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Director – Metropolitan and Regional Projects North
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Peter McManus (email: peter.macmanus@planning.nsw.gov.au)

Dear Sir,

Re: Application No: MP07_0158 MOD 3 - Objection to Modification Request for the University of Sydney Abercrombie Precinct Redevelopment – Proposed Student Housing Building

Sheridan Planning (**SP**) is acting on behalf of Mandelbaum House, a residential college which adjoins the site of the proposed Student Housing Building on the Abercrombie Precinct at the southern end of the Darlington Campus, University of Sydney. **SP** has been engaged to review the above modification application and prepare a submission to the Department on behalf of Mandelbaum House.

About Mandelbaum House

Mandelbaum House is the Jewish residential college at the University of Sydney, opened in 1996. It was the vision of Mrs Rachel Lipton, who bequeathed her estate for the construction of a college at the University, which was to be named Mandelbaum House in honour of her parents.

Mandelbaum House is situated on land owned by the University of Sydney, however, it is a financially independent organisation, holding a 99 year lease until 2093.

The college is home to thirty-six students, of whom approximately half are Australian and half are international students hailing from Asia, Europe, South Africa and the USA.

The CEO, Ms Shana Kerlander, resides on site with her family.

The college's kitchen and dining room provides all residents with three meals a day through the week, with brunch on Saturday and Sunday and dinner on Sunday night.

There is also a games room, a study and resource Library, laundry facilities and outdoor areas. It is a community that the residents can flourish in seven days a week, overseen with Jewish ethos, values and a duty of care by college staff and by the Mandelbaum Council.

Mandelbaum House holds regular formal dinners with guest speakers for the residents. It is also a centre for the study of Jewish heritage with an education program that brings scholars from around the world to Sydney.

Concerns with the Application:

Mandelbaum House acknowledges that the proposed Student Housing Building has considerable social, environmental and economic benefits for the University. Notwithstanding this, the proposed development directly adjoins Mandelbaum House and therefore it is important that the proposal is designed in a manner which has regard to the amenity of the College and its students; and mitigates potential detrimental impacts from the proposed buildings and from the increased student population in this location.

As demonstrated below, the proposed development will directly impact Mandelbaum House's students who reside at the College and use their rooms for study and personal use at all times of the day. Mandelbaum House has a duty of care to these students and therefore must protect their interests by ensuring that they are not adversely affected by the proposed development.

Following review of the application and accompanying plans and reports, it is clear that there has been little regard to the proximity of the proposed development to Mandelbaum House and its potential impact on the students that reside at the College. The following specific concerns are therefore raised with the application on behalf of Mandelbaum House:

1. Height, bulk and scale of the development:

The proposed development site of the Student Housing Building is located on the northern side of Abercrombie Street and adjoins Mandelbaum House to the west.

The scale of the proposed Student Housing Building along Abercrombie Street is four to five storeys, which, in our view is out of character with the prevailing height and scale of the 2-3 storey terraces on the southern side of Abercrombie Street and a number of other traditional buildings mainly located at the intersection between Abercrombie Street and Codrington Street. It is also out of scale with Mandelbaum House, which was designed to fit into the Abercrombie Street streetscape (Refer to **Photo 1**).

When Mandelbaum House was constructed in 1994-1995 one of the prerequisites of the planning authority at the time (South Sydney Council) was that the proposed College reflect the scale of the existing buildings in Abercrombie Street – ie a maximum height of 2-3 storeys. That is why Mandelbaum House was designed as a three storey building along the Abercrombie Street frontage,

with the fourth level set well back from the street. As illustrated in **Photo 2** below, Mandelbaum House, at three storeys in height along the street, sits comfortably in the existing streetscape and is consistent in scale with the three storey terraces in **Photo 1**.

