



ASSESSMENT REPORT:

***State Significant Development Application
Block 4 South, Central Park, Chippendale (former
Carlton United Brewery)***

(SSD 5700-2012)



Director General's
Environmental Assessment Report
Section 79C of the
Environmental Planning and Assessment Act 1979

October 2013

ABBREVIATIONS

Applicant	Central Park JV No. 2, or any other person or persons who rely on this consent to carry out the development that is subject to this consent
CIV	Capital Investment Value
Consent	This development consent
Department	Department of Planning & Infrastructure
DGRs	Director General's environmental assessment requirements
Director General	Director General of the Department
EIS	Environmental Impact Statement titled 'Environmental Impact Statement State Significant Development (SSD 5700-2012)', prepared by JBP Planning Consultants Pty Ltd, dated January 2013
the Act	<i>Environmental Planning and Assessment Act 1979</i>
the Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
Minister	Minister for Planning & Infrastructure
PAC	Planning Assessment Commission
RtS	Response to Submissions dated May 2013.
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

Cover Photograph: Photomontage of proposal from Broadway, looking north (Source: Applicant's Response to Submissions)

© Crown copyright 2013

Published October 2013

NSW Department of Planning & Infrastructure

www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

This is an assessment report for a State Significant Development Application, seeking consent for the construction and operation of a student accommodation development on Block 4 South (4S), Central Park, Chippendale, pursuant to Part 4, Division 4.1 of the *Environmental Planning and Assessment Act, 1979*.

This report should be read in conjunction with the Director General's environmental assessment report in respect of the proposed modification requests (MP06_0171 MOD 8 and MP08_0253 MOD 4) that are being concurrently considered by the department to modify the approved land use mix, building envelopes and also delete the link between Block 4N and 4S to enable Block 4S to be developed for student accommodation.

The proposal, as described in the Environmental Impact Statement (EIS), seeks consent for the construction of a part 15/part 16 storey building, separated by a central atrium, providing student accommodation for up to 826 students, non-residential uses at ground floor level, resident facilities including a theatre, gym, laundry and lounge areas and an external courtyard.

The site is located within the City of Sydney Local Government Area. The applicant is Central Park JV No. 2 (a subsidiary of Frasers Broadway Pty Ltd.). The project has a Capital Investment Value of \$71,453,000. The proposed land use is permissible within the site's City Edge zone, under the Sydney Local Environmental Plan 2005.

The EIS was exhibited for a 31 day period from Wednesday 27 February 2013 to Friday 29 March 2013. The department received 36 submissions from the public objecting to the development and 4 submissions from public authorities.

On 30 May 2013, the applicant submitted a Response to Submissions which provided for a number of minor amendments. Two further public submissions objecting to the development were received in response to the updated proposal.

Key issues considered in the assessment include consistency with the Concept Plan with regards to built form, urban design and residential amenity.

The department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the Application's EIS, RtS and the department's recommended conditions. The department considers that the proposal will be consistent with the modified Concept Plan, (subject to approval) for the site and is an appropriate development.

The department considers that the proposal will result in a quality development providing student accommodation on a site within close proximity to a number of surrounding tertiary educational establishments and is well served by local services and facilities and public transport. The design of the development has responded to the site's context and site constraints and will provide a reasonable level of amenity. The proposal will satisfactorily safeguard the amenity of surrounding residents and is compatible with the surrounding uses.

The department received in excess of 25 public objections to the proposal. The proposal is therefore referred to the Planning Assessment Commission, for determination, in accordance with the Minister's delegations.

TABLE OF CONTENTS

1.	BACKGROUND	1
2.	PROPOSED PROJECT	3
2.1	Project Description (as exhibited)	3
2.2	Response to Submission	3
2.3	Project Need and Justification	6
3.	STATUTORY CONTEXT	7
3.1.	State Significant Development	7
3.2.	Determination Under Delegation	7
3.3.	Permissibility	7
3.4.	Environmental Planning Instruments	7
3.5.	Objects of the EP&A Act	8
3.6.	Ecologically Sustainable Development	8
3.7.	Environmental Planning and Assessment Regulation 2000	10
3.8.	Director General's Requirements	10
4.	CONSULTATION AND SUBMISSIONS	10
4.1.	Exhibition	10
4.2.	Public Authority Submissions	10
4.3.	Public Submissions	11
4.4.	Applicant's Response to Submissions	12
5.	ASSESSMENT	13
5.1.	Key Assessment Issues	13
5.2.	Consistency with the Concept Plan	13
5.2.1	Built Form	14
5.2.2	Design Excellence	19
5.3.	Residential Amenity	19
5.4.	Other Issues	21
6.	CONCLUSION	23
6.	RECOMMENDATION	24
APPENDIX A	ENVIRONMENTAL IMPACT STATEMENT/ RESPONSE TO SUBMISSIONS	25
APPENDIX B	SUBMISSIONS	26
APPENDIX C	SEPP 1 OBJECTION STANDARDS FOR BOARDING HOUSES- ASSESSMENT	27
APPENDIX D	CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS	29
APPENDIX E	RECOMMENDED CONDITIONS OF CONSENT	35

1. BACKGROUND

The State Significant Development (SSD) Application on the former Carlton United Brewery site seeks approval to construct and operate a student accommodation development with ground floor retail uses. The proposal relates to Block 4 South (4S) of the approved Concept Plan for redevelopment of the former Carlton United Brewery site (MP06_0171).

The department is concurrently considering applications to modify the Concept Plan and Project Approval for Blocks 1 and 4, with this SSD application. The Concept Plan modification (MP06_0171 MOD 8) seeks approval to modify the approved residential and non-residential gross floor area split from 70/30% to 77/23%, respectively. This includes modifying the approved gross floor area mix for Block 4S from commercial to predominantly residential and also the approved building envelope in line with this application.

The proposal to modify the Project Application relates to a previous approval for commercial development at Blocks 1, 4 North (4N) and 4S (MP08_0253 MOD 4). The proposed modification seeks to excise the development of Block 4S from the approval to enable it to be developed for student housing (subject of this application). The removal of Block 4S from the approved Block 1 and 4N envelope will result in some subsequent minor amendments to the built form of Blocks 1 and 4N.

The assessment of the two abovementioned proposed modification applications has been considered in a separate Director-General's Environmental Assessment Report.

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 (**Figure 1**).

