

MAJOR PROJECT ASSESSMENT:

***Student Accommodation on Blocks 3B, 3C &
Block 10***

***Central Park, Chippendale (Former Carlton
United Brewery)
MP11_0090***



Director General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

November 2012

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director General's Requirements
Director General	Director General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report
Proponent	Frasers Broadway Pty Ltd

Cover Photograph: Photomontage- looking north-east towards Kensington Lane (Source: Preferred Project Report, JBA Planning, October 2012)

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*NSW Government
Department of Planning & Infrastructure*

EXECUTIVE SUMMARY

This is an assessment report for a Project Application seeking approval for the construction of three new buildings on Blocks 3B, 3C and 10 to provide student accommodation.

The proposal, as described in the Environmental Assessment (EA) and Preferred Project Report (PPR), seeks approval for a part five and part seven storey building on Blocks 3B and 3C, connected via a link bridge. This building will provide residential accommodation for 211 students and 394.26m² of retail uses at ground floor level. The existing building on Block 10 will be partially demolished and adapted as part of a five storey building, providing residential accommodation for 56 students and 281.53m² of retail uses on the ground floor level.

The site is located within the City of Sydney Local Government Area. The Proponent is Frasers Broadway Pty Ltd. The project has a Capital Investment Value of \$27,000,000.

The proposed land uses are in accordance with the land uses permitted by the approved Concept Plan, MP06_0171 (as modified).

The EA was exhibited for a 45 day period from **Wednesday 4 July 2012** to **Friday 17 August 2012**. The Department received seven submissions from agencies/authorities. No submissions were received from the general public.

On 11 October 2012 the Proponent submitted a Preferred Project Report which made the following amendments:

- Deletion of Level 1 link between blocks 3B and 3C;
- Amendments to ground floor building facade of the buildings on Blocks 3B and 3C;
- Amendments to northern and western elevations of the building on Block 10 to Level 1 and 2;
- Deletion of internal privacy screens and replacement with venetian blinds;
- Removal of stairs to the central link of the building on Blocks 3B and 3C between levels 2 and 6; and
- Reduction in the width of the link bridge between the buildings on 3B and 3C from western elevation between Levels 2 and 6.

Key issues considered in the assessment include:

- Consistency with the approved Concept Plan;
- Residential amenity;
- Urban design; and
- Management and operation of student accommodation.

The Department considers that the proposed development is consistent with the approved Concept Plan (as modified) and is suitable for the subject site. The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been adequately addressed within the EA, Preferred Project Report, Statement of Commitments and the Department's recommended conditions of approval.

The proposal demonstrates appropriate urban design solutions, providing a sympathetic and dynamic response to the heritage context of the site. The proposal will assist in contributing towards the orderly redevelopment of the former Carlton United Breweries site, providing an attractive and vibrant focal point. The development is consistent with the objectives of the Metropolitan Plan for Sydney 2036 and will contribute towards job targets for the Sydney subregion identified within the Draft Sydney City Subregional Strategy. The proposal is recommended for **approval**, subject to conditions.

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1. BACKGROUND

The purpose of this report is to determine a Project Application for the construction of three new buildings, including alteration and adaptations to an existing building to provide student accommodation in the Kensington Precinct of Central Park, Chippendale. The proposal relates to Blocks 3B, 3C and Block 10, as approved by the Concept Plan for the redevelopment of the former Carlton United Brewery site (MP06_0171) (as modified).

The Site

The former Carlton United Brewery site, now known as 'Central Park', has an area of 5.834ha, and is located in the south-western portion of the Sydney Central Business District. The site is within short walking distance to Central Railway Station and Railway Square Bus Terminal.

Blocks 3B, 3C and Block 10, the subject of this Project Application, are located towards the eastern part of the site, within the area referred to as the Kensington Precinct. Blocks 3B and 3C lie to the west side of Kensington Lane (previously known as Kensington Street), with frontages also to a new road, Carlton Street to the west. Block 10 is located on the east side of Kensington Lane (see Figure 1).



Figure 1: Central Park Approved Concept Plan site layout & Block locations

Previous Approvals

On 8 February 2007, the then Minister for Planning approved Concept Plan MP06_0171 for the mixed use redevelopment of the former Carlton United Brewery site (including residential, commercial, retail and public open space). The Concept Plan was subsequently modified on 18 July 2007 (MOD 1), 5 February 2009 (MOD 2), 16 May 2010 (MOD 3), 30 August 2011 (MOD 4) and 24 July 2012 (MOD 6).

The most recent Concept Plan amendment (MP_06_0171 Mod 6) modified the allocation of residential and overall GFA across the Kensington Precinct blocks however, did not result in an overall increase in GFA.

Related Approvals

The majority of the buildings across the Central Park site, associated with the former brewery use have been demolished (approved under MP 07_0120), with the exception of the retained Brewery buildings and heritage items. Construction of the basement car parking and Blocks 2 and 5A & 5B is currently underway. Other approvals granted on the site include:

- Remediation and transitional works (MP 07_0163 as modified);
- Main Park and stage 1 infrastructure (MP 08_0210 as modified);
- Construction of commercial Blocks 1 and 4 (approved under MP 08_0253 including Central Thermal Plant (CTP) (MP08_0253 MOD1));
- Construction of mixed use residential and retail Blocks 5A and 5B (MP 09_0041 as modified);
- Construction of mixed use residential and retail Block 2 (MP 09_0078 as modified);
- Stage 2 Infrastructure and Civil Works (MP 09_0164);
- Construction of residential Block 5C (MP10_0218); and
- Alterations to and adaptive reuse of Brewery Buildings (MP10_0217).

Director General's Requirements have also been issued for the following projects:

- The adaptive reuse of existing buildings on Block 3A for hotel and food and drink premises (MP11_0089); and
- The redevelopment of Block 6 for mixed uses, the adaptive reuse of existing terraces and part demolition of buildings on Block 7 for mixed use retail and commercial development (MP11_0091).

2. PROPOSED PROJECT

2.1. Project Description

The proposal, as exhibited in the Environmental Assessment (EA) sought project approval for the following:

Table 1: Key Project Components

Aspect	Description
Project Summary	<ul style="list-style-type: none"> • Construction of a 7 storey building on Block 3B and a 5 storey building 6 on Block 3C, connected by an elevated pedestrian link, consisting of: <ul style="list-style-type: none"> – 150 studios and 24 cluster flats, providing accommodation for 211 students; – a total GFA of 6,549.74m²; – residential GFA of 6,155.48m²; – 394.26m² of retail GFA at ground floor level; – ground floor lobby and administration area (catering for Blocks 3B, 3C & 10); – formal and non-formal communal spaces on levels 2, 3, 4 and 5; – communal roof terrace with BBQ & clothes drying facilities; – communal laundry facilities; – 39 secure bicycle parking spaces; – garbage room and services; – below ground substation; and – below ground stormwater retention tank. • Partial demolition of existing building on Block 10 and construction of 5 storey building consisting of: <ul style="list-style-type: none"> – 27 rooms, providing accommodation for 56 students;

Aspect	Description
	<ul style="list-style-type: none"> – A total GFA of 2,097.14m²; – residential GFA of 1,815.61m²; – 281.53m² of retail GFA at ground floor level; – communal space & laundry facilities; – 15 secure bicycle parking spaces; and – garbage room and servicing.
Partial Demolition of Block 10	<ul style="list-style-type: none"> • Removal of existing ground slab; • Demolition of roof and removal of roof fabric (asbestos); • Removal of services, existing doors and windows; and • Remediation, as per Project Approval MP07_0163.
Public Domain Works	<ul style="list-style-type: none"> • Construction of footpaths and paving and provision of street furniture; and • Public art- required by Statement of Commitment, to be determined prior to final Occupation Certificate.
Landscaping	<ul style="list-style-type: none"> • Green roof planting to the roof of the link between Blocks 3B & 3C and the roof of Block 3C (non-trafficable areas); and • Roof top tree to Block 3C.

