites at major intersections.

Public domain

- (9) Clarify the ownership and management of the proposed public open spaces provided in the EIE and section 4.2.1 'Public Domain' of the Design Guide. If the public open space is to be transferred to the City of Sydney, consultation with the City is required to determine the most appropriate open space proposition for this site. Identify how public access and use of the public open space will be secured and remain for future generations.
- (10) Revise the typology of the proposed public open spaces to provide for more active recreation and canopy cover and provide for the range of needs for a population of over 6,000 workers who will use the space. As proposed, the majority of the public space is located in heritage spaces and will be paved and utilised for public events rather than recreation and canopy cover.

- (11) Rather than the provision of separate public spaces with limited useable area, the City recommends the concentration of the public space in the precinct into a central large park to provide the opportunity for built form and streets to face the park and maximise solar access in mid-winter. The fan of tracks, with exceptional heritage significance should be the location and design of the central park or plaza and should be free from built development. The park should be screened from the railway corridor to reduce noise and visual impact.
- (12) Revise the requirement in section 4.2.1 'Public Domain' of the Design Guide requiring a public domain plan only when a DA for an area greater than 5000sqm is proposed and to not apply public domain concept plan requirements to building E1 if it is the first to be developed. This will undermine a strategic approach to the site and result in an incremental approach and poor amenity outcomes. The relationship of the public space to other future built form elements on the site must be considered and established prior to any redevelopment of the site in a concept public domain plan approved prior to the commencement of any design competitions.
- (13) Amend the proposals in section 4.2.1 'Public Domain' of the Design Guide to include more detail on canopy and green cover provisions and deep soil planting. The design guide splits the site into the primary and secondary greening zones. When averaged out across both zones, the precinct in total falls below the City's minimum targets.
- (14) Amend the proposals in section 4.2.1 'Public Domain' of the Design Guide to ensure that a high level of solar amenity for all public space is achieved in public open space on the site. Development around the lower plaza should enable 50% of its total area to receive a minimum of 4 hours sunlight between 9am and 3pm on 21 June and be consistent with the rest of the public domain. Solar access should not be moderated so that a desired floor space yield can be achieved.
- (15) Amend the proposals in section 4.2.1 'Public Domain' of the Design Guide to refer to street furniture and fixtures (bins/ wayfinding/ seat etc) as amenity and not embellishment (See Table 1: Publicly accessible open space characteristics).
- (16) Amend section 4.2.2.1 (b) of the Design Guide refer to the City's Sydney Streets Code and not Streets Design Code.
- (17) Amend section 4.2.2.1(e) of the Design Guide to more strongly state that public domain works must incorporate underground utilities within the street reservation as agreed with the consent authority and in a manner that does not impede consistent street tree planting, provision of requisite soil volumes and any associated drainage requirements. The proposed wording "facilitates street tree planting" is not strong enough.
- (18) Amend section 4.4.8 (9) of the Design Guide to state that all Hostile Vehicle Mitigation and target hardening measures need to be designed and integrated into the landscape or located within the building envelope. Given the pedestrian priority of the public domain concept, a sea of anti-vehicular bollards or crash barriers is not an appropriate solution and will only clutter the public domain and impact permeability.

Transport

- (19) Retain the proposed 10% car mode share in section 2.5.8 'Car Parking' of the EIE which is much more ambitious than the 40% previously adopted by the previously approved 2008 Concept Plan.