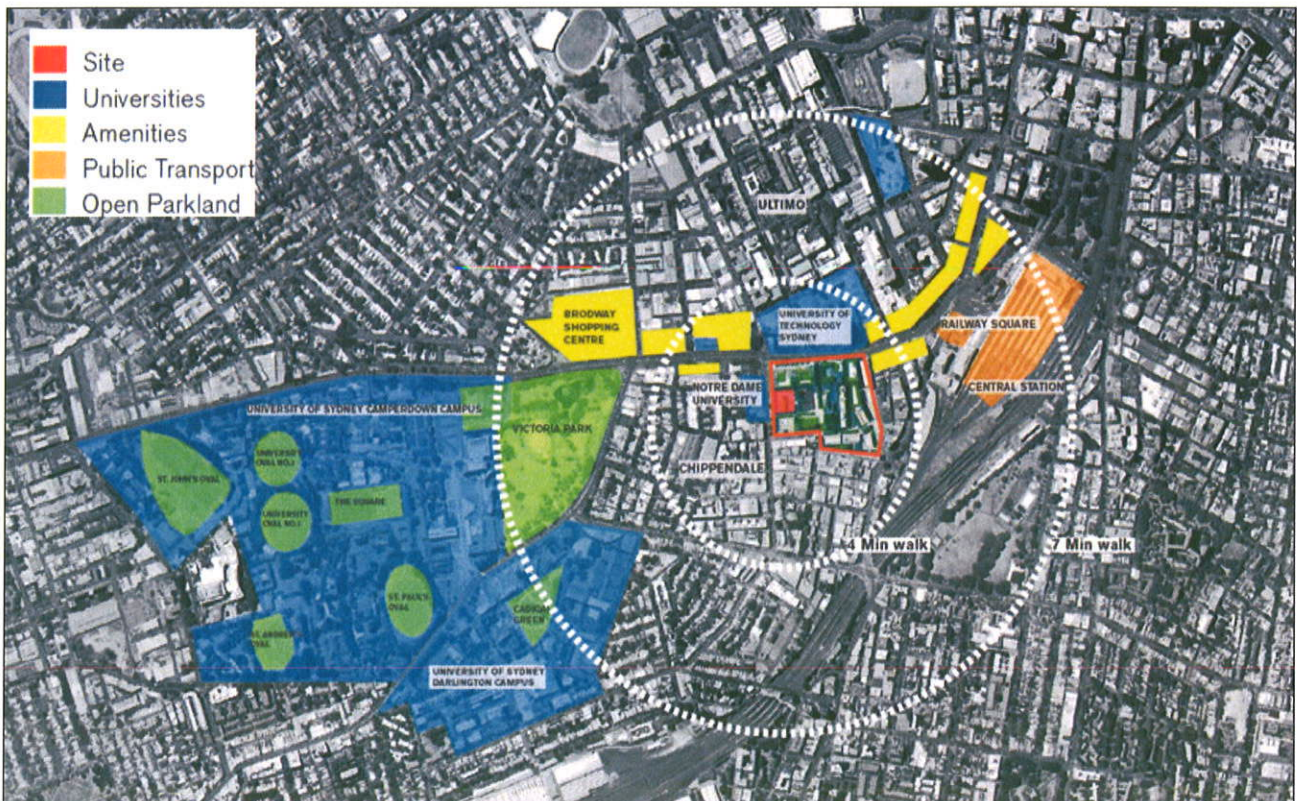


Figure 1: Project Location

The Central Park site boundary and the location of Blocks 1, 4 North and 4 South, are illustrated in **Figure 2**. Block 4S is located on the western boundary of the Central Park site and is bounded by

Block 4N to the north, Central Park Avenue and the former Carlton Brewery building to the east, Irving Street to the south and Abercrombie Street to the west. The site is currently vacant.

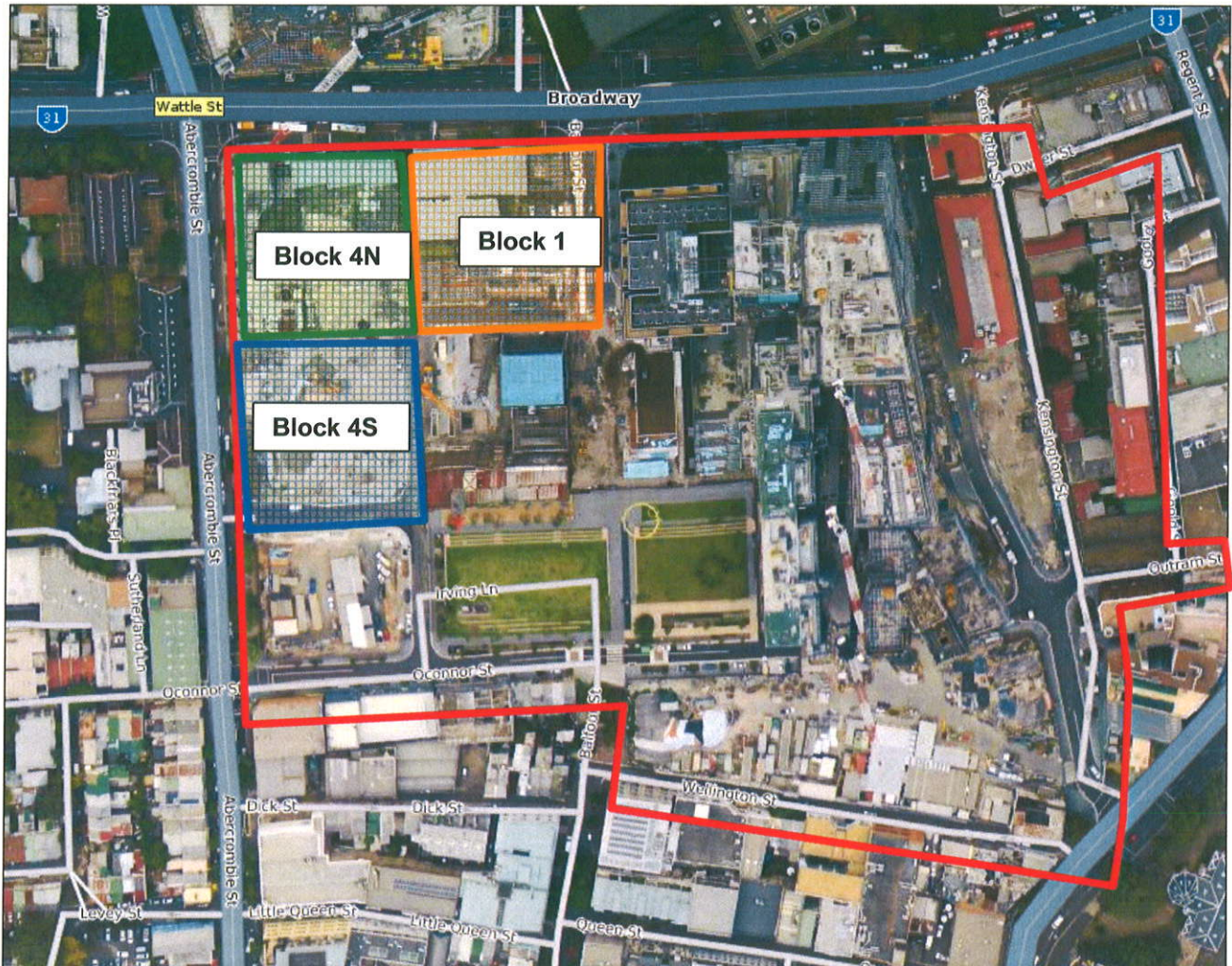


Figure 2: Site Boundary (shown in red) and Location of Blocks 1, 4 North and 4 South

History of Approvals

Concept Plan

On 8 February 2007, the then Minister for Planning approved Concept Plan MP 06_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), 24 July 2012 (MOD 6) and 17 January 2013 (MOD 7).