The student accommodation will be provided in a mix of individual studios and 2, 3, 4, 5 and 6 bedroom clusters with communal kitchens and living spaces, in the following mix:

Table 2: Proposed Accommodation Mix

	Studio Beds	Cluster Beds	Total No of Beds
Blocks 3B & 3C	150	61 (24 clusters)	211
Block 10	13	43 (14 clusters)	56
Total	163	104 (38 clusters)	267

Eleven (11) accessible studios are proposed in Blocks 3B and 3C and four (4) to Block 10.

Frasers Property Pty Ltd has received 200 allocations under round 4 of the National Rental Affordability Scheme (NRAS) for the provision of student accommodation within the Kensington precinct. A condition of the NRAS scheme is that accommodation be delivered at the start of the 2014 school term.

The Proponent is not seeking approval for the fitout and signage relating to the ground floor retail units. This will be subject of future Part 4 development applications made to Council.

2.2 Preferred Project Report

Following the public exhibition of the EA, the Department advised the Proponent of a number of issues which required further consideration and requested the submission of a Preferred Project Report (PPR).

The development as proposed in the PPR is detailed below. The project layout is shown in **Figure 2** and **Figure 3** below.

The key changes involved in the Preferred Project are:

- deletion of the Level 1 link bridge between the buildings on Blocks 3B and 3C;
- amendments to the ground floor building façade of the building on Blocks 3B and 3C;

- amendments to northern and western elevations of the building on Block 10 to Level 1 and 2;
- deletion of internal privacy screens and replacement with venetian blinds in the building on Block 10;
- removal of stairs to the central link of the buildings on Blocks 3B and 3C between Levels 2 and 6;
- reduction in the width of the link bridge between buildings on Blocks 3B and 3C from the western elevation between Levels 2 and 6; and
- a reduction in GFA of 26.21m² in Blocks 3B and 3C (to 6,523.53m²) and an increase of 4.1m² in Block 10 (to 2,101.24m²).



Figure 2: View of Block 3C & 10 looking north-east towards Kensington Lane



Figure 3: View of southern elevation of Block 3C and Block 10

2.3 Project Need and Justification

The Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Metropolitan Plan sets out housing and employment targets for the Sydney region at 770,000 additional dwellings, and 760,000 new jobs, by 2036. The Plan further refines Sydney wide targets for the Sydney City sub-region for an additional 61,000 dwellings and an additional 114,000 jobs by 2036. The Plan seeks at least 80% of new dwellings to be located within walking distance of a centre.

Although the proposal is for student accommodation and not traditional market residential accommodation, the development is consistent with the aims of the Metropolitan Plan for Sydney, in that the provision of student accommodation will assist in relieving pressure on other types of residential accommodation. The development is excellently located in relation to public transport and services and facilities, including a number of tertiary education establishments. In addition, the development will provide for approximately 40 full time equivalent jobs and in its delivery, approximately 140 construction jobs.

The proposal is therefore considered consistent with the objectives of the Metropolitan Plan for Sydney 2036.

Draft Sydney City Sub-Regional Strategy

The site falls within the area defined by the Draft Sydney City Subregional Strategy. The draft subregional strategy, released in July 2008, identifies the Central Park site as a mixed use employment zone. Employment targets for the sub-region have been updated by the Metropolitan Plan as identified above. The Sydney City Subregional Strategy has a total job target of 58,000 additional jobs to 2031, within the Sydney City subregion. This target will be updated now the Metropolitan Plan has been released.

The Central Park site is specifically identified within the Subregional Strategy as providing opportunities to link business, education and residential activities, contributing towards the realisation of a 'creative crescent'. The proposed development will provide residential accommodation specifically for students, which make up a core group of residents within the inner city subregion. The development will assist in relieving pressures on other market residential accommodation in the subregion. In addition, the proposal will create up to 35 retail jobs within the Kensington Precinct and 5 full time equivalent employment opportunities related to the student accommodation development.

The proposal is therefore considered consistent with the aims and objectives of the Draft Subregional Strategy, contributing towards identified job targets within Sydney city centre and regeneration of the south-western part of Central Sydney.

City of Sydney Council- Sydney 2030

In June 2008, after an 18 month public consultation process, the City of Sydney Council adopted the 2030 Vision Document. In 2011, the Sydney 2030 vision document was incorporated into Council's strategic and resourcing plans. The 2030 vision focused on the following 10 strategic directions:

1. A globally competitive and innovative City;
2. A leading environmental performer;
3. Integrated transport for a connected City;
4. A City for pedestrians and cyclists;
5. A lively, engaging City Centre;
6. Vibrant local communities and economies;
7. A cultural and creative City;
8. Housing for a diverse population;
9. Sustainable development, renewal and design; and
10. Implementation through effective partnerships.

The proposal will contribute towards achieving a number of the strategic directions through the provision of a vibrant development located centrally within the city, providing a specific housing need, which is highly compatible with the site's urban location. The development will provide a high quality public domain and buildings will achieve high levels of sustainability performance. The proposal is therefore considered to make a positive contribution towards the City of Sydney Council's long term vision for Sydney.

3. STATUTORY CONTEXT

3.1 Major Project Declaration

On 8 February 2007, the then Minister for Planning approved Concept Plan MP06_0171 for the mixed use redevelopment of the subject site (including residential, commercial, retail and public open space). In this approval, the then Minister determined that applications to carry out the project or stages of the project with a Capital Investment Value (CIV) of \$5 million or more, would be subject to Part 3A of the Environmental Planning & Assessment Act 1979 (the Act).

The CIV of the Project Application is **\$27,000,000**, which is greater than \$5 million and therefore, Part 3A of the Act applies to the proposal.

3.2 Continuing Operation of Part 3A

Part 3A of the Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. Director General's Environmental Assessment Requirements (DGEARs) were issued in respect of this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disprove of the carrying out of the project under Section 75J of the Act.

3.3 Determination under Delegation

The Minister has delegated his functions to determine Part 3A applications to the Deputy Director General, Development Assessment & Systems Performance, where:

- the Council has not made an objection, and
- there are less than 25 public submissions objecting to the proposal, and
- no political disclosure statement has been made in relation to the application.

There have been no submissions received from the public and Council raised no objections in relation to the PPR proposal, subject to conditions, which have been recommended. There has been no political donation declared in relation to this project application. Political donations have been disclosed for some previous project applications on the Central Park site, however, the date since the last reportable political donation now exceeds the statutory relevant time period of two years.

Accordingly, the application is able to be determined by the Deputy Director-General, under delegation.

3.4 Permissibility

The site is zoned 'City Edge' under the *Sydney LEP 2005*. The project is permissible within the City Edge zone.

3.5 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the Act, the Director General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any EPI that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPP's and EPI's is provided in **Appendix C**.

3.6 Objects of the EP&A Act

Decisions made under the Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has considered the Objects of the Act, including the encouragement of Ecologically Sustainable Development (ESD) in the assessment of the application. The project does not raise significant issues with regards to the Objects under the Act.

3.7 Ecologically Sustainable Development

The Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle-** Remediation of the whole former CUB site was considered and approved as part of approved MP 07_0163 Remediation and Transitional works. The approved remediation works have largely already been carried out. Approved remediation works to Block 10 will be undertaken after the partial demolition of the existing building including removal of hazardous materials, proposed as part of this application. Standard conditions to manage any potential environmental impacts of the development are recommended.
- **Inter-Generational Equity-** The Proponent has made a commitment to design the buildings to a 5 Star Green Star standard. The development will also be linked to the Central Park site's CTP and blackwater treatment plant (yet to be approved), which will contribute towards the sustainability credentials of the development by satisfying the development's hot water needs and will recycle wastewater and re-use it in the development for non-potable uses. Refer to the Proponent's Statement of Commitments at **Appendix E**.
- **Biodiversity Principle-** The redevelopment of the whole Central Park site will increase the percentage of permeable land across the site (which was previously 0%) enhancing the ecological value of the site. The provision of landscaped open space across the CUB site will assist in improving the biodiversity of the area.
- **Valuation Principle-** The Central Park development includes the provision of a CTP and blackwater treatment plant. Rainwater harvesting will also occur in the adapted Brewery buildings, reducing environmental impacts and energy and utility costs to occupants.