- (20) Retain and apply the car parking rates in section 2.5.8 'Car Parking' of the EIE to the final balance of residential and commercial GFA, which have been reduced from the 2008 Concept Plan.
- (21) Retain the proposed bicycle parking rates of 1 per 10 dwellings and 1 per 400sqm of GFA in section 4.5.4.6 'Bike Parking and End of Trip Facilities' of the Design Guide and include the AS class of the bike parking. Residents and employees should be a class B lockable room or caged area. Customers/visitors should be class C bicycle racks.
- (22) Amend section 4.5.5 'Ecologically Sustainable Development' of the Design Guide to increase the provision of EV charging equipment from a minimum of 25% of non-residential car parking spaces to 50%. 15-25% of visitor parking should be fitted with Level 2 chargers or higher. All car share bays should be fitted with Level 2 chargers or higher and all charging infrastructure should be provided in off-street bays.
- (23) Amend section 4.5.4.7 'Service and Emergency Vehicles' of the Design Guide to provide the opportunity for a shared basement to minimise the impact of freight traffic within the precinct similar to the arrangements at Barangaroo South.
- (24) Amend section 4.5.4.2 'Vehicular Parking' to ensure that the 66 on-street parking spaces are mostly short-stay bays to encourage turn over and allow building maintenance or other servicing that requires on-street use. The proposals to provide 20 spaces to adjacent residents (including one accessible and one shared vehicle space) to offset the impacts of removing the surface car park is supported.
- (25) Ensure that the connection between Redfern Station and Sydney University is as direct, legible and intuitive as possible to encourage people making that journey to walk through the precinct. By preserving sight lines should be preserved and straightening the dog leg alignment between the Telecom Building and P2 building.
- (26) Revise the primary shared route to indicate that it is a 'primary walking route'. This is required because it includes three sets of stairs west of the exit from the southern concourse of Redfern Station which are incompatible with a cycling route, and the primary cycling access to the precinct from the east would likely be via the Ivy Lane shared zone.
- (27) Retain Ivy Lane as a shared zone but given the constraints at the intersection with Lawson Street design it to restrict vehicle movements so that it only allows for a small number of vehicles to exit, with the main vehicle exit point from Shepherd Street.
- (28) Refer to the shared street where the travel lane is used by cars and people cycling, with a separate space for people walking separated by landscaping as a 'quite way'. These should be renamed because shared zones refer to streets where people walking and cycling both mix with vehicles. The City's public domain team should be involved early in the design process to ensure that the appropriate design treatments are used to indicate that the space is shared.
- (29) Use TfNSW's Walking Space Guide to determine the appropriate footpath width in the east-west shared zone indicated in Figure 13 of the Design Guide. This zone is proposed for a 3m and 3.5m wide footpath for a flex-zone which could attract up to 2,750 people walking in the morning peak hour and which will need to be allocated more space accordingly, noting that outdoor dining does not count towards clear

width.

- (30) The City reserves the right to comment on traffic impacts once the modelling is made available at Response to Submissions stage.

Land use and the innovation precinct

- (31) Update the masterplan for the Paint Shop, Carriageworks and the Clothing Store to indicate the scale of development and relationship between land uses. There is no evidence of due consideration being given to how the three precincts interact with complementary uses, without conflicting uses.
- (32) Update the Population and Demographics report and the demographic calculation and estimates which is based on ABS2016 Census data and the City's 2017 FES data to reflect the 2021 Census data which has had a significant impact on the City's population and demography, especially in areas with high student populations, such as Redfern/Eveleigh.
- (33) Include in the Economic Productivity and Job Creation report a more thorough market analysis of the supply of commercial floor space in relation to the rest of the Tech Central precinct to further interrogate whether the new commercial space can be absorbed by demand and the conclusion in the Economic Productivity and Job Creation report that there is an over-supply.
- (34) Amend the proposals to demonstrate the economic productivity of the site and how they will genuinely contribute to the Tech Central precinct and provide direct linkage between the provision of creative spaces and collaboration spaces to enable and encourage that 'innovation' to occur. The proposals should include an objective to encourage and incentivise affordable workspaces to attract early stage companies and identify how spaces will attract the 'over-flow' of start-up ecosystem or accelerator or scale-ups – bringing them together to see the potential growth of the multi-layered tech ecosystem.

Night-time economy

- (35) Amend section 4.5.10 'Late Night Trading' of the Design Guide which currently applies late night trading hours of a local centre and apply City Living trading hours (extended hours up to 5am) which are more appropriate to the Tech Central Sub-Precinct and essential to attract global tech talent.
- (36) Knowledge workers in the global economy can because of their skills, locate anywhere in the world and tend to pick liveable, creative, and quality places with close proximity to other knowledge-based workers and a range of amenities including a vibrant night-time economy.
- (37) The Paint Shop precinct located immediately adjacent to a noisy railway corridor and the Carriageworks performing arts precinct, provides a valuable opportunity to establish a City Living late night trading area, where the impacts of activity can be absorbed, and further late-night venues and performance facilities established.
- (38) Residential development on the site should be located to remove or reduce the potential conflict with desirable land uses that promote activity and the night-time economy. Both residential and commercial buildings should be constructed to mitigate the effects of noise from late night activity. Given that this site is one of the last brownfield opportunities in the City to establish a genuine activated employment

and night-time precinct, the need to preserve residential amenity should not provide a basis to justify earlier trading hours up to midnight.

- (39) Note that as drafted, the Design Guide indicates that the local centre includes extended hours until 2am if there is egress and entry to the venue from a main street, however these extended hours cannot be achieved because there is no main street identified on the site.