Other Related Approvals

The majority of the buildings across the Central Park site, associated with the former brewery use have been demolished (approved under a Project Application for demolition of existing structures and site preparation works - MP 07_0120), with the exception of the retained Brewery buildings and heritage items. Other approvals granted on the site include:

- Remediation and transitional works (MP 07_0163);
- Main Park and stage 1 infrastructure (MP 08_0210);
- Construction of mixed use residential and retail Blocks 5A and 5B (MP 09_0041);
- Construction of mixed use residential and retail Block 2 (MP 09_0078);
- Stage 2 Infrastructure and Civil Works (MP 09_0164);
- Construction of residential Block 5C (MP 10_0218);
- Alterations to and adaptive reuse of Brewery Buildings (MP 10_0217);

- Student accommodation on Blocks 3B, 3C & 10 (MP 11_0090);
- Construction of commercial Blocks 4S, 4N, and 1 (MP 08_0253);
- Additions and adaptive reuse of Clare Hotel and Administration building for a hotel (overnight accommodation) (MP 11_0089); and
- 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 (MP 11_0091).

2. PROPOSED PROJECT

2.1 Project Description (as exhibited)

The proposal, as exhibited in the Environmental Impacts Statement (EIS), seeks approval for the construction of a part 15 and part 16 storey building (plus plant) separated by a central atrium providing accommodation for up to 826 students, non-residential uses at ground floor level, resident facilities including a theatre, gym, laundry and lounge areas and an external courtyard. The proposal relies on the approval of an amendment to the approved Concept Plan (MP 06_0171 MOD 8); with regards to modifying the use of Block 4S from commercial to predominantly residential, and modifications to the approved building envelope to facilitate this application.

2.2 Response to Submission

Following the public exhibition of the EIS, the applicant submitted a Response to Submissions (RtS) responding to public and agency submissions received during the exhibition, as well as issues raised by the department.

The development as proposed in the RtS is detailed in **Table 1** below.

Table 1: Key Components of Development

Aspect	Description
Development Summary	Construction of a part 15/16 storey building for student accommodation for up to 826 students within 688 rooms comprising: <ul style="list-style-type: none"> • resident facilities including: a variety of communal recreation, dining, study facilities, administration facilities, theatre, gym, and laundry and lounge areas; • external communal courtyard on level 3 and external communal terraces on level 15, with a total area of 500m²; • 11 retail tenancies at the lower and upper ground levels; • single storey basement level; • provision for loading and unloading at basement level; • central thermal plant tri-generation plant located in the basement; and • maximum height of RL 71.45AHD.
Student Housing Mix	688 student accommodation rooms comprising: <ul style="list-style-type: none"> • 167 beds within multi-share apartments (between 3-6 beds); • a mix of studio apartment types: <ul style="list-style-type: none"> • 329 'standard' studios; • 301 'long' studios; and • 29 'accessible/Deluxe' studios.
Gross Floor Area Site Area (3,000m²)	Total GFA of 24,132m ² comprising: <ul style="list-style-type: none"> • residential GFA of 22,709m²; and • non-residential (retail tenancies) GFA of 1,423.2m².
Basement	Combined basement with Blocks 1 and 4N.
Bicycle/ Motorcycle Parking	<ul style="list-style-type: none"> • secure parking for 197 bicycles; • secure parking for 4 motorcycles; and • 2 on street car parking bays at Irving Street.

Aspect	Description
Maximum Height	Maximum RL of 71.45 AHD (top of plant)
Public Domain/ Landscaping	<ul style="list-style-type: none"> Provision of public domain works surrounding the development including: public pathways, paving, tree planting, seating, bicycle parking, pedestrian lift and a water feature.
Subdivision	Stratum subdivision of the site into 3 lots being: <ul style="list-style-type: none"> Student accommodation stratum lot; Central Thermal Plan stratum lot; and Future road widening lot.

Key changes, from the proposal as exhibited in the EIS, in the RtS include:

- clarification of GFA proposed for the site;
- deletion of the temporary loading/unloading area and provision of a new retail tenancy resulting in an overall increased GFA of 50m²;
- revised façade treatments comprising introduction of metal louvres at various windows to improve privacy and natural ventilation;
- provision of 2 on street car parking spaces at Irving Street;
- removal of on street car parking spaces at Central Park Avenue;
- retail awnings at Irving Street;
- revised Public Domain Plan; and
- minor amendments to the internal access to the bicycle storage room and waste room.

Images of the proposal are shown in **Figures 3, 4 and 5.**

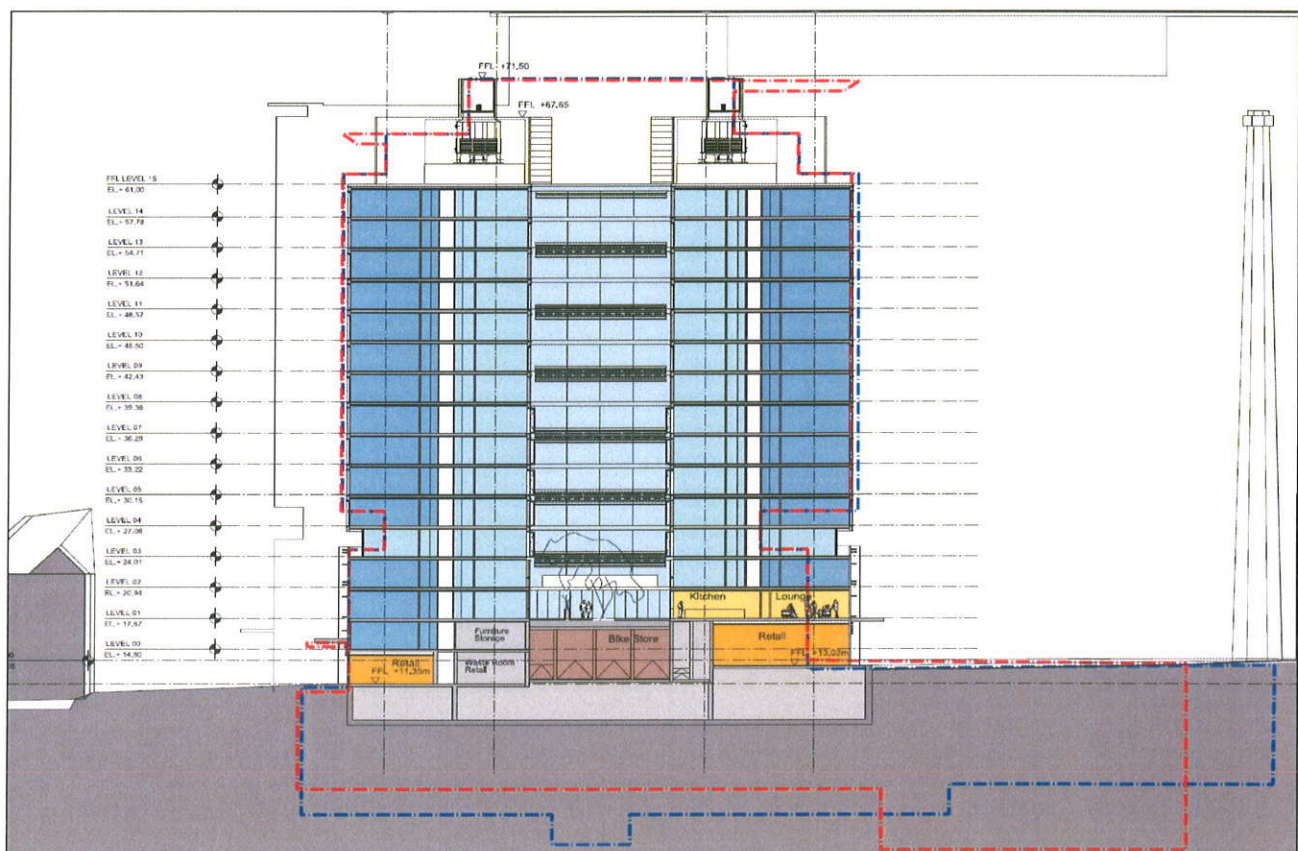


Figure 3: East-west cross section through the proposed building looking from the south with current approved Concept Plan (MP 06_0171) envelope marked in dotted red (does not include proposed MOD envelope) and approved Project Application (MP 08_0253) envelope marked in dotted blue.