The Proponent is not targeting a specific Green Star rating for the development however, has committed to designing the development in line with principles of the 5 Star Green Star rating system. To ensure this is achieved, a condition is recommended requiring the Proponent to provide documentation, prepared by a suitably qualified consultant, indicating that the development achieves a minimum performance standard equivalent to a 5 Star 'Design' and 'As-Built' Green Star rating. Refer to recommended **Conditions B21** (5 Star 'Design') and **E16** (5 Star 'as built').

In conclusion, the proposal is considered consistent with the ESD principles.

3.8 Statement of Compliance

In accordance with section 75I of the Act, the Department is satisfied that the Director General's Environmental Assessment Requirements have been complied with. Refer to **Appendix A**.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75H(3) of the Act, the Director General is required to make the EA for an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from Wednesday 4 July until Friday 17 August 2012 (45 days) on the Department's website, and at the Department's Information Centre on Bridge Street, Sydney and The City of Sydney Council Offices at Town Hall, Kent Street, Sydney. The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the Central Courier newspapers on 4 July 2012, notified surrounding landholders, and relevant government authorities, in writing.

The Department received 7 submissions during the exhibition of the EA - 6 submissions from public authorities and 1 submission from a utility provider being Transgrid. No submissions were received from the general public or special interest groups.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

Six submissions were received from public authorities. None of the government agencies objected to the proposed development but rather provided comments for consideration in this assessment and in the drafting of conditions of approval. Each of the issues raised by the government agencies and the City of Sydney is addressed separately below:

City of Sydney in its letter to the Department of Planning of 17 August 2012 notes that it supports student accommodation within the Central Park development however provided issues to be considered in the assessment and when imposing conditions of approval. Following is a summary of the issues raised by the City of Sydney in relation to the Environmental Assessment:

- development should comply with key amenity controls of SEPP 65, SEPP Affordable Rental Housing, and the City of Sydney Boarding House Development Control Plan 2004 (City of Sydney Boarding Houses DCP);
- non-compliance with bicycle parking requirements of City of Sydney Boarding Houses DCP and recommends requiring provision of 89 bicycle parking spaces;
- level of amenity granted to students is considered generally acceptable however Council makes the following urban design comments:
 - consider an amendment to the design of the corner treatment of Building 3C;
 - concern raised in regard to height of the lowest level of the proposed pedestrian link between Buildings 3B and 3C;
 - concerns regarding inactivation of ground floor level of Block 3B to Carlton Street;
 - non-compliances in building separation rules of thumb in the NSW Residential Flat Design Code of Block 10 and buildings to the south and east; and
 - use of internal fixed louvres not supported.
- extent of glazed shop front on the eastern elevation of Blocks 3B and 3C to Kensington Lane should be reduced;
- an interpretation plan for each block should be prepared.

Council also recommended a number of other conditions which have been incorporated into the recommended conditions of approval relating to:

- accommodation – restriction and caretaker;
- care of building surrounds;
- plan of management to be submitted and approved;
- restriction on student housing;
- strata subdivision – separate DA required;
- associated roadway costs;
- vehicle roadway costs;

- vehicle footway crossing;
- footpath damage bank guarantee;
- alignment levels;
- public domain plan;
- public domain works – hold points and handover;
- paving materials; and
- protection of stone kerbs.

The PPR addressed concerns raised by Council, with regard to the EA, in the following ways:

- the proposed fixed louvres were replaced with internal blinds;
- level 1 of the Link Bridge was removed to comply with the Concept Plan;
- removal of perpendicular signage to allow the ground level façade to be easily read; and
- the ground façade of Blocks 3B and 3C have been revised to include blue/black brickwork paving to the ground plan and lift shaft, assembled in a herringbone pattern.

The PPR did not result in any changes to the southern elevation of Block 3C. The Proponent considered that the building is heavily articulated on the east and west elevations and that the design of the façade provides a satisfactory transition from Block 5C to Block 10. The PPR has also not resulted in an amendment to the proposed number of total bicycle spaces (54), as requested by Council. Both these issues are addressed in section 5 of this report.

On 6 November 2012, Council provided comments on the Proponent's PPR. Council is generally supportive of the amended proposal, subject to conditions but still raises issue with insufficient bicycle spaces.

Council provided additional recommended conditions which have been incorporated into the conditions of approval in relation to:

- timing of the Plan of Management approval;
- ongoing archaeological management provisions;
- the need for a retail tenancy strategy; and
- provision of a Heritage Interpretation Plan.

Conditions of approval have been recommended accordingly.

Roads and Maritime Authority (RMS) wrote to the Department of Planning & Infrastructure on 30 July 2012. No objection was raised.

RMS requested that the development have adequate sight lines for pedestrians and vehicles in the proximity of car park entrances. RMS requires that no landscaping, signage, fencing or display materials compromise adequate sightlines.

The RMS comments have been incorporated, where relevant, as recommended conditions of approval.

The **Office of Environment and Heritage** wrote to the Department of Planning & Infrastructure on 27 August 2012 and raised no issues or objections.

The **Heritage Council of NSW** provided comments on the Project Application on 9 August 2012. The Heritage Council raised no objections to the Project Application, however provided comments in relation to on-going archaeological investigations and commitments made by the Proponent in relation to supervision of the archaeological investigations by a suitably qualified heritage consultant.

The PPR revised Statement of Commitments has incorporated the Heritage Council comments. Refer to **Appendix E**.

Transport for NSW provided an email submission on 16 August 2012 and raised no objection to the proposal.

TransGrid provided an email submission to the proposal on 28 August 2012. Given that sites 3B, 3C and 10 are some 80 metres from Abercrombie Street, TransGrid raised no objection to the proposal.

Sydney Water Corporation wrote to the Department of Planning & Infrastructure on 21 August 2012 with comments on the existing Sydney Water potable water, wastewater, and stormwater infrastructure. Sydney Water's comments are addressed through the recommended conditions of approval.

4.3 Public Submissions

No public submissions were received.

4.4 Proponent's Preferred Project Report

On 11 October 2012, the Proponent provided a response to the issues raised in submissions and issues raised by the Department (see **Appendix A**). The Preferred Project Report made modifications to the project as detailed in Section 2.2 of this report.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Consistency with the approved Concept Plan;
- Residential amenity;
- Urban design; and
- Management and operation of student accommodation.

5.1 Consistency with the Approved Concept Plan

The architect for the project is Tonkin Zulaikha Greer Architects, which is in accordance with the requirements of the approved Concept Plan, which stipulates specific architects for the different stages of the Central Park redevelopment.

Building Envelope

As a result of the deletion of the link between Blocks 3B and 3C in the PPR, the proposal is consistent with the approved building envelopes within the Concept Plan approval.

Building Height

The plans approved as part of the Concept Plan approval (MP 06_0171, as modified) stipulate maximum building heights and approved building envelopes for the Central Park site. **Table 3** illustrates that the proposed building heights will comply with the maximum building heights required by the approved Concept Plan. The proposal is considered satisfactory in terms of building height and is compliant with the Concept Plan building envelopes.

Table 3: Approved and Proposed Maximum Building Heights

Block	Concept Plan Maximum permitted heights	Proposed Building Heights	Difference in proposed heights from new survey heights
3B	43.20 AHD (plant 45.60 AHD)	42.88 AHD roof level (42.73 AHD to parapet) (plant 45.60 AHD)	-0.32m (-0.47)m (0)
3C	38.00 AHD (plant 39.50 AHD)	37.13 AHD (plant 39.49 AHD)	-0.87m (nil)
10	38.00 AHD (plant 39.50 AHD)	37.27 AHD (plant 39.10 AHD)	-0.73m (-0.4)m

Pedestrian Link

Approved plan No. A-1404, of the Concept Plan approval, identifies a possible bridge link between the buildings on Blocks 3B and 3C at Level 2 and above. The proposal seeks approval for a pedestrian link between Levels 2, 3, 4, 5 and 6 of Buildings 3B and 3C. Refer to **Figure 4**, **Figure 5** and **Figure 6**.

The EA proposed a link between the buildings on Blocks 3B and 3C on the first level, with a height of 3.75 metres above ground level. The PPR has, however, resulted in the deletion of the link at first floor level, as a response to concerns raised by the Department relating to impacts on the identified through link and general streetscape appearance.