Photo 1- Houses in Abercrombie street, opposite the University of Sydney development site are characteristically 2-3 storeys in height



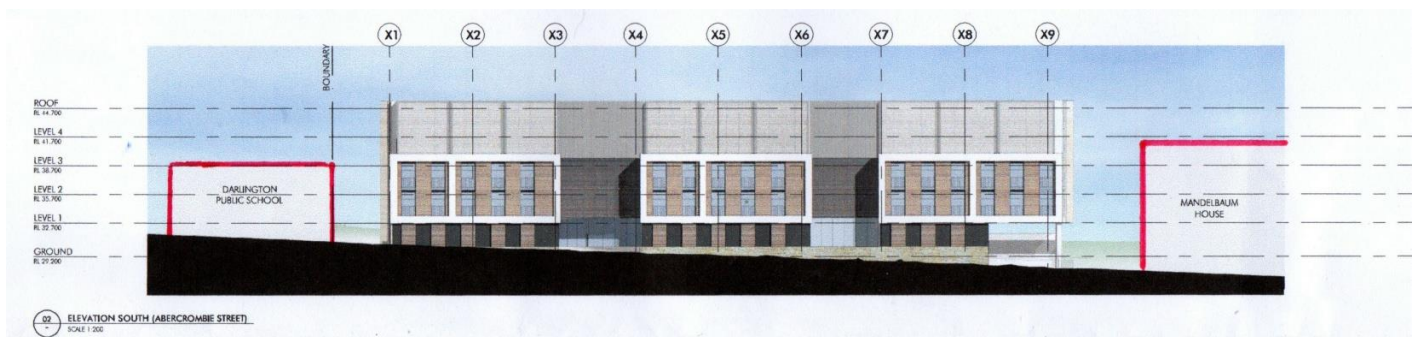
Photo 2 - Mandelbaum House– 3 storeys along Abercrombie Street is consistent in scale with the existing streetscape



On the other hand, the proposed Student Housing Building (see **Figure 1** below), located directly to the west of Mandelbaum House, is proposed at 4-5 storeys in height along Abercrombie Street. The fifth storey has a minimal setback from the four levels below, which does little to disguise the bulk of the building along the Abercrombie Street frontage.

The Student Housing Building which adjoins Mandelbaum House is bulky and out of scale with the character established by the existing buildings in Abercrombie Street, including the relatively recently built Mandelbaum House. The excessive scale and bulk of this proposed building will not only have significant impacts on the streetscape, but will have an adverse impact in terms of privacy, overshadowing and visual impact on Mandelbaum House (See **Point 3** below). As Mandelbaum House and other surrounding residential and commercial buildings, have had to comply with strict height, streetscape and heritage planning controls the proposed University Student Accommodation building should also comply with these criteria.

Figure 1 - Extract from architectural plans – showing the Student Housing Building is out of scale with the streetscape and far higher and bulkier than Mandelbaum House and Darlington School



2. Setbacks

There is an existing prevailing front setback for the buildings along this part of Abercrombie Street of approximately 2 metres. For example the Boundary Lane Children's Centre, the Shepherd Centre and Mandelbaum House are all approximately 2 metres from their front boundary.

The nil setback proposed for the Student Housing Building is considered to be inadequate and coupled with the excessive height of the development will have significant visual impacts on the streetscape. It is our view that the proposed development should be consistent with the established setback in this location, and therefore should be set back from the front boundary by 2 metres, which would be in line with Mandelbaum House.

A greater setback from the street frontage would have a number of benefits including:

- It would reduce the bulk and scale of the building when viewed from the street
- It would allow for a garden area adjacent to the street frontage which would assist in visually softening the proposed building.
- The planting that could be provided in this location would compensate for the trees being removed as a result of the proposed redevelopment.

3. Access Paths

The proposal has the potential for pedestrians to walk along the side setback of the new Student Housing Building running from Abercrombie Street through to the university campus at the rear. There has never been pedestrian access between Mandelbaum House and the site of the proposed New Student Housing Building. Mandelbaum House needs to maintain this buffer for its continued security as both a place of residence and a Jewish institution where heightened security concerns are critical. A pathway makes the College vulnerable.

