

City of Sydney

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17 August 2012

Our Ref : 2012/203143-87

Your Ref: MP11_0090

Mr Alan Bright
A/Director, Metropolitan & Regional Projects South
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

Attention: Caroline Owen / Amy Watson

Email: caroline.owen@planning.nsw.gov.au

amy.watson@planning.nsw.gov.au

Dear Mr Bright,

**RE: STUDENT ACCOMMODATION ON BLOCKS 3B, 3C & 10, CENTRAL PARK,
CHIPPENDALE (FORMER CARLTON UNITED BREWERY SITE) (MP11_0090)**

I refer to your correspondence, dated 4 July 2012, advising of the exhibition of the Project Application MP11_0090 for the construction of a 6 to 8 storey development on Blocks 3B, 3C and 10 of the abovementioned site to accommodate ground floor retail uses and student accommodation housing on the levels above for a maximum of 201 dwellings, with 267 beds.

Given the timeframe provide to make comment on the proposal, the matter was not able to be referred to the Council's Planning Development & Transport Committee or the Central Sydney Planning Committee to obtain their feedback. The following information has been formulated by Council staff for the consideration of the Department in its determination of the applications.

Following a review of exhibition material provided by the proponent, a number of issues with the design and lack of sufficient assessment documentation have been identified by Council's assessment staff. These issues are summarised below for the consideration by the Department:

(1) Student Accommodation Use

The City is generally supportive of the introduction of student accommodation within the Central Park development. The following matters are provided for consideration:

- It is recommended that the proponent be required to demonstrate the compliance of the proposed development with the key amenity controls contained within State Environmental Planning Policy 65, State Environmental Planning Policy (Affordable Rental Housing) 2009 and the City of Sydney Boarding House DCP.

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- In its current form, the current proposal does not comply with the bicycle parking requirements of the City of Sydney's Boarding House DCP. Based on the proposed use it is considered that this mode of transportation will be highly utilised and appropriate storage should be provided to cater for the anticipated demand. It is recommended that consideration be given to requiring the proponent to amend the design or the Department impose an appropriate condition to ensure the provision of a total of 89 bicycle parking spaces.

In the event that the proposal is supported by the Department, the City has included a number of conditions with respect to management and use of the proposed student accommodation buildings. It is requested that the Department consider imposing these condition on any approval granted.

(2) Urban Design

Council has undertaken a preliminary assessment of the proposed internal design of the student accommodation, and in general considers that the proposal will provide a reasonable level of amenity for students.

The following observations are provided on the proposed design where the City is of the opinion that further elaboration or potential amendment of the proposal may be required:

Block 3C – Prominent Corner

Block 3C is located on a prominent corner, at the intersection of O'Connor St, Outram St and Carlton St (or Kent Rd). At the corner, the proposed façade treatment above ground floor level consists of a curvilinear shape clad with plain grey metal panels. Due to its prominent location, it is recommended that the proponent give consideration to amending the design of the corner treatment of Block 3C to create an aesthetically pleasing and articulated built form.

Through-Site-Link

The through-site link between Blocks 3B and 3C does not comply with the building envelope approved in the Concept Plan. The Concept Plan envelope shows a potential link between Blocks 3B and 3C from Level 3 and above. In the current form the proposal includes linkages from Levels 1 and above. This proposed change will reduce the clearance height of the through-site link from 10 metres high to approximately 6.5 metres high.

Whilst no objection is raised to the design rationale, in its current form Blocks 3B and 3C share a single lobby, with a 3 metre wide walkway connecting the buildings at Level 1 of the development. The inclusion of this walkway reduces the clearance height in parts of the through-site-link from 6.5 metres to 3.75 metres.

It is recommended that the proponent be requested to revise the design to consider one of the following design modifications:

- delete the walkway at Level 1 and/or provide a further ground floor access to Block 3C to allow the clearance height of 6.75 metres to be maintained;
- where the Department is of the view that the removal of the walkway is not possible, that the walkway at Level 1 be finished with a highly transparent frameless glazed curtain to maximize views and light through to the through-site-link.

Block 3B Street Level Frontage – Carlton Street (or Kent Road)

Approximately 70% of the street level frontage of Block 3B, which faces Carlton St, is inactive due to the proposed cladding and the location of plant and services.

