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Objecting to:

- * **Draft SEPP (Major Projects) Amendment (Redfern - Waterloo)**
- * **Draft Redfern Waterloo Built Environment Plan**

Lodged with:

Director General of the NSW Department of Planning
CEO of the Redfern Waterloo Authority

1. Why are reduced housing densities only proposed for the AHC's Land?

The Aboriginal Housing Company (AHC) has demonstrated its commitment to working openly and candidly with the Department of Planning and the Redfern Waterloo Authority towards realisation of its Pemulwuy project by which the Aboriginal owned and controlled land adjacent to Redfern Station will be rejuvenated through the Pemulwuy Project, for the benefit of its residents, for Redfern, and for Sydney.

The AHC is therefore saddened and disappointed to see the response of the Department to this commitment has been to prepare draft planning documents for Redfern Waterloo which single out predominantly Aboriginal owned land as the only area for which reduced residential densities are proposed. The reduced densities proposed in both the Draft SEPP Amendment and the Redfern Waterloo Plan Built Environment Plan are in stark contrast to all other areas in Redfern Waterloo where substantially increased residential densities are proposed.

What explanation is the AHC to give the residents it serves?

Why is one policy proposed for them, and a different policy for the rest of Redfern Waterloo?

The answer cannot be found in Government planning policy. The Planning Department's own Metropolitan Strategy for Sydney, recently announced with great publicity by the Premier, stresses that the consolidation of medium density housing around major transport nodes is vital for Sydney's long term future.

And yet the density proposed for the AHC's Land (Area D of the Draft SEPP and Built Environment Plan), located directly across from the second largest station in Sydney, is less than that applying to many detached housing areas in Sydney.

Why is there a different rule for the AHC?

2. Planning Controls should focus on appropriate built form, not the owners of the land.

In recent public statements the Planning Minister has argued that existing problems arising from the poor standard of existing housing on the AHC's land should be solved by reducing its already low density residential use, thereby reducing the number of Aboriginal people that the AHC can house on the land.

However this is just bad planning. There is no evidence to show that well new developments proposing a residential density of say 1:1, consistent with existing areas throughout inner city Sydney (and far lower than that proposed for other land in the immediate vicinity) will cause social problems. The only issue here seems to be the race of the people who will occupy the new housing.

However, surely modern planning principles argue that it not the race of the occupants of land that matters, but the sort of housing and public spaces that built form controls encourage that really determine how an area develops in the future.

If the proposed planning controls (and Departmental policy) stopped concentrating negatively on moving Aboriginal people off their land, and looked constructively instead towards the kind of strategic design might sensibly integrate modern commercial uses with better housing for whomever the occupants might be, then the rejuvenation of the AHC's Land might proceed to everyone's benefit.

The AHC just asks for the same controls that that the Department would impose if the land was owned by any other landlord, or any other property developer. Indeed to do otherwise would seem to be a direct breach of Section 9 of the Racial Discrimination Act (1975).

3. The proposed controls will be a failure for the Redfern area.

The AHC agrees with the Planning Minister that an upgrade of the AHC's land is urgent for its occupants and for the surrounding area.

Controls which encourage a viable intelligent proposal that mixes increased commercial opportunities with the existing accommodation will help achieve that goal. Sterilising the AHC's land with unfair and discriminatory density controls will not.

It is both wrong and ignorant to suggest that the number of Aboriginal families who will live in the Pemulwuy Project will adversely determine the character of the Redfern area. It is true however to say that good strategic housing controls are important to improving the locality.

As the Department knows, a team of senior professionals is currently working for the AHC towards finalising a proposal that is consistent with the stated objectives of the Redfern Waterloo Plan. That proposal will integrate commercial and public uses located around the station with upgraded modern housing closer to the Community Centre. The proposal envisages that significant areas will be available for public use. When it is complete, the mixed use Pemulwuy Project will be an asset to the area.

Everything the Department can do in the preparation of the exhibited controls to assist the Pemulwuy Project will assist the total rejuvenation of Redfern. Adopting the Draft SEPP and Built Environment Plan in the form (and with the inappropriate residential densities) currently proposed will only frustrate anything happening for Redfern in the medium term.

4. Planning Context

The FSR Maps in the SEPP and the Built Environment Plan provide for *area D* (which covers the AHC's land) to be limited to 0.5:1 for residential and 1.5:1 for mixed use as a maximum. These density controls will permit residential densities similar to those for single detached houses, on land closest to the Railway Station on the 'southern portion' of the precinct. Whereas land further away from the Railway Station referred to as 'the northern portion' or *area E* will be permitted residential densities equivalent to:

- terrace houses or low rise apartments with FSR of 1:1 residential and a maximum of 2:1 (in *area E* which is to the north of *area D* and further from the Railway Station), or,
- high rise apartments and/or commercial space with FSR of 7:1 (in *area F* to the immediate south of the Railway Station).

There is no justification and no legitimate planning reasons given in the planning documentation for the extremely low residential densities proposed on the land owned by the AHC and the inequitable treatment of that land compared with other areas further away from the Railway Station.

In fact, the proposed FSR imposed on the AHC land directly contradicts the Land Use Strategy in the draft Built Environment Plan described as:

3.2 Land Use Strategy

The proposed concentration of activity and development density around the Redfern Railway Station:

- *reflects synergy with Central Station*
- *reflects Redfern's status as the southern gateway to the Sydney CBD*
- *takes advantage of the underutilised capacity around one of the most highly accessible stations in NSW*
- *is environmentally responsible*
- *builds on the unique accessibility of the Redfern Railway Station*

Nothing in this land use strategy of the Built Environment Plan supports a density control over residential uses closer to the Railway Station being half that to be permitted further away from the Railway Station, with the total density being up to a fifth of that to be permitted on land that is the same distance in relation to the Railway Station.

5. Consultation

Section 33 of the Redfern-Waterloo Authority Act 2004 requires the Minister for Planning to consult with the AHC on issues and strategies affecting the long-term strategic vision for the Block.

For the avoidance of doubt, the AHC stands ready and willing to discuss appropriate planning controls for the AHC's land that will assist in its sustainable rejuvenation with any member of the Department where there is a genuine intent to take the AHC's views and objectives and the Aboriginal community's needs into account. This has been stressed on several occasions with senior Departmental staff over the last few months.

It therefore comes as a surprise that the Department would develop the Draft SEPP and Built Environment Plan with no specific consultation having taken place.

6. Conclusion

The current draft SEPP and Built Environment Plan ignore the basic principles of equitable planning, government policy, and inconsistency with the long established plans of the AHC (the largest private land owner in the area in question). It proposes an unfair and racially

discriminatory treatment for different land owners in Redfern without any legitimate planning rationale.

The only discernable reason for the lower residential density controls on AHC land, in comparison to its immediate surrounds, is the stated intention of the Minister for Redfern Waterloo to drastically limit the number of houses for Aboriginal families on the main parcel of land owned by AHC.

With *area D* being diagonally opposite the Railway Station there is no legitimate planning rationale and no reason given in any of the NSW Government planning documentation which would preclude an FSR of 3:1 for residential and an additional 1:1 FSR for mixed uses with a 4 to 8 storey height limit for a mixed use development. This would be consistent with the densities on the opposite side of the Railway Station.

The FSR controls applying to *area D* should be increased at least to 3:1 for residential with a maximum of 4:1 for mixed use and a height limit of 8 stories.

This result:

- would be in keeping with the land use strategies cited in the Built Environment Plan,
- would be consistent with the treatment of residential in *area E*,
- would reflect the capacity of the land in *area D* and its location next to the Railway Station, and
- would not be discriminatory on the grounds of race.