

16 November 2012

**Planning Assessment Commission's Determination Report on the
Sydney University's proposed Abercrombie Precinct Redevelopment, Darlington
Sydney Local Government Area**

Project Application

The University of Sydney is proposing to redevelop a site on Abercrombie and Codrington Streets, Darlington for a new Business School Faculty Building and three student housing buildings. The project would include basement parking for 82 cars.

The site is currently occupied by a childcare centre, the Shepherd Centre and a number of university buildings including a Joiner's Shop and some demountable buildings. The existing Faculty of Economics and Business building would be retained, with all other buildings to be demolished, albeit with some staging, as relocation of the childcare and Shepherd centres would not occur immediately. Some elements of the Joiners Shop would also be retained within the new structure.

The site adjoins the Darlington Public School. A student college, Mandelbaum House, does not form part of the site but is surrounded by the project on three sides. Residential properties along Abercrombie St also address the site.

Delegation to the Commission

On 3 October 2012 the Acting Deputy Director-General of the Department of Planning and Infrastructure referred the project to the Commission for determination under the terms of the Minister's delegation. Ms Gabrielle Kibble AO constituted the Commission with Mr Paul Forward. Mr Forward chaired the Commission for the project.

Department's Assessment Report

The Director-General's Environmental Assessment report considers the following key issues:

- Built form and urban design;
- Transport;
- Environment and residential amenity;
- Developer contributions;
- Heritage;
- Ecologically sustainable development; and
- Contamination.

The Department found that the proposed rooftop plant should be relocated to minimise overshadowing impacts on neighbouring Mandelbaum House. The Department also required construction of an acoustic barrier and midday noisy construction respite periods in order to reduce construction impacts on the adjoining school and the onsite childcare centre, while it remained on site. The Department also noted the project would provide education and social benefits and revitalisation of the site. The Department concluded that the proposal is in the public interest and that its impacts can be suitably mitigated and/or managed.

Site Visit and Meetings

Members of the Commission visited the site on a number of separate occasions as part of their consideration of the project.

Meeting with the Proponent

On Wednesday 31 October 2012 the Commission met with the Proponent's representatives to discuss the application. The Proponent raised concerns with the level of developer contributions required in the Department's recommended conditions, noting that the University is not a developer and is a not-for-profit public institution. Also, the student housing component of the project, although not strictly meeting the definition of affordable housing, would provide additional affordable accommodation for students.

In relation to the concerns about the childcare centre, the Proponent indicated that relocation would occur 12 months into the construction period. The Proponent would undertake a number of steps to minimise the construction impacts and parents would be required to sign a form acknowledging the construction impact before enrolling their children at the centre.

The Commission also asked about the University's master plan. The Proponent indicated the existing draft master plan is now out of date and would be superseded by a separate instrument being developed for the site.

The Proponent also raised concerns with some of the draft conditions recommended by the Department including the proposed relocation of the roof top plant, the location of the bicycle parking spaces at ground level, the timing requirements for both the road closure and the remediation site audit statement. The Proponent also suggested that an earlier construction work start time would shorten the total duration of the noisy works by approximately one month. The Proponent indicated it was in a position to commence demolition in mid December so that the demolition stage would be completed during the school holidays, minimising impacts on Darlington Public School.

Public Meeting

On Monday 5 November 2012 the Commission held a public meeting in Camperdown. Ten people registered to speak at the meeting, with one apology on the day. A list of speakers at the meeting is attached in Appendix 1. The issues raised at the meeting included:

Site access – Concern about the location of the site access on Abercrombie St related to:

- the additional hazard the vehicles would pose to school children walking, cycling or skating to school along this footpath;
- the unacceptable nature of the alternative travel route suggested by the University, which would direct children through the University site with limited passive surveillance;
- the potential traffic congestion impacts of vehicles queuing on Abercrombie street in order to enter the car park, particularly give the close proximity to roundabouts, pedestrian crossings and the school;
- noise and lighting disruption to nearby residents, including the adjoining college, from cars entering and exiting the car park 24 hours a day and the associated noise from any gates or access barriers;
- inadequate consideration of alternative access locations, residents noted that Darlington Lane already accommodates two way traffic and garbage trucks, so is capable of accommodating the sites access requirements.

Timing of relocation of the Childcare Centre – representatives of the childcare centre raised concerns that the works would commence prior to relocation of the childcare centre. The Centre noted the Proponent had originally indicated the centre would be relocated prior to commencement of works, but that as this had fallen through any new commitments on the timing for relocation were difficult to trust.

The Centre raised concerns about the safety of its children and staff, as well as disruptions from noise and vibration impacts and access issues for parents and staff with the loss of the

rear lane access. A health and construction expert was requested to be engaged to assist the Centre in dealing with the construction works.