The amended pedestrian link between Blocks 3B and 3C will have a minimum height of 6.44 metres above ground level. The amended envelope of the pedestrian link is consistent with the approved Concept Plan building envelope and will result in an improved appearance of the bridge compared to the EA proposal. The additional height will emphasise the break between the two buildings and result in a more attractive through passage between the eastern and western parts of the Central Park development.

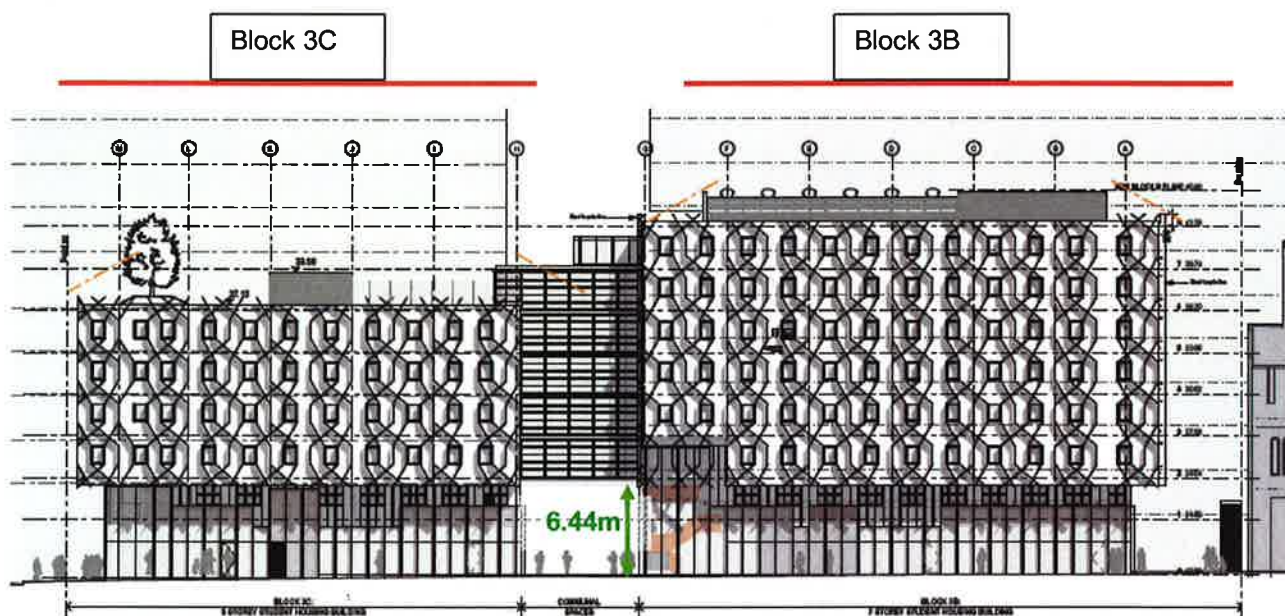


Figure 4: East elevation of Blocks 3C & 3B, with pedestrian link (Source: PPR)

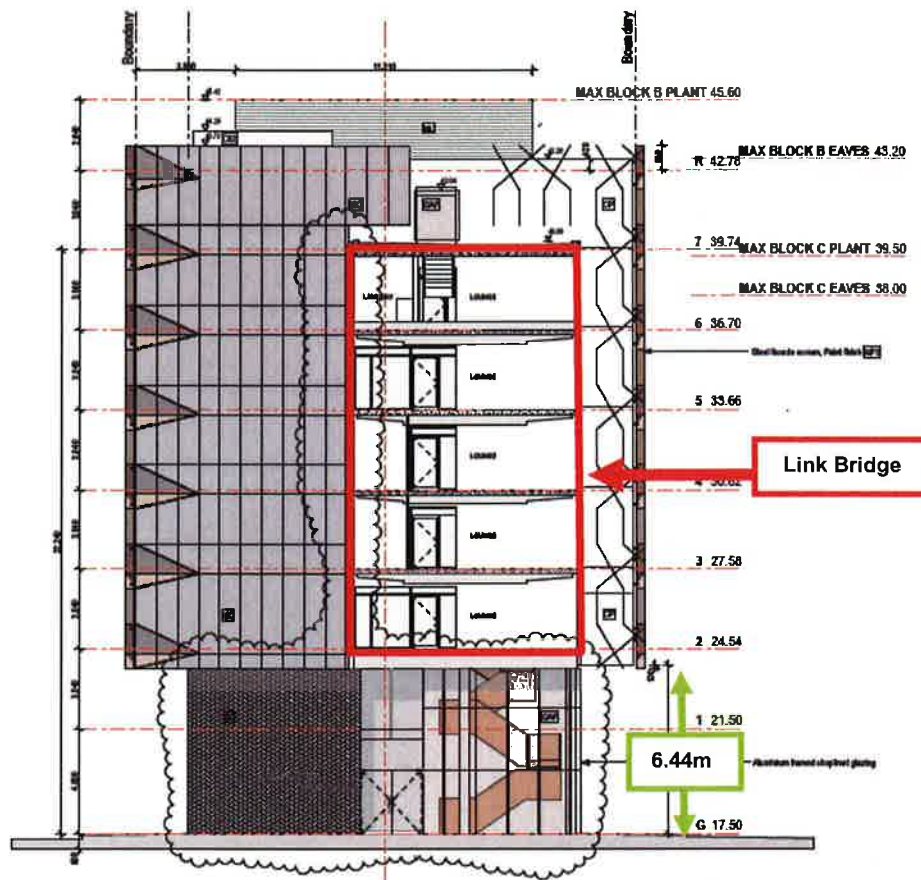


Figure 5: Cross Section of pedestrian link between Blocks 3B and 3C, looking north. PPR changes shown clouded include bridge link deletion from Level 1 and a reduction in width (Source: PPR)

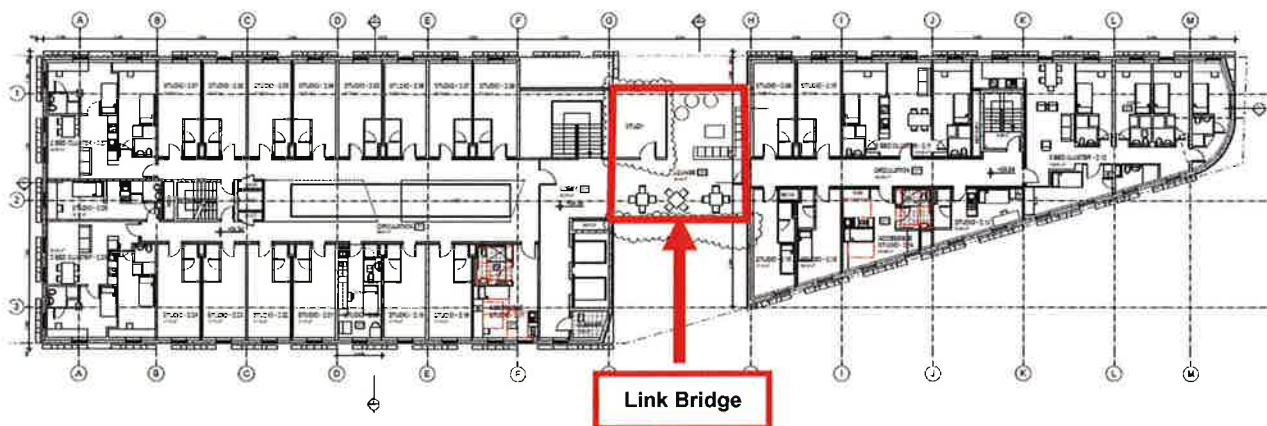


Figure 6: Level 2 Plan showing bridge link between Blocks 3B and 3C. PPR amendments (in red) which included a reduced bridge width at Levels 2 to 6 (Source: PPR)

The deletion of the link bridge, at first floor level, has resulted in the isolation of the first floor level of Block 3C in terms of accessible access for disabled persons. Access to levels 2-5 (and the roof terrace) of Block 3C will remain accessible however, via the internal lift shaft. In addition, the proposal, as amended by the PPR, will provide 11 accessible studios within Blocks 3B and 3C, which is consistent with the City of Sydney Council's Access DCP and City of Sydney Boarding Houses DCP, in terms of accessibility. The proposed modification is therefore considered acceptable in terms of accessibility.