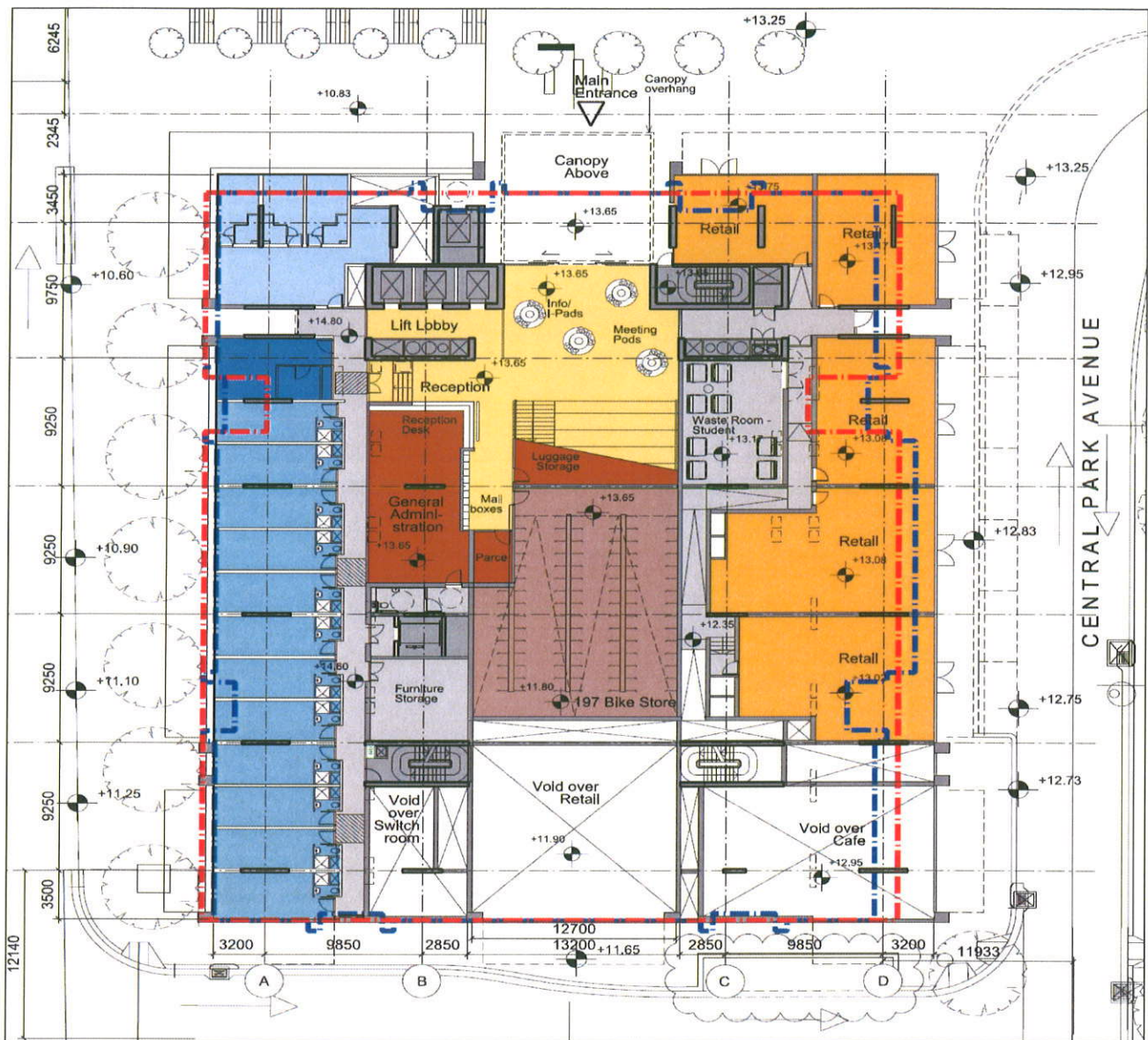


Figure 4: Upper ground level floor plan of Building 4S with current approved Concept Plan (MP 06_0171) envelope marked in dotted red (does not include proposed MOD envelope) and approved Project Application (MP 08_0253) envelope marked in dotted blue.



Figure 5: Artist impression of Block 4S from Abercrombie Street

2.3 Project Need and Justification

NSW 2021

NSW 2021 replaces the State Plan as the NSW Government's strategic business plan for setting priorities for action and guiding resource allocation. NSW 2021 is a ten year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

The project will provide a new student accommodation facility within an existing brownfield site and contribute to the State's wider goal of placing downward pressure on the cost of living by providing more housing choice within close proximity to existing infrastructure, centres and services.

Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy for Sydney to 2031 is a strategic document that guides the development of the Sydney Metropolitan area towards 2031. The Draft Metropolitan Strategy sets out housing and employment targets for the Sydney region at 545,000 additional dwellings, and 625,000 new jobs, by 2031. The Strategy further refines Sydney wide targets for the Central Sydney sub-region for an additional 138,000 dwellings and an additional 230,000 jobs by 2031.

Although the proposal is for student accommodation and not traditional market residential accommodation, the development is consistent with the aims of the Draft Metropolitan Strategy, in that the provision of specific 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. Specifically, the University of Sydney and University of Notre Dame to the west, University of Technology to the north, NSW TAFE to the East (**Figure 1**). Further a number of student accommodation buildings are also located within the precinct. The development will also provide for approximately 18 full time equivalent operational jobs and in its delivery, approximately 400 construction jobs.

The proposal is therefore considered consistent with the objectives of the Draft Metropolitan Strategy for Sydney 2031.

Draft Sydney City Subregional Strategy 2031

The site falls within the area defined by the Draft Sydney City Subregional Strategy. Housing and employment targets for the sub-region have been updated by the draft Metropolitan Strategy, as identified above. The Sydney City Region has a total housing target of 55,000 additional dwellings and 58,000 additional jobs to 2031, within the Draft Subregional Strategy. This will be updated now the Metropolitan Plan has been released.

The proposal is considered to be consistent with the aims and objectives of the Draft Subregional Strategy, providing 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.

3. STATUTORY CONTEXT

3.1. State Significant Development

Under Clause 2, Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (State & Regional Development SEPP), any development within the Broadway (CUB) site, with a capital investment value (CIV) in excess of \$10 million is State Significant Development.

As the proposal is for development with a CIV of \$71,453,000, on a site within the Broadway (CUB) site, the Minister for Planning & Infrastructure is the consent authority.