The Centre also raised genuine concerns for its future, noting that many parents would likely withdraw their children from the centre due to the construction impacts, making the centre unviable.

Built Form - The proposed buildings are considered to be inconsistent with the heritage houses on the opposite side of Abercrombie St. The buildings are considered too big and too high. The design and materials used are unsympathetic to the residential surrounds and the heritage buildings opposite. The buildings would block views and the existing skyline.

Amenity impacts

Construction impacts, particularly:

- noise impacts and the hours of construction
- vibration impacts and potential for the fragile heritage buildings on the opposite side of Abercrombie St to be damaged
- construction traffic

Operational impacts, including:

- Noise from plant and equipment
- Loss of open space

Social impacts

- Loss of community
- Impacts from the additional people to be accommodated on the site
- Impacts from the student housing – noise, antisocial behaviour
- security

Other issues

- Traffic impacts
- Loss of the joinery workshop
- Suitability of the site compared with alternatives around the university

Meeting with the Department of Planning and Infrastructure

On Tuesday 6 November 2012 the Commission met with the Department of Planning and Infrastructure to discuss the Department's recommendation, as well as potential options to accommodate an alternative site access from Darlington Lane. The Childcare Centre and background to the current situation were discussed as well as the likely timing and options for the relocation of the centre. The level of developer and affordable housing contributions was also discussed.

Second meeting with the Proponent

On Wednesday 7 November 2012 the Commission had a second meeting with the Proponent, in order to discuss options for relocation of the access to the basement carpark and the childcare centre.

In relation to the childcare centre, the Proponent explained it had identified a site for the centre and was working with the City of Sydney Council to get a DA approved for the construction of the centre on this site. The Proponent was hopeful it could relocate the Shepherd Centre in April 2013 and certainly by June 2013. The Childcare Centre would require at least 8 months work, but should be ready by 2014.

The Proponent indicated it was seeking alternative car park access locations and options through the construction tender process and that this could then be adopted through a

modification. One potential option might be to construct a loading dock off Darlington Lane with a multistorey car park at this point.

Correspondence

The Commission offered to meet with the City of Sydney Council. The Council instead opted to provide written comments on the conditions and additional conditions it sought to include.

The Sydney Metropolitan Development Authority also wrote to the Commission regarding the contributions to be levied. The Authority noted that the Department had calculated the affordable housing contributions using the base rate and that with indexation the rate is now \$73.12/m². The Authority requested the full contribution should be applied for both the affordable housing and public domain contributions.

The Proponent also provided written correspondence regarding the recommended conditions and also responding to some of the Commission's questions from the second meeting.

Commission's Comments

Vehicle access to the site

The proposed basement car park, proposed to be accessed from Abercrombie Street was a key concern raised at the public meeting. The Commission understands the University had previously committed to providing an alternative location for the vehicle access, but has since altered its position. The community is particularly concerned that if the driveway access is located on Abercrombie Street it could pose a risk to the safety of children travelling along the footpath to the Darlington Primary School. Other concerns raised included traffic disruptions (particularly when combined with the existing roundabouts and pedestrian crossings on the street), as well as amenity impacts on residents opposite the site in Abercrombie Street and on the occupants of Mandelbaum House.

The Commission has carefully considered this issue and notes that in discussions with the University, the University has volunteered to try and find an alternative access solution, albeit post approval. The Commission believes there are a number of alternative options which could be explored further and is satisfied a suitable alternative arrangement can be found. Consequently the Commission has amended the conditions, to prevent vehicle access to the site from Abercrombie Street and to require amended parking and access plans to be approved by the Department prior commencement of construction on site.

Childcare Centre relocation

Concerns were also raised regarding the disruption and potential safety risks for children at the childcare centre should works start prior to its relocation. The Commission also considered this to be a potential safety issue and requested additional information from the Department and the Proponent. Both the Department and the Proponent assured the Commission the risks to the safety of children at the childcare centre could be appropriately minimised and managed through measures such as hoardings and acoustic fencing and through careful onsite management of works.

While it would have been preferable to relocate both the Shepherd Centre and childcare centre prior to any works being allowed on site, the Commission accepts the Department's advice that this can be appropriately managed.

Notwithstanding this, the Commission considers that risks could be further reduced by prohibiting demolition of the neighbouring Shepherd Centre Building, while the childcare centre remains in use. Consequently the Commission has added a condition to this effect.

The Commission has also amended the hours for highly intrusive construction noise activities to reduce the disruption to classes at the Darlington Public School.

Developer Contributions and Affordable Housing

The Commission has carefully considered the Department's arguments and its recommended conditions regarding developer contributions and affordable housing.