In its current form, the proposed facade treatment of Block 3B to Carlton Street is not supported and it is recommended that the proponent be requested to amend this facade to create a more active street frontage and/or by incorporating some of the alternative greening/public art ideas (as was illustrated in the Landscape and Public Domain Report, prepared by Jeppe Aagaard Andersen + Turf Design Studio).

Signage

The proposed vertical projecting wall signs at the ground level of Blocks 3B and 3C are 700mm wide by 1,900mm high. The proposed dimensions are considered to be excessive and create a visually cluttered streetscape. It is recommended that the Department consider amended plans or imposition of an appropriate condition to reduce the dimensions of these signs to a maximum of 500mm wide by 1,300mm high.

Building Envelope and Building Separation

Further to the concerns to the proposed linking walkway between Blocks 3B and 3C regarding the through-site link clearance heights, concern is also raised that the modifications proposed from the approved Concept Plan result in substantial additional bulk and lack of separation and differentiation between Blocks 3B and 3C.

It is recommended that the Department consider requiring amendments to the proposal to maintain the form of the link approved in the Concept Plan as this would provide greater visual separation and differentiation between the two blocks and would assist in reducing the bulk of the building.

Setbacks and Privacy (Block 10)

The proposed recessed floor at Level 2 on Block 10 (of between 2 to 4 metres from the site boundaries) is supported as it provides a good distinction and separation between the interwar brick warehouse (to be preserved) and the new building at the top (student accommodation).

It is noted that the separation distances between the proposed building on Block 10 and the adjoining developments located to the south and east (on the opposite sides of Outram and Goold Streets, respectively) are non-compliance with the Residential Flat Design Code. The proposed nil setback of the proposed building at Levels 3 to 5 and the narrow separation with adjacent buildings creates privacy issues.

Whilst it is understood that design features are proposed to mitigate impacts, the proposed use of internal fixed louvres is not supported as it is considered to adversely impact on internal amenity of the student rooms through reducing outlook, light and potentially ventilation.

It is recommended that the Department, either through the submission of amended plans or via appropriate condition should ensure the provision of operable louvres (or venetian blinds) and operable windows to the northern, eastern and southern elevations. This solution would provide sufficient visual privacy when required, whilst enabling fresh air and outlook to the bedrooms. The provision of internal curtains or blinds on the western elevation is considered to be acceptable.

(3) Heritage

Concern is raised regarding the extensive shopfront glazing proposed on the eastern elevation of Blocks 3B and 3C to Kensington Lane. It is considered that the highly glazed facade of the retail levels may result in adverse impacts upon views to the historic context of the Kensington Lane terraces. These impacts may include:

- lack of high quality masonry materials that relate to the historic built form;
- visual prominence of the retail fit-outs and visual clutter due to retail displays and signage;
- inadequate visual interest and lack of fine grain rhythm along the street frontage of alternating transparency and solidity; and
- areas of glazing being obscured by inferior materials such as signage films, ATMs and use of opaque film to conceal back of house areas.

It is recommended that the Department consider requiring the proponent to amend the design of the shopfronts to provide greater solidity to the street frontage and to reduce the visual prominence of the retail fit-outs. Solid materials should be high quality and provide a relationship with the historic context.

The glazing mullions are proposed to be clear anodised aluminium. A warmer colour anodising for the shopfront mullions would be more appropriate such as Satin Quarry Beige or Light Bronze. The sandstone kerbing needs to be conserved or new sandstone blocks incorporated to interpret the former street alignments.

A specific interpretation plan should be developed for each of the subject Blocks. External lighting should be subtle and enhance the character of the Kensington Street terraces.

The City thanks you for the opportunity to provide input at this stage of the proposal. It would be appreciated that in the event that any amendments are made to this proposal prior to the determination by the Department, that the City be provided with a further opportunity to comment.

If you have any further enquiries on this matter, please contact Kate Bartlett, on 9265 9200 or kbartlett@cityofsydney.nsw.gov.au.