Gross Floor Area and Residential Floor Area Provisions

The approved Concept Plan (as modified) stipulates maximum Gross Floor Areas (GFA) for individual blocks, as well as restrictions on the percentage of residential and non-residential uses for the entire Central Park site.

Table 4 below, illustrates that the proposed development will comply with the maximum GFA for Blocks 3B, 3C and Block 10, permitted by the approved Concept Plan (as modified).

Table 4: Total GFA- Approved and Proposed

Block	Max Permitted GFA	Proposed GFA	Total Proposed	Complies with Concept Plan?
Block 3 (includes 3A, 3B & 3C)	10,500m ² (or 11,025m ² with 5% variation allowance*)	6,523.53m ² (3B & 3C)	Dependent on Block 3A proposal.	YES
Block 10	2,070m ² (or 2,173.5m ² with 5% variation allowance*)	2,101.24m ²	2,101.24m ²	YES Within 5% permitted variation allowance

* approved by Modification A1(F) of the Concept Plan to provide some flexibility for individual blocks.

Table 5 below illustrates that the proposal will not exceed the maximum total GFA permitted for the Central Park site, by the approved Concept Plan (255,000m²). The proposal will contribute towards the total residential and non-residential GFA across the Central Park site which will continue to be monitored as part of the assessment of future Project Applications.

Table 5: Total Central Park GFA, and Residential & Non-residential GFA- Approved and Proposed

Land Use	Permitted GFA (max)	Proposed GFA*	Cumulative Total*	Complies with Concept Plan?
Residential	Not more than 70% total GFA	7,944.72m ²	109,625.52m ² or 52.7%	Yes
Non-residential	Not less than 30% total GFA	680.05m ²	98,576.15m ² or 47.3%	Yes
TOTAL	255,500m ²	8,624.77m ²	208,201.67m ² or 81.5% of 255,500m ²	Yes

* Includes approved development on Blocks 1 & 4, Blocks 5A & 5B MOD 3, Block 2 MOD 3, Block 5C MOD 1 & Blocks 3B & 3C & Block 10

The Project Application is subject to the definition of GFA within the Standard Instrument (Local Environmental Plans Order) 2006. This definition of GFA excludes 'storage, and vehicular access, loading areas, garbage and services' located within the basement from inclusion within the calculation of GFA. However, it does not exclude areas which are not a basement level.

The Proponent is seeking an exemption of the inclusion of the GFA for on-site bicycle parking and garbage storage, at ground floor level, from the development's total GFA. This request has been made on the basis of the nature of the proposed student accommodation use, built form and the provision of a central shared basement across the CUB site. The Department considers it acceptable to exclude the GFA of the ground floor areas dedicated to bicycle parking, as this is a requirement similar to car parking, and there is no provision of car parking on the site (which is supported). The Department does not, however, accept the Proponent's argument that the nature of the development and the existence of additional basements across the site, justifies the exclusion of the garbage areas from the total GFA. These have therefore been included within the GFA totals, consistent with other approvals across the Central Park site. The GFA totals within the assessment and above tables therefore reflect these amended GFA figures.

Public Open Space & Street Activation

Modification A5 of the approved Concept Plan requires developments to provide sufficient street activation along Carlton Street (previously known as Kent Road) which lies to the west of Blocks 3B and 3C and Kensington Lane, which lies east of Blocks 3B and 3C and west of Block 10.

Direct access to retail shops and the student accommodation above is provided at ground floor levels. The extent of services to street frontages has been limited and located on secondary frontages, where possible.

Ecologically Sustainable Development

Future Assessment Requirement B12 'ESD & Sustainable Design' of the approved Concept Plan requires Project Applications for all residential, commercial and retail development (including adaptable re-use of heritage buildings) to achieve a minimum 5 Star Green Star rating, using the standard 'multi-unit residential', 'office' or 'retail' rating tools. Where the proposal does not satisfy the requirements of the standard tools, evidence to this effect is to be provided as part of the application. In addition, the proposal is required to be designed to equivalent 5 Star Green Star standards.

The PPR included confirmation from the Green Building Council of Australia (GBCA) that the proposal is not eligible for Green Star accreditation under one of the standard tools.

The Proponent has however, committed to designing the proposal to an equivalent 5 Star Green Star rating standard. This is consistent with the requirements of the approved Concept Plan. The Department therefore raises no objections, subject to recommended conditions requiring the Proponent to provide documentation, prepared by a suitably qualified consultant, indicating that the development achieves a minimum performance standard equivalent to a 5 Star 'Design' Green Star rating (prior to the issues of a Construction Certificate) and 'As-Built' Green Star rating (prior to the issue of an Occupation Certificate). Refer to recommended **Conditions B21 and E16**.

Awnings

The Concept Plan stipulates awnings to the east and west elevations of Block 3C. As an alternative to awnings, the proposed development will incorporate a building setback at ground and first floor levels and will step out to the property boundary at the upper levels. This arrangement will allow for a level of pedestrian protection against external elements as well a wider pedestrian footpath. In addition, the City Datum Line is further reinforced. This is considered a satisfactory outcome and the Department does not raise concerns with the lack of awnings.

Conclusion

The Department is satisfied that, subject to recommended conditions, the proposal is consistent with the approved Concept Plan and is acceptable in this respect.

5.2 Residential Amenity

The proposed development has been designed in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the City of Sydney Boarding Houses DCP. Both documents contain a range of development standards relating to boarding house development, of which student accommodation falls within the definition.

Affordable Rental Housing SEPP

The Department has assessed the proposal in relation to the requirements of the Affordable Rental Housing SEPP and concluded that the proposal generally complies with the requirements, with the exception of the following:

- provisions for a 24 hour on-site manager (Residential Advisors are proposed);
- maximum permitted room sizes; and
- minimum car and motorcycle parking spaces.

An assessment of the provision of a designated on-site manager has been discussed in section 5.4 of this report below.

Room Sizes

In relation to room sizes, 5 of the proposed adaptable studio units will marginally exceed the maximum permitted room size requirements within the Affordable Rental Housing SEPP (25m²) by a difference of 0.3m². The Department considers the non-compliance to be minimal and will not have any detrimental impacts on the development, while ensuring adequate amenity to residents requiring adaptable rooms. The variance is therefore supported. The proposal complies with all requirements in terms of minimum required room sizes.

An assessment of proposed car and motorcycle parking is provided in section 5.4 of this report.

City of Sydney Boarding Houses DCP 2004

The Department has assessed the proposal in relation to the requirements of the City of Sydney Boarding Houses Development Control Plan 2004 (City of Sydney Boarding Houses DCP) and concluded that the proposal generally complies with the requirements, with the exception of the following:

- minimum solar access to principal living area windows at midwinter;
- minimum 2.7 metre finished floor to ceiling heights; and
- provisions for a 24 hour on-site manager (discussed in section 5.4);

Minimum Solar Access to Principle Living Area Windows

The City of Sydney Boarding Houses DCP requires at least 50% of principal living area windows to achieve at least 2 hours of solar access at mid-winter.

The Department requested the Proponent to provide calculations of the degree to which the student rooms receive solar access between 9am and 3pm at midwinter (21 June). The proposal, as described in the PPR, will result in only 11 of 211 (5.2%) bedrooms (including cluster bedrooms and studio rooms) in Blocks 3B & 3C and 17 of 56 (30.4%) of bedrooms (including cluster bedrooms and studio rooms) in Block 10 achieving at least 2 hours of solar access at mid-winter. This is lower than the required 50% of bedrooms required by City of Sydney Boarding Houses DCP.

The proposal performs well in terms of solar access to communal areas. The internal and external common areas are well located to achieve good solar access throughout the year. Blocks 3B and 3C achieve between 2 and 3 hours of solar access between 9am and 3pm at midwinter to the common rooms. In addition, the roof terrace will receive in excess of 3 hours of solar access at midwinter. The communal area within Block 10, located on the north-west corner on level 2, will receive 4 hours of sunlight at midwinter between 9am and 3pm with 30% of bedrooms receiving 2 hours or more sunlight.