It is our view that pedestrian access adjacent to Mandelbaum House should be restricted due to potential noise and security issues adjacent to Mandelbaum House's bedrooms and common areas.

In order to minimise security, noise and privacy impacts the space between Mandelbaum House and the new Student Housing Building should be densely landscaped to provide a visual buffer with secure access only by maintenance staff. This will also provide a leafy setting for the proposed building which will further reduce the bulk and scale of the development when viewed from Mandelbaum House.

Pedestrian access for students would be available from the rear of the building through to the main campus, thus rendering a pathway next to Mandelbaum House unnecessary. A walkway / thoroughfare positioned next to Darlington Public School could also be allocated as a cycle and pedestrian pathway

4. Impact on Privacy and Visual Amenity

As illustrated in **Photo 3 and 4** below, the College has its dining room with adjoining ground floor terrace and an upper floor library patio on the western side, where the proposed Student Housing Building adjoins the College. The first floor library patio and ground floor terrace are heavily used by Mandelbaum House students, as described by the College below:

“Dining Room Terrace (ground floor)

Sliding doors open from the Dining Room directly onto a patio area equipped with tables and chairs for outdoor dining. This area is used daily by residents for breakfast and lunch. The temperate Sydney climate enables the sliding doors to remain open during meal services and throughout the day, as desired, for two thirds of the year, thus also providing welcome natural ventilation. A garden bed borders the other side of this patio, where herbs and vegetables have been planted as well as enabling an attractive ‘green’ vista to the dining room.

In line with the Jewish ethos of the college, the Dining Room Patio holds significant religious consequence during the annual Jewish festival of Succot, when it is customary to take meals in a specially constructed outdoor hut with an open ceiling, known as a Sukkah. The Mandelbaum Sukkah is built annually on the Dining Room Patio and during this weeklong period, many residents use the Sukkah, as do observant University staff and students who visit Mandelbaum House especially to make use of the facility.

At the start of each semester, a residents' welcome BBQ is held on the patio. In addition, approximately once per month a BBQ dinner is held with the meal prepared on the college BBQ that resides to the side of the patio.

Photo 3- Dining room terrace used regularly by Mandelbaum House students is adjacent to the proposed Student Housing Building.)



Photo 4 - Sliding doors which lead from the dining room to the outdoor terrace.



Library Patio (1st floor)

*Situated off the Mandelbaum Library, this open space (**Photo 5**) is bordered by student rooms and the same green vista of the Dining Room Patio, providing an alluring study space and social area. This particular patio's light and space has also seen a number of residents develop and implement practical projects relating to their field within the University's Faculty of Agriculture and Environment."*

Photo 5 – Library Patio used by students for study will be affected by loss of privacy



The excessive height of the proposed Student housing building will have detrimental impacts on the use of Mandelbaum House's outdoor dining terrace and library patio, as well as the students' rooms and the unit occupied by Mandelbaum House CEO (and her family), which adjoins the common boundary with the proposed Student housing building.

As noted above, when Mandelbaum House was constructed it was required by South Sydney Council to conform to the prevailing 2-3 storey height of buildings in Abercrombie Street. Logically this requirement should be applied to the proposed Student housing building.

As demonstrated in the above photos, the proposed building will have an adverse visual impact on the streetscape; and adverse amenity and privacy impacts on Mandelbaum House. In order to ameliorate these impacts the proposed Student housing building should also be required to conform to the characteristic height (2-3 storeys) in Abercrombie Street. Therefore the plans should be amended to reduce the height of the proposed building, so at the very least it is consistent in height with Mandelbaum House.

In order to minimize the visual and privacy impacts of the proposed building it is suggested that the development be modified so that a 6 metre wide setback is provided from the eastern side boundary. This setback area should be planted with large trees that will provide some visual screening of the proposed buildings. The buffer along the eastern boundary will also ensure the retention of the existing *Flindersia australis* trees which are located between Mandelbaum House and the proposed Student housing building. These trees currently provide considerable amenity for the students (see Photo 6) and therefore should be retained.