3.2. Determination Under Delegation

The Minister has delegated his functions to determine SSD applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority and in cases where:

- the Council has made an objection; and/or
- there are 25 or more public submissions objecting to the proposal; and/or
- a political disclosure statement been made in relation to the application.

In this regard, the application is being referred to the PAC for determination as more than 25 public submissions have been received objecting to the proposal.

3.3. Permissibility

The site is zoned City Edge by the Sydney LEP 2005. The proposed student accommodation (residential) is also permissible within the zone.

3.4. Environmental Planning Instruments

Under Section 79C 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 govern the carrying out of the project, and the provisions of any environmental

planning instruments (EPI) that 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 EPIs (including SEPPs) is provided in **Appendix D**. The proposal is considered to be consistent with the requirements of the EPIs.

Proposed Variance of On-site Motorcycle Parking Development Standard

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP) applies to the development. In this regard, the applicant is seeking to vary a development standard within the Affordable Rental Housing SEPP, relating to the provision of on-site motorcycle parking. The Affordable Rental Housing SEPP requires a minimum provision of 1 motorcycle parking space per every 5 boarding rooms. The proposal includes provision for four (4) on-site motorcycle parking spaces. This is discussed further in **Section 5.4**.

3.5. Objects of the EP&A Act

Decision-makers are required to consider the objects of the Act when making decisions under the Act. These objects are detailed in Section 5 of the Act, and include:

- (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 proposal complies with the above objects as the proposal promotes the orderly and economic use and development of the site, and complies with the Ecologically Sustainable Development (ESD) principles.

3.6. Ecologically Sustainable Development

The Act adopts the definition of Ecologically Sustainable Development (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 - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*

- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

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

- **Precautionary Principle** – The site has been appropriately planned for development as part of the wider Central Park precinct and will not result in any serious or irreversible environmental damage.
- **Inter-Generational Equity** - The applicant has proposed to design the buildings to a 5 Star Green Star standard. The development will also be linked to the Central Park site's Central Thermal Plant, which will contribute towards the sustainability credentials of the development by satisfying the development's hot water needs, by recycling wastewater and reusing it in the development for non-potable uses.
- **Biodiversity Principle** – The subject site has been extensively developed for sometime and is occupied by built structures. This site has low environmental sensitivity and the project would not disturb any flora or fauna. The redevelopment of the whole 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 cost of infrastructure and measures to ensure an appropriate level of environmental performance have been incorporated into the cost of the development on the site.

Future Assessment Requirement B12 – ESD and Sustainable Design included in the Concept Plan approval requires developments to achieve a minimum 'Design' and 'As Built' 5 Star Green Star rating utilising the 'Multi Unit Residential', 'Office' or 'Retail' tools. Where buildings are not eligible for an official Green Star Rating, using the above tools, they must be designed in accordance with the principles of a 5 Star Green Star building.

The applicant has advised that the proposal is ineligible to be rated under any of the pre-existing Green Star tools. The applicant has however, committed to a 5 star Green Star 'principle led' pathway established to support the application of ESD initiatives across a full range of environmental categories. Specifically the development will be designed in accordance with the principles of the Green Star Multi Unit Residential Design V1 tool, consistent with the intent of Condition B12 of the Concept Plan approval.

To satisfy the requirements of the approved Concept Plan, a condition is recommended requiring the applicant to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been designed in accordance with the principles of a 5 star Green Star building.

3.7. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

3.8. Director General's Requirements

Sections 3 and 4 of this EIS address compliance with the Director General's Requirements. These matters have been addressed in the EIS sufficiently to enable an adequate consideration and assessment of the proposal for determination purposes.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under Section 89F(1)(a) of the Act, the Director General is required to make the EIS of a State Significant Development application publicly available for at least 30 days. After accepting the EIS the department publicly exhibited it from Wednesday 27 February 2013 until Friday 29 March 2013 (31 days) on the department's website, and at the department offices at Bridge Street, Sydney and the City of Sydney Council Offices, Sydney. The department also advertised the public exhibition in the Sydney Morning Herald and the Central Courier on Wednesday 27 February 2013 and notified landholders and relevant State and local government authorities in writing.

The department received 40 submissions during the exhibition of the EIS comprising 4 submissions from public authorities and 36 submissions from the general public and special interest groups.

A further two submissions were received from the public in response to the RtS.

Copies of submissions may be viewed at **Appendix B**. A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Four (4) submissions were received from public authorities.

City of Sydney Council

EIS Submission

Council provided a combined submission for the proposal and modification to the Concept Plan and (MP06_0171) and Project Application for Blocks 1 and 4 (MP08_0253). The submission notes Council is generally supportive of the conversion of commercial floor space to residential (student housing) for Building 4S. However the following comments were provided in relation to Building 4S:

- Consideration should be given to the relevant planning controls for student accommodation developments to ensure the amenity of future occupants and surrounding properties are not adversely affected;
- Proposed fit out and use of lower ground and ground floor retail/commercial tenancies should be subject of separate development applications to be determined by Council;
- Upon cessation of the temporary bicycle access and loading bay at Irving Street, this should be converted to retail/commercial uses to activate Irving Street and shall be the subject of a separate development application;
- The proposal is eligible for the National Rental Affordability Scheme (NRAS) as part of the supply of affordable housing and further evidence demonstrating eligibility with the NRAS is required;
- The proposal does not satisfy minimum solar access requirements to internal living areas under the RFDC, Solar access to communal living areas through the building satisfies the minimum requirements under Affordable Housing SEPP;

- Plans provided do not allow assessment of typical room layouts and their compliance with minimum room size requirements under the Affordable Housing SEPP and SDCP 2012. A condition is recommended requiring compliance with minimum room size requirements;
- A condition is recommended to require provision of adequate laundry tubs, washing machines and dryers;
- The proposed bicycle access via the temporary loading bay is supported in principle, given that an alternative access point is provided via the main lobby for student accommodation and will be managed by the operators as part of the management of the building; and
- The potential amenity impacts on surrounding developments from use of the outdoor terrace on Level 13 should be considered and the use should be restricted to between 9:00am and 10:00pm 7 days.

RtS Submission

Council provided a combined submission for the proposal and modification to the Concept Plan and (MP 06_0171) and Project Application for Blocks 1 and 4 (MP 08_0253). The submission notes Council maintains that it supports the conversion of commercial floor space to residential (student housing) for Building 4S in principle, subject to Blocks 1 and 4N being retained for commercial use. The following comments were provided in relation to Building 4S:

- Council supports an increased building separation between Buildings 4N and 4S to comply with the approved building envelopes. The increased separation will improve amenity for future occupants of Building 4S, reduce building bulk and enhance the public domain;
- Council reiterates its requirement that washing and drying facilities be provided in accordance with Sydney DCP 2012;
- Council supports the provision of additional lifts to service the total number of rooms and occupants proposed; and
- Council comments that maximising the visual permeability of the Abercrombie Street to Central Park pedestrian link is necessary to the useability of the pedestrian link.

Whilst Council is generally supportive of the student accommodation use in this location, the change in land use is only supported if the applicant can sufficiently demonstrate compliance with relevant building, amenity, environmental and social provisions, particularly under the NRAS Scheme.