In addition, when considering the proposal over an extended time period of between 7am and 3pm, rooms to the eastern facades of the buildings achieved solar access for between 2.5 and 3 hours at midwinter. When considering the development over this extended period, solar access to rooms would therefore be increased to 48% of bedrooms within Blocks 3B, 3C and Block 10. This is generally consistent with the City of Sydney's Boarding Houses DCP.

In summary, the proposed provision of solar access to bedrooms is considered acceptable for the following reasons:

- the development has been designed to give priority for solar access to common areas within the development;
- the provision of at least 2 hours of solar access to approximately 48% of bedrooms between 7am and 3pm at mid-winter;
- the site's orientation and relationship with surrounding development;

- proximity of the site to adjoining development;
- the site's location in a dense urban environment; and
- the nature of the development for student accommodation with smaller rooms and more temporary accommodation.

Minimum Floor to Ceiling Heights

The proposed buildings on Blocks 3B & 3C and Block 10 will have predominant finished floor to ceiling heights of at least 2.7 metres, in accordance with the City of Sydney Boarding Houses DCP.

The development does involve some instances on the first floor level of Blocks 3B and 3C and the first and second level of Block 10, where floor to ceiling heights of 2.4 metres are proposed. In Blocks 3B and 3C this is generally restricted to the inner part of the building and generally only affecting the kitchen and bathroom areas. In total, 32 bedrooms would have partial floor to ceiling heights of less than 2.7 metres (22 bedrooms in Blocks 3B & 3C and 7 bedrooms in Block 10). This represents 12% of the bedrooms within the development.

Although the proposal would represent a variance with the City of Sydney Boarding Houses DCP, the proposal would be consistent with recommendations of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development & the Residential Flat Design Code, in terms of minimum floor to ceiling heights. Given that the variance will only impact a small percentage of the development and each bedroom would have only partial floor to ceiling heights of less than 2.7 metres (in areas restricted to the bathroom and kitchen areas) the proposal is considered acceptable in relation to minimum floor to ceiling heights.

A detailed assessment of the proposal against the Affordable Rental Housing SEPP and City of Sydney Boarding Houses DCP, 2004, can be viewed in **Appendix E**.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development & the Residential Flat Design Code

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the NSW Residential Flat Design Code 2002 (RFDC) do not specifically relate to student accommodation or boarding house type accommodation. These design guideline documents do however, contain best practice design principles which remain relevant to student accommodation and have been considered as part of the assessment.

Generally, the Department considers that the proposed development demonstrates appropriate scale and built form, within the site's urban context. As detailed above, the development will offer a good level of amenity to residents, as well as making suitable provision for student safety and security. In addition, of the 267 proposed bedrooms, only 18 (7%) will have a single southerly aspect and are all located within Block 10. This is less than the maximum 10% recommended by the RFDC for traditional residential development.

A detailed assessment against applicable provisions of SEPP 65 and the RFDC is provided below:

Privacy

The RFDC recommends a minimum separation distance of 12 metres between habitable rooms and habitable rooms up to 4 storeys, with distances of 18 metres between buildings of 5 and 8 storeys. The building on Block 10 will provide for setbacks of 6 metres to the east (a commercial building) and between 7-8 metres to the north (adjacent to a modern residential building with a height of 7 metres). There will be a separation of 7.7 metres between proposed Blocks 3C and 10. Minimum distances of 17 metres will be provided between proposed buildings on Block 3B and 3C and the approved buildings on Blocks 5B and 5C on the Central Park site (**Figure 7**).



Noise & Student Activity

The applicant has provided a Preliminary Operations and Management Plan which includes a number of 'tenant behaviour house rules' which are provided to all residents. The Plan of Management also includes practices for handling complaints from students and neighbouring residents. Residents of the development are required to abide by the house rules which will be enforced by on-site Resident Advisors and an on-call manager.

To protect against detrimental impacts on surrounding residential properties in terms of noise from the proposed roof terrace to Block 3C and the outdoor area of Block 10, a condition is recommended to limit access to these areas to residents only, between the hours of 7am and 10pm.

Enforcement of house rules by senior students in the role of site resident advisors, as proposed, is of concern to the Department. The Department's assessment of this issue is provided in section 5.4 of this report.

5.3 Urban Design

The Department and the City of Sydney raised a number of issues of concern in relation to the proposed external building façade form and treatments, as exhibited in the EA. The main concerns with the EA façade design included:

- excessive glazing to the eastern elevation of buildings on Blocks 3B and 3C, which would result in adverse impacts to the heritage context of the Kensington Lane terraces. Particular impacts of concern were inadequate visual interest and a lack of materials that relate to the historic built form;
- a resulting inactive street frontage to Carlton Street due to the location of plant and services along the west elevation of the building on Block 3B; and
- the consideration of options to further refine the southern façade of the building on Block 3C, addressing the prominent corner at the intersection of O'Connor, Outram and Carlton streets to ensure in a more aesthetically pleasing and articulated façade.

In response to these concerns the scheme, in the PPR included the following amendments (see **Figure 8**):

- shop front glazing to Kensington Lane has been articulated by a 200mm deep externally placed aluminium frame, creating a third, stepped element with a compatible scale to the terraces on the opposite side of Kensington Lane;
- the solid lift shaft will be clad in the blue black herring bone masonry to match the proposed ground surface of Kensington Lane;
- ground level shop fronts will be treated with a mixture of clear and white coloured backed (star fire) glass;
- metal clad soffits which will tie in with the Level 1 room window set-out and solid coloured metal wall panels have been introduced to break up the scale of the now vertically proportioned glazing; and
- the extent of vertical metal louvres has been reduced to cover service and access doors only of the west façade of the building on Block 3B, thus reducing the length of blank facade.



Figure 8 – Blocks 3B and 3C Eastern Elevation

The proposed modifications are considered to have adequately addressed the urban design issues identified through the assessment of the EA by the Department and Council. It is noted that Council raised no objection to the PPR in relation to urban design.

No modification has been proposed to the southern elevation of the building on 3C. The City of Sydney Council previously suggested that consideration could be given to the amendment of the design to create a more aesthetically pleasing, articulated built form (see **Figure 9**).



Figure 9 – Blocks 5C, 3C & 10 Southern Elevation

The treatment of the façade was addressed in the PPR which stated that the southern façade of Block 3C has been designed to provide a 'solid sculptural element' which is intended to provide a transition between Block 5C, to the west and Block 10, to the east.

Upon consideration, the Department considers that the proposed building is adequately articulated and the southern façade is of appropriate design. It is also noted that a public artwork is to be located on the southern elevation, in accordance with the Public Art Strategy endorsed under the Concept Plan approval. The proposed façade is considered to provide an appropriate setting for the future art work. The proposed façade is therefore supported.

Block 10 Design

The existing building on Block 10 is a single storey interwar, brick, industrial garage/warehouse. The building has some historic character however, is not heritage listed (either State or local). The proposal seeks to remove the existing roof and internal fabric, while retaining the existing building envelope at ground floor level. Refer to the heritage assessment in Section 5.5 of this report.

5.4 Management and Operation of Student Accommodation

On-site Manager

Both the Affordable Rental Housing SEPP and the City of Sydney Boarding Houses DCP require provision of a 24 hour on-site manager. The proposed operation model utilises on-site 'live in' managers of the premises. The 'live-in' manager roles are proposed to be filled by senior students (in a paid capacity).

The Department does not consider the provision of senior students as 'residential advisors' adequate to manage a development of up to 267 students. The Department considers that the provision of a formal on-site employee, tasked with the responsible management of the development and residents is required to ensure the orderly running of the development.

In addition, the operator of the development is yet to be confirmed. It is therefore possible that Blocks 3B & 3C and Block 10 will be managed independently of each other. It is therefore recommended that a condition be imposed requiring designated members of staff to act as 24 hour on-site caretakers/managers for both Blocks 3B & 3C and Block 10 (i.e. two caretakers). A design modification condition is also recommended to ensure adequate on-site facilities for the caretakers in both developments, in accordance with the requirements of the Affordable Rental Housing SEPP and the City of Sydney Boarding Houses DCP. This modification is likely to require a redesign of the ground or first floor levels of the buildings on both Blocks 3B and 3C and Block 10 and may result in a reduction in the amount of proposed retail floorspace or a reduction in the number of student rooms provided. To ensure an acceptable outcome, the recommended condition requires amended plans to be submitted to, and approved, by the Department, prior to the issue of a Construction Certificate.