Privacy impacts will be further improved for both the Student Housing Building and Mandelbaum House by the modification's design now including fixed privacy screens to minimise overlooking Mandelbaum student rooms and the outdoor terraces. An appropriate condition is requested ensuring that privacy screens on all the windows facing Mandelbaum be fixed to minimize overlooking of the students' rooms, and the outdoor terraces, balconies and the roof top terrace

Photo 6 – Mature trees which adjoin the western boundary of Mandelbaum House provide considerable amenity for the students



5. Overshadowing Impacts

The shadow diagrams submitted indicate that large parts of Mandelbaum House will be in shadow for much of the day which will materially affect the amenity of Mandelbaum House's students. The buildings surrounding Mandelbaum House will also be closer and substantially higher than the existing buildings, causing loss of sunlight and privacy in the students' rooms, the existing patios and terraces.

The proposed Student Housing Building coupled with the cumulative impacts of the Business School will have a devastating impact on Mandelbaum House in terms of loss of sunlight and daylight. The proposal clearly falls well short of maintaining the College's current levels of residential amenity. The existing Dining Room Patio and Library Patio face the Student Housing Building will be overshadowed, which will impact on amenity and the student's enjoyment of these areas.

The State Government's State Environmental Planning Policy (SEPP 65) and the accompanying Residential Flat Design Code states that residential flat developments should be designed so that *"Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter."* Even though SEPP 65 is applied to residential flat buildings and not to student accommodation, the two land uses are considered to be similar, in that they both provide high density forms of residential accommodation. Therefore SEPP 65 can, in our view, provide an appropriate rule of thumb, as to how the principles of maintaining sunlight and daylight access to habitable rooms and principal areas of open space should be applied to protect residential amenity. The proposed development clearly fails to meet the well founded SEPP 65 principles of providing for acceptable levels of sunlight and daylight access.

The overshadowing impacts of the development can be ameliorated to a degree by simply stepping back of the top two levels of the proposed Student housing building, away from the eastern boundary. The setting back of the upper levels of the proposed buildings will also assist in minimizing the potential overlooking issues.

6. Construction Impacts

Due to the location of Mandelbaum House to the proposed development, issues such as noise, dust, traffic and other impacts associated with demolition and construction of the proposed development are of concern. As Mandelbaum House's students reside 24 hours a day/7 days a week at the College noise from the proposed works is a major issue.

Appropriate conditions therefore should be imposed on any approval granted to ensure that these impacts are appropriately managed so that impacts on Mandelbaum House and its occupants are minimized. The conditions should include the following matters:

- The applicant is to undertake a dilapidation report on Mandelbaum House, prior to the commencement of any works that provides both a photographic record of the site and surrounds as well as a record of existing noise and dust levels for use as a base for ongoing monitoring.
- Due to the potential impact of dust it is also requested that Hoardings with shade cloth be constructed to provide protection and protective shields against emission of debris and dust into Mandelbaum House. The hoardings must be of adequate dimension to protect

Mandelbaum House against any emissions; and a regular review of the site hoardings should be carried out to ensure that it maintains the required levels of safety.

- In order to monitor noise and dust levels the Contractor should be required to provide logging on the boundary between the construction site and Mandelbaum House to measure noise and dust levels impacting on the College, until such time as the building is weatherproof and construction dust and noise are contained within the new buildings.
- All materials, plant and equipment should be loaded directly into and stored on site. At no stage throughout the construction should materials be stored on the footpaths along Abercrombie Street.
- Hours of work should be restricted to Monday to Friday 7:00am – 6:00pm, Saturday 8:00am – 1:00pm and no work on Sundays and Public Holidays

7. Conclusions/Recommendations

On reviewing the plans currently on public exhibition we find that the proposed Student Housing Building development will have a significant negative impact on Mandelbaum House in terms of overshadowing, potential loss of privacy, visual amenity and noise. The main concerns as detailed in this submission are:

- The Student Housing Building adjoining Mandelbaum House will be substantially higher and bulkier than the existing Shepherd Centre building, causing loss of privacy in Mandelbaum student rooms, the patios and terraces as well as considerable loss of amenity;
- The shadow diagrams indicate that large parts of Mandelbaum House including the outdoor terraces and patios will be in shadow for much of the day which will materially affect the students' amenity;
- The proposed Student housing building is out of scale with the Abercrombie Street streetscape and is higher and bulkier than Mandelbaum House. This will have consequent visual and privacy impacts on Mandelbaum House's students;
- The minimal setbacks proposed will significantly reduce the amenity and privacy of Mandelbaum House.

The above matters will directly impact on Mandelbaum House's students who reside at the College and use their rooms for study and personal use at all times throughout the day. Mandelbaum House has a duty of care to these students and therefore must protect their interests by ensuring that they are not adversely affected by the proposed development.

Proposed Amendments:

In view of the potential impacts of this proposed development, we would like to request that the Department require the following amendments to the plans, in order to mitigate the adverse impacts on Mandelbaum House:

- The building should be set back approximately 2 metres to align with Mandelbaum House along its Abercrombie Street frontage.
- Trees should be planted within the 2 metre setback along the front to assist in visually screening the proposed new buildings to allow for greater privacy and increased streetscape amenity.
- The building should be reduced in height and scale so that it is consistent in height with Mandelbaum House and conforms to the established 2-3 storey characteristic height of buildings along Abercrombie Street.
- The top two levels of the proposed Student housing building are to be set well back from the eastern side boundary, to minimise the overshadowing and privacy impacts on Mandelbaum House.
- Pedestrian access along the eastern side setback adjacent to Mandelbaum House should be restricted and dense landscaping along the side boundaries should be planted to provide privacy and visual amenity.
- The row of *Flindersia australis* trees which are between Mandelbaum House and the proposed Student housing building should be retained.
- The provision of a minimum 6 metre wide landscaped buffer along the eastern boundary should be provided. This buffer should provide for the retention of the existing trees and the planting of additional trees which will assist in visually screening the proposed new building to allow for greater privacy and overall increased amenity for the students that reside at Mandelbaum House.
- Any windows on the proposed Student housing building facing the western boundary of Mandelbaum House should be fitted with fixed privacy screens to minimize overlooking of the students' rooms, and the outdoor terraces, balconies and the roof top terrace.

Construction/Demolition Conditions:

In addition to the above amendments, the following conditions should be placed on any approval granted:

1. The applicant is to undertake a dilapidation report on Mandelbaum House, prior to the commencement of any works that provides both a photographic record of the site and surrounds as well as a record of existing noise and dust levels for use as a base for ongoing monitoring.
2. Due to the potential impact of dust it is also requested that Hoardings with shade cloth be constructed to provide protection and protective shields against emission of debris and dust into Mandelbaum House. The hoardings must be of adequate dimension to protect Mandelbaum against any emissions; and a regular review of the site hoardings should be carried out to ensure that it maintains the required levels of safety.
3. In order to monitor noise and dust levels the Contractor should be required to provide logging on the boundary between the construction site and Mandelbaum House to measure noise and dust levels impacting on the College, until such time as the building is weatherproof and construction dust and noise are contained within the new buildings.
4. All materials, plant and equipment should be loaded directly into and stored on site. At no stage throughout the construction should materials be stored on the footpaths along Abercrombie Street.
5. Hours of work should be restricted to Monday to Friday 7:00am – 6:00pm, Saturday 8:00am – 1:00 pm and no work on Sundays and Public Holidays.

Should the Department have any questions in relation to the matters raised or if a site visit of Mandelbaum House would assist, please contact the undersigned on 0408 655 088.

Yours faithfully

Lynne Sheridan

Director