Roads and Maritime Services (RMS)

RMS advised that the proposal will not have a significant traffic impact on the state road network.

Transport for NSW (TfNSW)

TfNSW provided a combined submission for the proposal and modification to the Concept Plan and (MP 06_0171) and Project Application for Blocks 1 and 4 (MP 08_0253). TfNSW has not provided any comment on the subject proposal.

Sydney Water

Sydney Water advised that the existing water and wastewater system has capacity to service the development. A condition has been recommended in accordance with comments from Sydney Water requiring the applicant to obtain a Section 73 Certificate prior to the issue of a Construction Certificate.

4.3. Public Submissions

Thirty five (35) submissions were received from the public objecting to the proposal during exhibition of the proposal. A further two (2) submissions were received from the public in response to the RtS.

The key issues raised in public objections are listed in **Table 2**.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%) (objections only)
Non-compliance with the approved Concept Plan	84%
Conversion from commercial to residential/student housing is unacceptable	79%
SEPP 65 Non-compliance	71%
Negative social impacts as a result of student housing	68%
Substandard building design	68%
Proposed student housing is not affordable housing	66%
Long term social sustainability of student housing use	63%
Economic impact statement is inadequate	63%
Proposed design is incompatible with surrounding heritage	61%
Over supply/ over population of student housing in the area	37%
Loss of amenity	18%
Shortage of community facilities and open space as a result of the development	16%
EIS incomplete and does not address DGRs	11%
EIS does not include Social Impact Statement	8%
Access should be provided off Abercrombie Street	8%
Traffic impacts	5%
Additional cycle infrastructure required	5%
Permanent residents are better for the area than temporary residents	8%
Lack of site managers	3%
Noise from terrace	3%
Non-compliance with Sydney Local Environmental Plan 2012	3%
Not in public interest	3%

The department has fully considered the issues raised in submissions in its assessment of the proposal (See **Section 5** and **Appendix D**).

4.4. Applicant's Response to Submissions

On 30 May 2013, JBA Planning, on behalf of the applicant submitted a RtS (**Appendix A**) which resulted in a number of amendments to the development as outlined in **Section 2.2**. The department is satisfied that the issues raised in submissions have been addressed through the RtS, this report and the recommended conditions of consent.

5. ASSESSMENT

Table 3 identifies the matters for consideration under Section 79C of the EP&A Act that apply to State significant development. The table represents a summary for which additional information and consideration is provided for in further sections of the report and the relevant appendices or the EIS.

Table 3: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies - see Appendix D
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	Not applicable
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to Development Applications (Part 6 of the Regulations), public participation procedures for State Significant Developments and Schedule 2 of the Regulation relating to environmental impact statements.
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report.
(d) any submissions	Refer to Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

* Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration of relevant controls has been given in Appendix D.

5.1. Key Assessment Issues

The department considers the key environmental issues for the proposal to be:

- consistency with the Concept Plan; and
- residential amenity.

Each of these issues is discussed in the following sections of this report. **Section 5.4** of the report discusses other issues that were taken into consideration during the assessment of the application.

5.2. Consistency with the Concept Plan

The approved Concept Plan (MP 06_0171) for the site sets out a number of requirements and parameters for future application in developing the former Carlton United Brewery site.

The department is concurrently considering a modification request to the Concept Plan, with this SSD application. The Concept Plan modification request (MP 06_0171 MOD 8) seeks approval to modify the approved residential and non-residential gross floor area split from 70/30% to 77/23%, respectively. This includes modifying the approved gross floor area mix for Block 4S from commercial to predominantly residential, and modifications to the approved building envelope to separate the Blocks 4N and 4S, to facilitate this application.

In this regard, the department considers it appropriate that the proposal be assessed in accordance with the department's final recommendations for the proposed modification to the

Concept Plan assuming it is also approved by the PAC in the first instance (modified Concept Plan). An assessment against consistency with the modified Concept Plan is provided in below.

5.2.1 Built Form

The modified Concept Plan provides maximum building heights and envelopes for Block 4S. In consideration of the proposal's consistency with the modified Concept Plan, the department considers that the key built form issues are:

- density/Gross Floor Area;
- building height;
- building envelope and footprint;
- building design and form; and
- public domain.

Density / Gross Floor Area

The subject site is generally rectangular in shape and has an area of 3,000m². A summary of the proposed Gross Floor Area (GFA) against the allowable maximum GFA under the modified Concept Plan is provided in **Table 5**.

Table 5: Summary of allowable and proposed GFA

	Modified Concept Plan	Proposal
Residential GFA	23,000m ²	22,709m ²
Non-residential GFA	1,500m ²	1,423m ²
Total GFA/FSR	24,500m ²	24,132m ²

The proposed GFA is compliant with the modified Concept Plan. Further it is noted the GFA of the building will be further reduced as a result of the recommended design changes to the building footprint discussed below.

Building Height

The proposal provides a part 15 and part 16 storey building separated by a central atrium providing an internal separation of 12.7 metres (**Figure 6**). A comparison of the modified Concept Plan building envelope and the proposal is provided at **Figure 7**.

The modified Concept Plan allows a maximum building height of RL 71.5AHD and parapet height of RL60.5 AHD at the western elevation and RL67.5 AHD at the northern elevation.

The proposed building has a maximum height of RL 71.45 AHD and consistent parapet height of RL61.00 AHD with plant machinery rising above the parapet at RL 67.65 AHD. The department considers the variation in roof form at the upper level to be acceptable and is generally consistent with the Concept Plan (as modified) whereby Block 4S steps down in height from Block 4N to provide a transition in building heights towards Block 8 to the south.

The department considers the proposed building height to be generally consistent with the modified Concept Plan.