Council's requested condition requiring submission of and approval of a revised Plan of Management is also recommended.

Mechanical Ventilation to Kitchens

City of Sydney's Boarding Houses DCP requires the provision of kitchens to be ventilated where cooking equipment including ovens are provided. The proposal includes kitchens within the communal areas of the cluster flats as well as cooking facilities (including a stovetop, sink and fridge) to all studio units.

The Proponent has provided a BCA Statement which outlines compliance with the BCA ventilation provisions. Mechanical ventilation is provided to all common rooms and studios within the proposal. The solutions for ventilation will use a hood above the cooking stove top with either a recirculating hood with filter or extract hood exhaust to atmosphere.

To ensure satisfactory amenity to residents of the studio units, a condition is recommended requiring the provision of a physical barrier, such as a screen, from floor to ceiling, to provide separation between the kitchenettes and the rest of the studio spaces. This will assist in creating a sense of separation and space between the kitchen and living areas. Refer to recommended **Condition B2**.

Car Parking & Motorcycle Parking and Service Vehicles

No on-site car parking is proposed as part of this Project Application. Major Project Approval MP09_0042 (as modified), for the basements below Blocks 2, 5A, 5B and 5C, approved a total 108 car parking spaces and 9 motorcycle parking spaces for use by occupants of buildings within the Kensington Precinct (Blocks 3 (3A, 3B & 3C), 6, 7 and 10). All spaces are to be utilised for residential uses only, however, no specific 'Block' allocation split was stipulated by MP09_0042.

The parking allocation for the Kensington Precinct was approved with the intention that Blocks 3B, 3C and 10 would be developed for traditional residential housing, not student accommodation. To reflect this change in use, the Proponent has submitted a modification request to MP09_0042 to reduce the parking allocation for Blocks 3, 6, 7 and 10 to 35 car parking spaces (instead of 108) (3B, 3C & 10- 15 spaces, 3A- 10 spaces, 6- 6 spaces, 7- 4 spaces). Of the 15 spaces to be allocated specifically to Blocks 3B, 3C and 10, five (5) will be retained for staff use while the other 10 are proposed to be converted to motorcycle spaces as detailed in the EA.

The Concept Plan requires that all Project Applications demonstrate consistency with the Sydney LEP 2005, which sets maximum parking standards for development but not a specific rate for student accommodation. The Affordable Rental Housing SEPP provides a minimum rate and City of Sydney's Boarding Houses DCP states that parking should be assessed on merit. In addition, the total on-site parking provision is not to exceed the maximum 2,000 parking spaces set by the approved Concept Plan (as modified).

The proposed car parking provision for the development will be considered as part of the assessment of modification request for MP09_0042 MOD 3 however, the Department is satisfied that, the proposed car parking provision does not exceed the maximum car parking allocation permitted by the Sydney LEP 2005.

As detailed above, a s75W modification request is currently being considered by the Department to modify MP09_0042 (MOD 3), to convert 10 car spaces allocated to Blocks 3B/3C into parking spaces for motorcycles. This will result in a total of 54 motorcycle parking spaces available for the development within the basement below Blocks 2, 5A, 5B and 5C. The proposed motorcycle parking provision, complies with the minimum requirements of the Affordable Rental Housing SEPP (53 spaces) and is therefore supported.

Provision for deliveries and loading/unloading will be made via on-street loading bays provided on Kensington Lane. Waste collection will occur from Carlton Street for Blocks 3B and 3C and from Gould Street for Block 10. The proposed arrangement is considered acceptable.

Bicycle Parking

Council raised concerns regarding the discrepancy of the proposed number of bicycle parking spaces with the minimum requirements of the City of Sydney's Boarding Houses DCP. The City of Sydney Boarding Houses DCP requires a minimum 2 bicycle parking spaces per every 6 bedrooms, which equates to a total requirement of 89 spaces for all three blocks.

The proposal includes the provision of a total of 54 secure bicycle parking spaces. Thirty-nine (39) spaces will be provided at ground floor level of Blocks 3B and 3C (accessible for residents of both buildings) and 15 spaces within Block 10. The proposal therefore represents a shortfall of 35 spaces in relation to the requirements of the City of Sydney Boarding Houses DCP.

It is noted that the proposal is consistent with the requirements of the Affordable Rental Housing SEPP, which requires the provision of only 54 bicycle parking spaces for the proposed development.

The Department however, considers that proposed new development for student housing should be provided with ample bicycle parking to assist students travelling short/medium distances. Specifically, the central location of the site in terms of accessibility to tertiary institutions and local services and facilities means that the residents would be more likely to use cycling as a transport method.

For this reason it is recommended that a minimum provision for 89 on-site bicycle parking spaces, consistent with Council's minimum requirements, be conditioned. Refer to recommended **Condition B2**. As it will be necessary to modify the ground floor layouts of the buildings to accommodate this requirement, it is recommended that revised plans are required to be submitted to the Department, for approval, prior to the issue of any Construction Certificate.

5.5 Other

Heritage

The brewery related buildings which existed on Blocks 3B and 3C have previously been demolished. The proposal will retain the existing external façade of the 1920's garage building on Block 10, to be incorporated within the proposed new development. The site will undergo remediation and works will include the removal of the existing roof and some building fabric (doors & windows).

The retention of the existing building façade on Block 10 was not a requirement of the approved Concept Plan and the building is not a State or locally listed heritage item. The existing structure does however display attractive and characteristic brickwork detail of brewery architecture and the Department supports the integration of the existing structure into the proposed development. The Department supports the retention of the Level 2 setbacks of the new additions and considers that the proposed new works provide a satisfactory solution in terms of respecting the existing character of the structure, while the new works are also clearly distinguishable from the existing building fabric.

A number of buildings surrounding the site are locally listed heritage buildings under the City of Sydney Local Environmental Plan 2005, including buildings on Block 3A to the north of Blocks 3B & 3C and the terrace buildings at 46-48 Kensington Street to the north of Block 10.

The Department considers that the proposal, as outlined in the PPR, demonstrates appropriate contemporary design, which maintains the traditional form and character of Kensington Lane, through appropriate building setbacks, façade treatment, pedestrian scale and active uses at ground floor level.

The Department is satisfied that the proposal provides a sympathetic solution consistent with the historic character of the surrounding area in terms of height and scale, building design and use of materials.

Public Domain Works

A public domain strategy has been prepared as part of the application which provides landscape and public domain treatments. Conditions requested by Council have been incorporated, requiring the submission of a final public domain plan, materials and handover arrangements to Council, be submitted to and approved by Council prior to the issue of a Construction Certificate. This is consistent with previous approvals on the Central Park site and conditions are recommended accordingly.

Public Art

The Public Art Strategy for the Central Park site (prepared by Jennifer Turpin Studio & Michaelie Crawford, dated 25.5.09), a requirement of MP06_0171, identifies three permanent artwork sites within the Kensington Precinct. The Proponent has committed to develop the detailed design of these artworks in consultation with Council and the Department of Planning and Infrastructure, to be installed prior to issue of a final Occupation Certificate. Refer to recommended **Condition E11**.

6 CONCLUSION

The Department is satisfied that the Project Application complies with the requirements of the approved Concept Plan (as modified). In addition, subject to conditions, the Department considers that the proposal illustrates quality urban design and a commendable response to the historic character of the former Brewery site.

The scheme, as modified and presented in the PPR, provides a quality design solution for the sites. The proposal provides a much needed affordable accommodation option for students attending local tertiary institutions in this highly accessible location. The proposal provides a good level of amenity and liveability for future occupants through the provision of internal and external common areas, sufficient bicycle parking, storage, and private living space. The existing historic features are retained, while continuing the industrial character of the existing building in Block 10.

7 RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment & Systems Performance, as Delegate for the Minister for Planning and Infrastructure:

- **note** the information provided in this report and the recommendations of this report;
- **approve** the Major Project Application, subject to conditions; and
- **Sign** the attached instrument.