Social, cultural and creative

- (40) Expand the creativity priority of the precinct beyond public domain interventions to include creative and cultural activities and space. The precinct presents an opportunity to deliver space for a self-sustaining mixed-use creative (community) lands trust that again leverages the activities of surrounding institutions such as Carriageworks and Sydney University. The City could assist TfNSW through its investigations into Creative Lands Trusts.
- (41) Subject to consultation with the City, the infrastructure provision should consider the urgent need for additional cultural production floor space in Sydney and the exceptional opportunity to provide targeted infrastructure in an existing arts precinct to support a thriving creative and innovation cluster and deliver cultural facilities, creative production, light industrial and innovation space.
- (42) Ensure that the residential component of the proposals does not undermine the opportunity to include facilities that create synergies with the existing uses on the Clothing Store and Carriageworks, a significant, major performing arts facility in Sydney. The operations of Carriageworks are already heavily impacted by the proximity of residential neighbours and an increased residential population could risk its and the future of the precinct as a fit-for-purpose arts and entertainment destination.
- (43) Indicate how the proposed 1,000sqm integrated community space with a focus on delivery for and with the Aboriginal and Torres Strait Islander community will interact with and support the functions of nearby First Nation spaces and services such as Redfern Community Central NCIE, future community facilities in Waterloo Estate (South) development and 119 Redfern Street.
- (44) The City has not identified the need for a library link in this location. Consultation with the City is required before establishing planning provisions (such as 4.3(13)) that guide the use and design of potential local infrastructure. Insufficient information has been provided about the need for community pavilions in addition to the current covered market area at Carriageworks and the proposed diverse and flexible spaces, including the intended use of these rooms for example whether they will be for hire at affordable rates for local community, larger international conferences or meetings, creative practice etc.
- (45) Amend provision 11 of section 4.3 of the Design Guide to include a changing places bathroom in the accessible amenity block for people with disability.
- (46) Amend Table 2 'Minimum and Maximum Floor to Floor heights' of section 4.4.2 "Building heights and podium street wall heights' of the Design Guide to increase to include a ground level minimum floor to floor height for community facilities, cultural and creative uses of 4.5m.

Design Excellence

- (47) Amend provision 1 of section 4.5.1 'Design Excellence Process' to reference to the Government Architect's NSW (GANSW) competition policy and acknowledge that all competitive design processes in Redfern/North Everleigh precinct should be undertaken in accordance with the City of Sydney Competitive Design Policy in the Sydney LEP 2012. The City does not support any provision which provides an exception to the requirement for a competitive design process on every building in the Sub-Precinct.
- (48) Review section 4.5.1 of the Design Guide to replace all references to 'demonstrates design excellence' to 'exhibits' to be consistent with the wording in the 6.21 of the Sydney LEP 2012. Further, ensure that the 'design excellence process' and the design excellence strategy' described in the EIE and the Planning Report are consistent.
- (49) Review section 4.5.1 of the Design Guide to provide an incentive for design competitions to be undertaken. Currently the proposals state that an additional 10% of floor space or height is not permitted as a result of a competitive process because this increase is built into the planning controls. To better incentivise this process, it is recommended that the proposed height and floor space of buildings be comprehensively reviewed and reduced by 10% and that this proportion be subject to award through a competitive design process.
- (50) Review provision 2(b) of section 4.5.1 of the Design Guide to clearly reflect the GANSW competition policy. Regarding the nomination of an Aboriginal panel member to the jury, the provisions should include who is responsible for nominating this member.
- (51) Include a new provision in section 4.5.1 of the Design Guide to allow for observers of the competition and design integrity process to ensure the design competition has been followed appropriately and fairly.
- (52) Include in provision 3 of section 4.5.1 of the Design Guide further details regarding competitions for pavilions, for example the jury number and composition, number of competitors etc. It is unclear whether the design excellence strategy (apart from competition type) is intended to apply to pavilions.
- (53) Clarify in provision 3 of section 4.5.1 of the Design Guide whether height increases for pavilions in the public domain, which are required to undergo design competitions and are subject to a 3m height limit, would be pursued through the typical design excellence bonus pathway or via a clause 4.6 justification.
- (54) Amend section 4.5.1 of the Design Guide to ensure that design competitions will include the design of parks, open space, and public domain.

Ecologically Sustainable Development

- (55) Amend the objective (a) of section 4.5.5 'Ecologically Sustainable Development' of the Design Guide to include a reference to resilience to the effects of climate change. The NSW Government has clarified that the net zero by 2050 target is not aspirational so the word aspirational should be removed.
- (56) Amend provision 1(e) of section 4.5.5 of the Design Guide relating to the target reduction of embodied energy emissions to include the base case against which these reductions are to be measured.