Yours sincerely,



Graham Jahn AM
Director
 City Planning | Development | Transport

RECOMMENDED CONDITIONS

It is recommended that in the event of any approval, that the Department consider the imposition of the following conditions:

ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

CARE OF BUILDING SURROUNDS

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

PLAN OF MANAGEMENT TO BE SUBMITTED AND APPROVED

- (a) A Plan of Management must be prepared to address all operational and management procedures to be employed, to ensure that the premises can operate without disturbance to the surrounding locality. The plan must reflect the whole of the Student Accommodation operations, including Security Management.
- (b) The plan must include but is not restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.
- (c) The plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

The plan must include as a minimum:-

- (i) compliance with all other operational conditions of this consent;
- (ii) each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds.
- (iii) hours of operation of outdoor areas (the use of external communal open space or common areas should be restricted);, use of alcohol and/or drugs, curfews, noise management plan;
- (iv) security management should be expanded to include relationships with surrounding hotels/motels/ businesses and residents;
- (v) students should be issued with information on how to contact Police, Ambulance and Fire Department in translated formats, personal safety awareness sessions should be conducted at the start of each semester (or three times per annum), relationship could be established with the Ethnic Community Liaison Officer at the City Central Police Command;

- (vi) safety and security measures for residents, handling complaints;
 - (vii) provisions of communal areas and facilities, and access and facilities for people with disabilities;
 - (viii) a copy of the fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area, a floor plan showing emergency exits must be fixed to the inside of each sleeping room.
 - (ix) Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
- (d) The approved Plan of Management is thereafter to be complied with during the use of the premises.

RESTRICTION ON STUDENT HOUSING

- (a) The following restriction applies to the building hereby approved for student accommodation:
- (a) The accommodation portion of the building may only be used for residential accommodation for students as hereinafter defined and not otherwise as residential accommodation, or as serviced apartments, private hotel, boarding house, tourist or backpackers' accommodation or the like.
 - (b) Each individual room of the student accommodation section is not to be occupied by more than one person per bed as shown on the approved plans. Any future change to the number of beds shown on the approved plans must first be approved by Council. Beds may not be replaced by double bunk beds.
 - (c) An owner, Owners Corporation, tenant or licensee of the premises or any part thereof shall not advertise or permit advertisement of any accommodation in the building over which they have control other than for student residential accommodation.
 - (d) Any tenant or licensee of any part of the residential accommodation must produce to the owner or licensor or landlord prior to taking occupation evidence of identity and of a tertiary educational facility in Australia. The owner or licensor or landlord is to maintain an up-to-date register of all details which must be produced for inspection on request by Council.
 - (e) Any tenant or licensee of any part of the residential accommodation must produce to Council upon request at any time written evidence of identity and of current enrolment in such tertiary educational facility.
 - (f) Upon ceasing to be enrolled to attend a full time tertiary educational course with a tertiary institution in Australia, the now former student shall vacate the residential accommodation within 4 weeks of the expiration of their tertiary course.

- (g) Prior to the issue of an occupation certificate, a restrictive covenant is to be registered on the title of the premises in the above terms to the satisfaction of Council. The Applicant shall pay Council all costs for the preparation and registration of the restrictive covenant.
- (h) For the purpose of this condition, "student" means a person over 16 years of age enrolled with a tertiary institution in Australia and attending a full time course of tertiary education in Australia.
- (i) All student occupants of the site are to be provided with a package notifying them of these requirements when they commence residency at the premises as part of the lease/ tenancy agreement. This, and other information required to be provided to the student occupants is to be provided in the native language of the proposed student occupant so that it can be easily understood.

STRATA SUBDIVISION – SEPARATE DA REQUIRED

Any proposal to strata sub-divide the building will require development consent and therefore the lodgment of a separate development application and subsequent approval from Council, or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

FOOTPATH DAMAGE BANK GUARANTEE

A Footpath Damage Bank Guarantee calculated on the basis of [insert quantity] lineal metres of the asphalt site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to issue of a Construction Certificate.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

ALIGNMENT LEVELS

- (a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
- (b) The alignment levels should be coordinated with the proposed levels for adjacent areas that are already approved for construction and, in the case of the through site links, demonstrate smooth transitions between Carlton Lane and Kensington Lane footways.
- (c) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a Construction Certificate, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
- (d) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

PUBLIC DOMAIN PLAN

The Public Domain Plan accompanying this Development Application has not been approved by this consent.

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

PUBLIC DOMAIN WORKS - HOLD POINTS AND HANDOVER

Prior to a Construction Certificate being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.

Completion and handover of the constructed public domain works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Kensington Lane & Outram Street frontage/s of the site are to be retained and properly protected during excavation and construction works.
- (b) To avoid damage to stone kerbs during construction and / or excavation works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (ie. those that are in good condition as agreed by City officers) must be re-installed in accordance with the City's standard details and specifications after the construction and / or excavation works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath and road access until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to the City's satisfaction or as otherwise advised by City officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.