In relation to affordable housing, the Commission accepts that the proposed student housing is not affordable housing as defined in the *Redfern Waterloo Affordable Housing Contributions Plan 2006*. Nonetheless, the Commission notes that the student housing will go some way to relieving pressure on the local demand for housing and accepts the Department's argument that student housing is a form of affordable housing.. Consequently the Commission has determined that affordable housing contributions should not be levied in this instance.

The Sydney Metropolitan Development Authority has argued that the University should be levied the full contribution under the *Redfern-Waterloo Authority Contributions Plan 2006*. The University has argued that it should be exempt from contributions as it is a not for profit institution that provides direct and indirect benefits to the State and the community. The Department also considered that although the development is not a traditional form of public infrastructure, it will play an important role in providing tertiary education to members of the public. The Department has recommended levying a reduced contribution.

The Commission has considered this issue and sought advice from the Department on how this issue has been dealt with on other university projects. The Department explained that each case is considered on its merits. Some applications have been granted full exemption from paying contributions, some have been levied a reduced contribution, while others have been required to pay the full contribution. The Commission also notes that some of the exemptions granted have been on account of the university providing associated infrastructure works, such as a pedestrian bridge or road works.

In this regard the Commission notes that the project will generate additional pedestrian and cycling movements in areas that are already busy with University staff and students. When the Commission questioned the University about its long term pedestrian strategy, it became apparent that additional work in this area would be useful and could be prioritised.

Consequently rather than levying contributions through the Sydney Metropolitan Development Authority, the Commission has required a Pedestrian and Bicycle Access Strategy for the University's Darlington Precinct to be developed and implemented. Conditions also require the University to spend a minimum of \$2 million on appropriate upgrades prior to the occupation of the Business School.

Other issues

The Proponent raised some concerns with a number of the recommended conditions, mainly relating to the timing of various requirements and relatively small changes to the detail of some of the requirements themselves. The Commission has considered the Proponent's request and agreed to change some of the conditions namely:

- A10 and F8 Road Closure – the requirement for the issuing of titles of the affected land has been moved from the construction stage to the occupation certificate stage to allow for this process to occur during construction, the road will still be closed prior to any works being undertaken on the road.
- B1 Remediation – the timing for various components of the remediation planning and auditing has been clarified. The remediation action plan for the site must be endorsed by an accredited auditor prior to the commencement of remediation works on the site.

- B5 Rooftop Plant – the Proponent has provided an amended location for the rooftop plant to meet the intent of the Department’s proposed condition, but avoiding some of the technical difficulties that would be posed by the alternative location proposed by the Department;
- B9, D1 and G1 relating to Ecologically Sustainable Development. The condition requires a minimum 5 star green star rating. The Proponent has indicated it will target this, but that achieving full compliance may be very expensive. Consequently the Commission has allowed for the consideration of whether the measures are reasonable and feasible; and
- B14 in relation to bicycle parking spaces. The Proponent raised concerns about the requirement to provide 195 of the bicycle spaces at ground level, noting it had intended to provide the majority of spaces in the basement car park, to minimise use of the open space at ground level. The Commission notes the car park will be subject to further amendments as a result of the changes required in condition B4, relating to the vehicle access and that the findings of the pedestrian and cycle access strategy may also have implications for the proposed location of the bicycle spaces. Consequently the Commission has not specified where the bicycle spaces are to be provided.

Council raised a number of issues in its letter to the Commission, including a concern about design quality excellence. The Council sought a condition requiring the design architect’s continued involvement in the subsequent stages. The Commission notes the Council’s concerns, notwithstanding some objections about the design and proposed materials from some speakers at the public meeting. While the Commission has not agreed to prescribe the direct involvement of the specific design architect, the Commission has required that any changes must maintain or improve on the design quality excellence of the project.

Commission’s Determination

The Commission has carefully considered the Director-General’s Environmental Assessment Report, submissions on the project and the recommended conditions of approval.

The Commission also notes the community concerns about the University’s use of the site, but understands that plans which provide for university uses in this area are longstanding.

The Commission is satisfied the project will provide for ongoing growth of the University and the tertiary education sector, represents a more productive use of the site and will serve as a gateway to the broader University campus. With the amendments to the conditions described in its consideration above, the Commission is now satisfied that the impacts of the project can be appropriately managed.

Consequently the Commission has determined to approve the project, subject to conditions.



Paul Forward
Member of the Commission



Gabrielle Kibble AO
Member of the Commission

Appendix 1
Speakers at the Public Meeting held on Monday 5 November 2012

1. Professor David Levy – on behalf of Mandelbaum House
2. Geoff Turnbull – on behalf of REDWatch
3. Nick Perrott – on behalf of the Boundary Lane Childcare Centre
4. Colin Sharp
5. Pete Wilson – on behalf of the School and Community Association of Darlington Public School
6. John Berry
7. Jillian Bartlett
8. Mary Ellen McCue
9. Robyn Fortescue