- (57) Amend provision 1(a) of section 4.5.5 of the Design Guide outlining the ESD targets for specific development to include a minimum requirement for offices, retail and hotels to be consistent with the City's publicly exhibited Planning Proposal and Draft DCP for Net Zero Energy Buildings.
- (58) Amend section 4.5.5 the Design Guide to include a BASIX+ standard for residential development. It is appropriate to set higher BASIX targets in a site-specific proposal where development potential is being increased. 10 points higher than minimum requirements for BASIX Energy, and 5 points higher than minimum for BASIX Water are appropriate for urban renewal sites.
- (59) Amend the 100% renewable energy requirement in provision 2 of section 4.5.5 of the Design Guide to include more detail and require that all development is to have net zero emissions from energy use. This means that development consumes no more total energy, including electricity, natural gas and thermal energy, other than is provided by:
- (i) renewable energy generated on-site, and
 - (ii) renewable energy procured from off-site sources for a period of at least 5 years
- Fuels used for emergency back-up generation are excluded.
It should be noted that for office premises and retail premises, relevant energy use is the base building. For hotel or motel accommodation, energy use is for the whole building. Further that renewable energy procured from off-site sources may be demonstrated by GreenPower certified power plans, power purchase agreements with renewable energy generators or retiring large-scale generation certificates, with an appropriate provision to oversupply to offset total forecast non-electrical energy use (including natural gas).
- (60) Amend Table 7 'Sustainability Design Strategies' of the Design Guide which states that future scenarios for a decentralised water utility should not be precluded, to state that at the DA Stage, an assessment of the feasibility of utilising recycled water within the development, either through in-site treatment or connection to a nearby water recycling scheme should be conducted.
- (61) Amend section 4.5.8.4 'Water Re-use' of the Design Guide to include a commitment to establishing a recycled water network, with dual reticulation in residential apartments and commercial tenancies.

Landscape and green infrastructure

- (62) Review Figure 17 and provision 14 of section 4.5.6 'Landscape Framework/Green Infrastructure' of the Design guide to reduce awnings or increase setbacks on Wilson Street to ensure that there is sufficient allowance for tree planting between cycleway and building line on laneways and through site links. A unique tree planting may be required in these locations.
- (63) Review the Public Domain section to align with the Green Infrastructure section to ensure the recommended canopy outcomes are achieved.
- (64) Review section 4.5.6 of the Design Guide to reference the overall canopy and greening targets for the site identified in the Green Infrastructure Study 40% green cover and 24% tree canopy cover.

- (65) The canopy and green cover targets for Private Property are not mentioned in the '4.4.7. Landscaping and Open Space in the Private Domain'. The proposed targets in Table 8 for the North-East is 15% Canopy, 30% Greening and South-West is 5% Canopy and 30% Greening. Previous advice from the City has advised that 15% is low and should be increased to 25% in the northern section and 10% in the southern section.
- (66) Amend section 4.5.6 and 4.4.7 of the Design Guide to include the 50% target for green roofs and podium level planting as part of the Private Property targets.
- (67) Recommend that further consideration in detailed design is undertaken for tree planting in new streets and adjacent new buildings, while still allowing for the heritage views and curtilages to be maintained.
- (68) Review Appendix 2 of the Design Guide relating to species selection as follows:
- Update the reference to this Appendix in Provision 5 of the Landscape Framework/Green Infrastructure section (incorrectly references Appendix 1, the significant tree register)
 - Remove *Melaleuca quinquinervia*, *Lophostemon confertus* and *Platanus acerifolius* from the Species List at this stage due to over-representation in the LGA.
 - Note that the City is developing a Tree Species list which deals with future climate resiliency and that final species selection for the precinct is confirmed at a detailed design phase.
 - Note the provision 6 targets related to diversity are a guide for the whole LGA rather than project specific. Confirm that no more than 40% of one family should be used. Individual species may be more than 10% on a site but need careful consideration based on species suitability to the site and any other issues that may impact its long-term ability to thrive on the site.
 - Note that Provision 7 should not be requiring a mix of three different botanic families in each street.
- (69) Amend section 4.5.8 'Water Quality, Flooding and Stormwater' of the Design Guide to recommend that the requirement for collection and storage of water for irrigation is explicitly included. To deliver on the proposed landscape outcomes and meet the target of 100% non-potable water use for irrigation, storage of adequate water will be required.