Prepared by: Urbis Pty Ltd
Consultant Planners


Director 23/11/2012
Metropolitan & Regional Projects South


Deputy Director-General
Development Assessment & Systems Performance

 23.11.12
Executive Director
Major Projects Assessment

APPENDIX A ENVIRONMENTAL ASSESSMENT/ PREFERRED PROJECT REPORT

See the Department's website at: <http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

See the Department's website at: <http://majorprojects.planning.nsw.gov.au>

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy Remediation of Contaminated Land

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (Major Development) 2005

The then Minister for Planning approved Major Project 06_0272 for a Concept Plan for the mixed use redevelopment of the Central Park site. In this approval, the then Minister determined that approval to carry out the project of stages of the project with a CIV of \$5 million or more, is subject to Part 3A of the Act. As the CIV for this project is in excess of \$5 million, the proposal is therefore a project to which Part 3A of the Act applies.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the Roads and Maritime Services (RMS) for concurrence. The proposed works are defined as traffic generating development and therefore require the RMS to be consulted under the Roads Act 1993. Recommended conditions from the RMS have been included within the recommended conditions of approval.

State Environmental Planning Policy Remediation of Contaminated Land

The remediation of the whole former CUB site was considered and undertaken as part of approved MP 07_0163 Remediation and Transitional works. The Proponent has committed to the preparation of a Site Audit Statement certifying that the site has been remediated to a level suitable for the approved use.

State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development & accompanying Residential Flat Design Code

An assessment of the proposal against the objectives of SEPP 65 and the accompanying RFDC is included in Section 5.2 of this report.

State Environmental Planning Policy (Affordable Rental Housing) 2009

An assessment of the proposal in relation to the development standards included within the Affordable Rental Housing SEPP are set out in **Table 1**.

Table 1: Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009

	Control	Comment
Clause 29 Standards that Cannot be used to	<p>If the proposed density is not more than:</p> <ul style="list-style-type: none"> • the existing max FSR permitted for residential development on that land • if development is on land where no 	<ul style="list-style-type: none"> • N/A

	Control	Comment
refuse consent	<p>residential development is permitted, the existing max FSR for any form of development permitted</p> <ul style="list-style-type: none"> the max FSR for residential development plus 20% of max FSR control <p>Building Height</p> <ul style="list-style-type: none"> if building is not more than max permitted height <p>Landscaping</p> <ul style="list-style-type: none"> if proposed landscaping is compatible with streetscape <p>Solar Access</p> <ul style="list-style-type: none"> if at least one communal room receives a minimum 3hrs sunlight between 9am-3pm at midwinter <p>Private Open Space</p> <ul style="list-style-type: none"> one area of at least 20m² and min 3m depth <p>Car Parking</p> <ul style="list-style-type: none"> at least 0.2 spaces for each boarding room <p>Accommodation room size (min)</p> <ul style="list-style-type: none"> 12m² for single lodger, 16m² in any other case 	<ul style="list-style-type: none"> N/A N/A Complies is compatible with streetscape character Upper 3 levels achieve 3hrs, lower floors achieve 2-3 hrs- acceptable on merit. Block 10 achieves 4 hrs. 122.39m² of communal open space is provided for Block 3B & 3C). One area of 75.48m², which included draying area is provided for Block 10. No car parking is proposed- acceptable on merit (see Section 5) Studios - min 16.07m², cluster rooms - room approx. 12m² + communal spaces.
Clause 30 Standards for Boarding Houses	<p>a. For 5+ boarding rooms at least one area of communal living space.</p> <p>b. Boarding rooms to be no greater than 25m².</p> <p>c. Not to be occupied by more than 2 adults.</p> <p>d. Adequate bathroom and kitchen facilities.</p> <p>e. To have boarding manager (if more than 20 lodgers)</p> <p>f. If site zoned for commercial purposes- ground floor not to be used for residential</p> <p>g. At least 1 bicycle & 1 motorcycle parking space per 5 rooms</p>	<ul style="list-style-type: none"> Complies Studio rooms range between 16.07m²-21.02m² (25.64m² for accessible rooms). Acceptable on merit (see Section 5) Only 1 student per room All rooms with ensuite Kitchenettes provided for each room & kitchens in clusters Has been conditioned. N/A Motorcycle parking complies (54 spaces proposed). Refer to section 5.4 for an assessment of bicycle parking.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Section J(B)1 Compliance with Building Code of Australia (BCA) Provisions requires Class 3 buildings (including boarding houses) to comply with all provisions of the national Section J that are applicable. The applicant has submitted a BCA Compliance Report which confirms compliance with the relevant sections of the BCA.

Other Policies

In accordance with Clause 11 of the State & Regional Development SEPP, development control plans do not apply to State significant development. Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

City of Sydney Boarding Houses Development Control Plan 2004

An assessment of the proposal against the numerical controls within the City of Sydney's Boarding Houses Development Control Plan 2004 is set out in **Table 2**.

Table 2: Compliance with the City of Sydney Boarding Houses DCP 2004

Control	Controls	Consistency
Sleeping room controls	<ul style="list-style-type: none"> Minimum 10.5m² room size +2.9m² for ensuite & 2m² for kitchenette (15.4m²) Max 4 people in room Minimum 12m² accommodation for manager 	<ul style="list-style-type: none"> Only 1 person per room. (has been conditioned) No on-site accommodation for manager. Refer to Section 5.4 and recommend condition.
Additional facilities	<ul style="list-style-type: none"> Kitchenette- minimum 2m² Energy rating- minimum 3.5 star 	<ul style="list-style-type: none"> Complies Has been conditioned
Storage & furnishings	<ul style="list-style-type: none"> Storage- min 1m³ per person Minimum provision of furnishings Access to natural light Min 2.7m floor to ceiling heights Fire safety for Class 3 buildings 	<ul style="list-style-type: none"> Complies Has been conditioned Complies Partially. Acceptable on merit. BCA condition requirement
Class 3 Kitchen facilities	<ul style="list-style-type: none"> Minimum private facilities No provision for communal kitchen 	<ul style="list-style-type: none"> Complies
Indoor Communal Areas	<ul style="list-style-type: none"> Minimum 15m³ & additional 15m³ for every additional 12 persons= 150m³ & 69m² 	<ul style="list-style-type: none"> Complies (360m³ & 115.37m³)
Outdoor Recreational Areas	<ul style="list-style-type: none"> Minimum of 20m³ communal & partly covered outdoor space At least 2hrs of solar access to 50% of area between 9am-3pm at midwinter Provision of balconies where possible 	<ul style="list-style-type: none"> Blocks 3B & 3C and 10 comply Complies. No balconies- acceptable on merit given proposed development and site restrictions.
Laundry facilities	<ul style="list-style-type: none"> 1 x 5kg washing machine & 1 x dryer for every 12 residents= min 38 of each machine type 	<ul style="list-style-type: none"> Generally consistent- has been conditioned to provide satisfactory provision.
Bathroom facilities	<ul style="list-style-type: none"> to comply with BCA 	<ul style="list-style-type: none"> Complies
ESD	<ul style="list-style-type: none"> at least 50% of principal living area windows to achieve 2hrs solar access between 9am-3pm at midwinter 	<ul style="list-style-type: none"> Blocks 3C and 3B - 5.2% Block 10 is 30.4%. <p>Acceptable on merit. Refer to Section 5 for discussion.</p>
On-site car parking	<ul style="list-style-type: none"> On merit 	<ul style="list-style-type: none"> The proposed 'nil' on-site parking provision is supported by Council & the Department, given the good accessibility of the site. Refer to Section 5 for discussion.
Waste Storage	<ul style="list-style-type: none"> Provision for storage & collection of waste & recyclables. 	<ul style="list-style-type: none"> Complies

In light of the assessment detailed above and in **Section 5** of this report, it is considered that the proposal displays an acceptable level of consistency with the objectives of the SEPP (Affordable Rental Housing) 2009, City of Sydney Council's Boarding Houses Development Control Plan 2004, SEPP 65 and the NSW Residential Flat Design Code and is considered acceptable, subject to recommended conditions.

APPENDIX D RECOMMENDED CONDITIONS OF APPROVAL