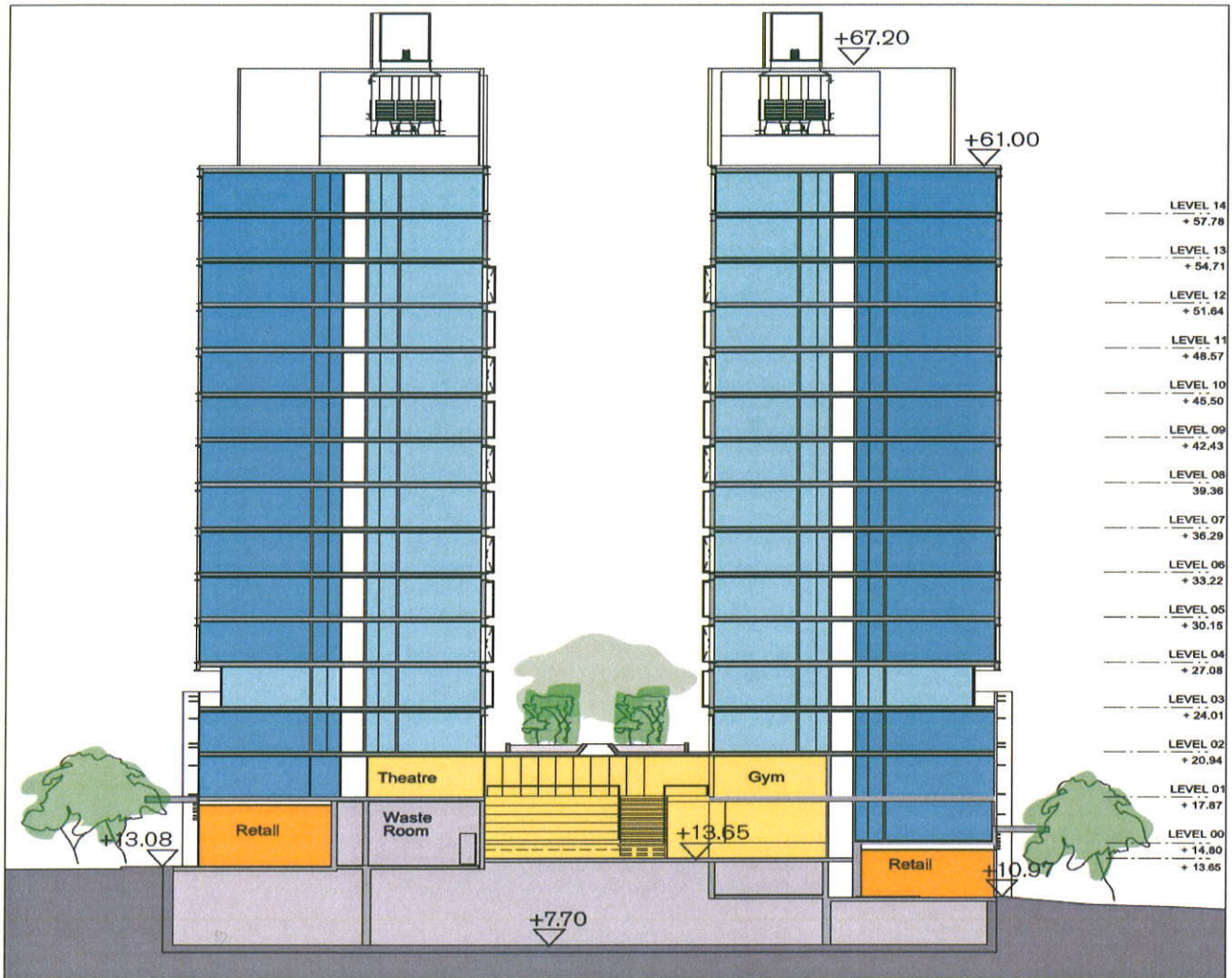


Figure 6: East-west cross section through the proposed building looking from the south

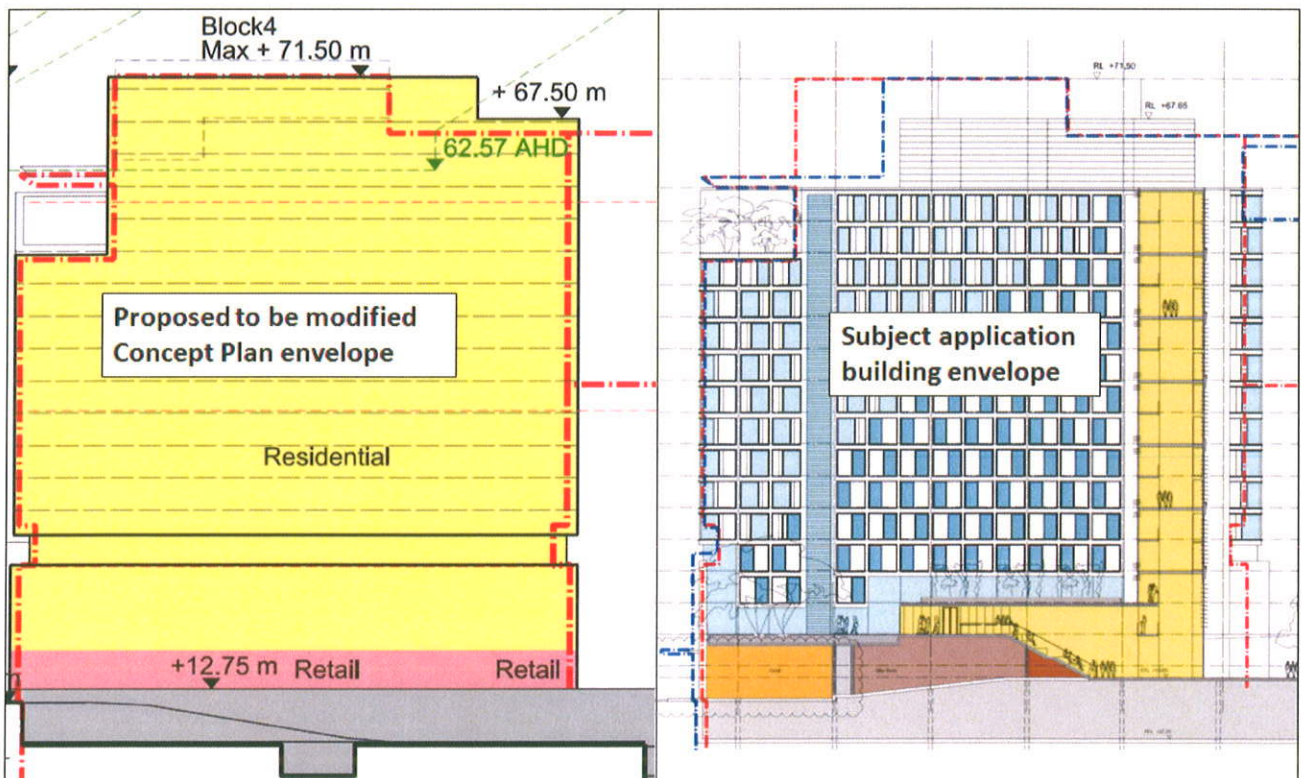


Figure 7: Eastern cross section of proposed modification to the Concept Plan envelope (left) and Proposed building (right)

Building Envelope and Footprint

The proposed building envelope is generally consistent with the proposal to modify the Concept Plan in that it seeks a reduced building separation between Blocks 4S and 4N by allowing the footprint of 4S to be extended further to the north by 1.9 metres. The proposed building footprint provides a 12.6 metre building separation (**Figure 8**).

It is noted however, the department's assessment of the modified Concept Plan has recommended that a reduced building footprint at the northern elevation be provided for Block 4S to maintain the building separation of 14.5 metres between Blocks 4S and 4N, under the approved Concept Plan.