Waste

- (70) Amend section 4.5.4.7 'Service and Emergency Vehicles' of the Design Guide to ensure that the proposals accommodate the City of Sydney's waste trucks as per the Sydney DCP and guidelines.
- (71) Amend Table 7 'Sustainability Design Strategies' of the Design Guide to include:
- include adequate sizing of loading areas to meet the modelled needs of the precinct/part of precinct serviced by them.
 - a requirement to "meet and exceed the requirements of the City of Sydney's guidelines for waste management in new developments"

- include consideration of precinct scale integrated waste management at design stage to achieve optimised waste solutions across the precinct.
- ensure that residential and commercial waste infrastructure and storage are separated so that commercial tenants cannot access residential bins.

(72) Amend the objectives of section 4.5.9 'Waste' of the Design Guide to include:

- more explicit reference to achieving circular economy principles as referenced in sustainability study
- ensure waste from within developments can be stored and collected in a manner that is healthy, efficient, minimises disruption to amenity.

(73) Amend the provisions of section 4.5.9 of the Design Guide to include:

- an additional point under 3(a) requires the estimates of waste streams (waste, recycling, and food waste) generated as per the generation rates within the City of Sydney's guidelines for waste management in new developments and the number of bins and collection frequency to manage the waste generated.
- that all waste must be stored within the property boundary/development at all times.
- the design and location of waste collection points and loading areas and vehicle access must be in accordance with the City of Sydney's Guidelines for Waste Management in New Developments and accommodated wholly within new development.
- that residential collection and access for City of Sydney waste collection vehicles must be prioritised on collection days.

(74) Amend section 4.5.9 of the Design Guide to include objectives and provisions that seek to deliver on the aspirations documented in 'design strategies' and identified in Sustainability report. Examples could include but are not limited to innovative measures for the separation and recovery of food organics on-site, support for on-site circular initiatives in public/community or commercial parts of the development including:

- reuse and repair, leasing and sharing facilities (one example – facilitating reusable serveware in food courts)
- collection points for producer responsibility schemes
- storing and reverse logistics facilities

(75) Include in section 4.5.9 of the Design Guide more reference and commitments to achieving a circular economy to design out waste in supply chains and manufacturing and eliminate single use items:

- by using design guides for buildings with prefabricated/modular, long life and loose fit, flexible and adaptable solutions
- adaptable and reusable infrastructure - temporary facilities that can be remodelled as the precinct grows/changes

- eliminate construction waste with programs with volume builders to encourage waste minimisation in building design
- design for end-of-life disassembly and recovery
- use of recycled and renewable materials

Environmental health

- (76) The rezoning of land will trigger Chapter 4, SEPP (Resilience and Hazards) 2021 in relation to Land Contamination and therefore prior to consent being issued the consent authority must be satisfied that the land is suitable or will be made suitable following remediation for the proposed uses. A Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated land Management Act 1997 and SEPP 55 Remediation of Land” confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated land Management Act 1997 and submitted to the City Area Planning Manager for approval. Where a site is subject to significant contamination or past contaminating activities then the DESI and any subsequent Remediation Action Plan is to be peer reviewed by a Site Auditor.

- (77) It is recommended that any development applications including entertainment premises, commercial plant and construction site noise/vibration include an acoustic report by a suitably qualified acoustic consultant demonstrating that the development is capable (together with mitigation measures) of complying with Councils relevant Entertainment Noise Criteria and/or technical guidelines commercial plant/industrial development noise criteria and construction noise criteria.

Flooding

- (78) Amend section 4.5.8.1 ‘Flood Planning’ of the Design Guide to include additional flood planning controls which prevent new development creating detrimental flood impacts on existing development.
- (79) Amend provision 7 in section 4.5.8.2 ‘Drainage and Stormwater Management’ of the Design Guide to be consistent with section 6.2 of the City’s Stormwater Drainage Manual which specifies the circumstances under which drainage discharge direct to the public kerb and gutter is permitted, including flow rate and method of discharge.
- (80) Amend section 4.5.8.2 ‘Drainage and Stormwater Management’ to include an additional provision to require compliance with any onsite stormwater detention requirements of Sydney Water, where these are stricter than the requirements in provision 5(a).
- (81) Amend section 4.5.8.2 ‘Drainage and Stormwater Management’ of the Design Guide

to include additional controls should be included to require a precinct-scale integrated water management plan to be submitted prior to the determination of the first development application. This will ensure that the water sources and demands across the precinct are understood up front and that the intent of other controls (e.g. providing irrigation of public domain using water from private spaces, meeting the total permissible site discharge) can be realised.

END