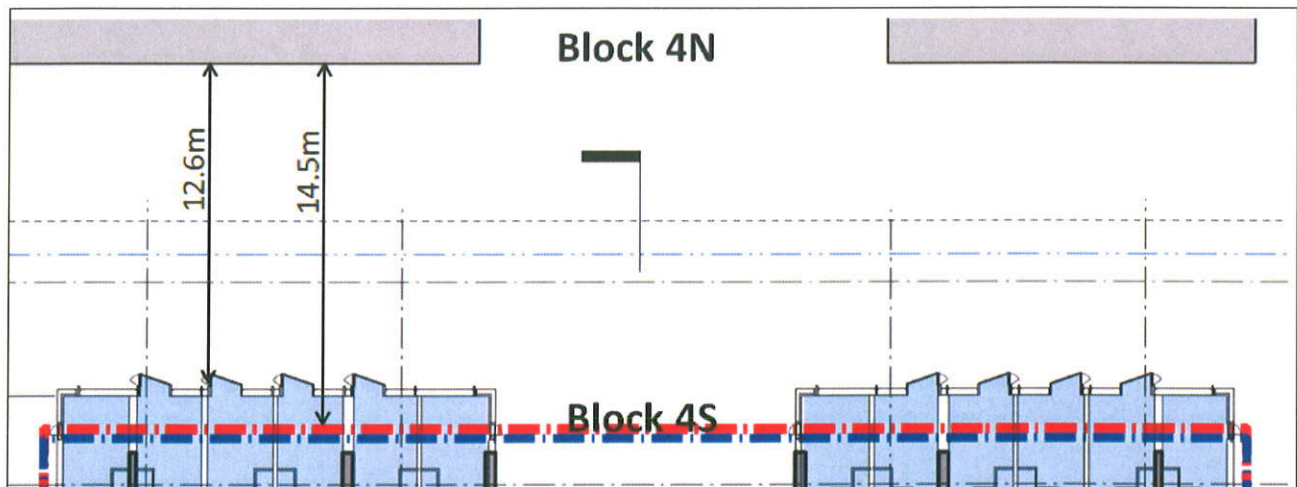


Figure 8: Plan showing separation distance between Block 4S (bottom) and 4N (top) at the northern footprint of Block 4S with the approved Concept Plan footprint marked in dash red

The applicant has provided the following justification for the reduced building separation:

- the proposed design of the northern elevation, and the public domain and landscape treatment provide a clear separation between Blocks 4S and 4N, whilst providing a high quality pedestrian link from Abercrombie Street into Central Park;
- greater separation will have a negligible impact on improving the solar access afforded to the northern elevation of Block 4S; and
- the detailed design of the northern elevation includes various treatments and finishes which will mitigate privacy and amenity impacts as a result of the reduced building separation.

The department has considered the applicant's arguments but remains concerned at the overall visual bulk of the building form presented to Abercrombie Street. The department considers the reduced separation between Blocks 4S and 4N enhances the street wall effect of the two buildings along Abercrombie Street (**Figure 9**) and the reduced separation will reduce the quality of the public domain.

The department considers that the building footprint of Block 4S should be reduced at the northern elevation to comply with the department's recommendations in relation to the modified Concept Plan for the following reasons:

- by virtue of the architectural detailing and articulation, the proposed building presents a less articulated block form façade to Abercrombie Street than that originally approved for Block 4S. The increased separation to 14.5 metres will reduce the building bulk presented at Abercrombie Street and mitigate the visual bulk and articulate the street wall presentation of the amended building form;
- the increased separation will improve the pedestrian environment by providing an increased public domain area between the buildings and improve visual permeability into and out of the Central Park site; and
- the increased separation will provide some level of improved amenity to future residents of Block 4S.

It is noted that Council supports the department's recommendation to reduce the building footprint of Block 4S at the northern elevation to comply with the approved Concept Plan building separation of 14.5 metres.



Figure 9: Artist Impression of Block 4N (left) and 4S (right) from corner of George and Abercrombie Street

In this regard, the department has recommended a condition requiring modified plans to be submitted to the department prior to the issue of a Construction Certificate illustrating a 14.5 metre building separation distance.

Building Design and Form

Future Assessment Requirement B1 of the approved Concept Plan requires that the subject application consider the resolution of the building form and bulk of the commercial buildings along Abercrombie Street (Blocks 1, 4 and 8) to ensure compatibility with the scale of buildings in the area and maintain visual links into and outside the site particularly to heritage items.

The proposal presents a 16 storey building height at Abercrombie Street comprised of two façade treatments being lower 5 storey façade and an upper 11 storey façade. The design of the lower 5 storey façade mirrors the linear datum lines of the existing heritage item (Australian Hotel) (**Figure 10**) and acknowledges the scale and materiality of the existing buildings opposite on Abercrombie Street.

The 5th storey has been recessed to provide a break between the lower façade and identify a banding of the new façade for the upper part of the building. The department is satisfied that subject to the recommended increased building separation discussed previously, the final design of the building presented at Abercrombie Street provides a well resolved design which is compatible with the scale of buildings in the area including heritage items.

Public Domain

The department notes that the through site pedestrian link between Blocks 4N and 4S will be a main pedestrian thoroughfare for access to the student accommodation building, Abercrombie Street and the greater Central Park site. The through site link comprises a staircase at the southern edge of Block 4N with new paved open space courtyard areas at the lower ground level of Abercrombie Street and upper ground level (**Figure 11**) of Central Park.

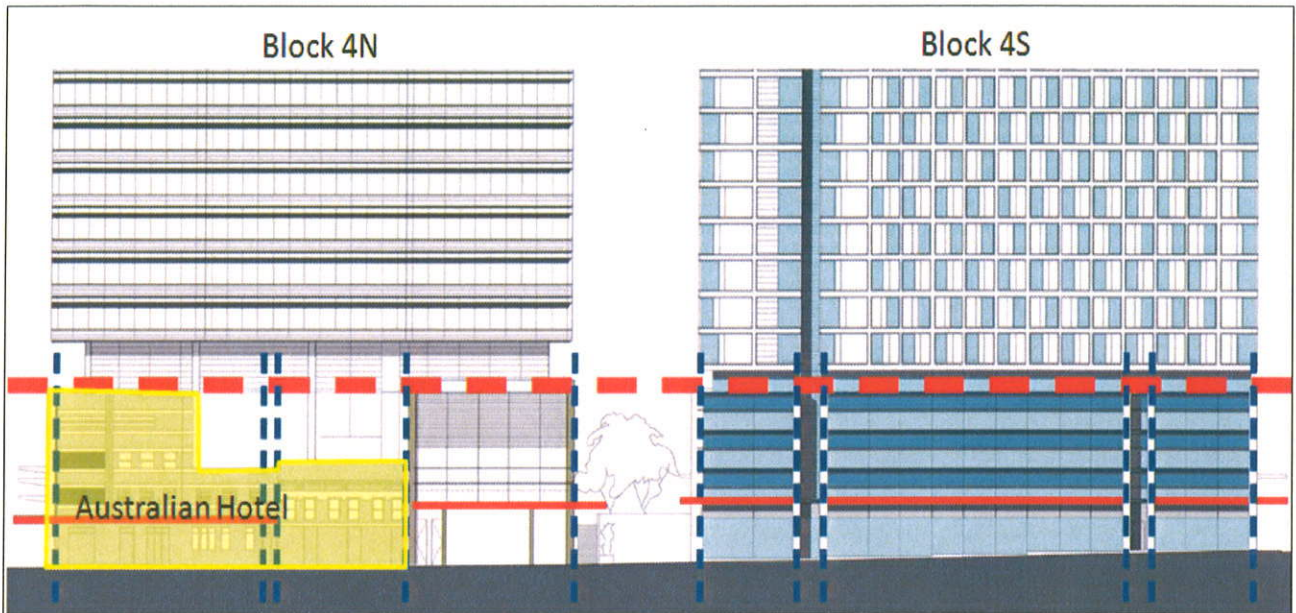


Figure 10: Extract elevation from Abercrombie Street showing Block 4N (left) and 4S (right) and the datum lines established at the podium level to mirror those of the adjoining heritage item (Australian Hotel).

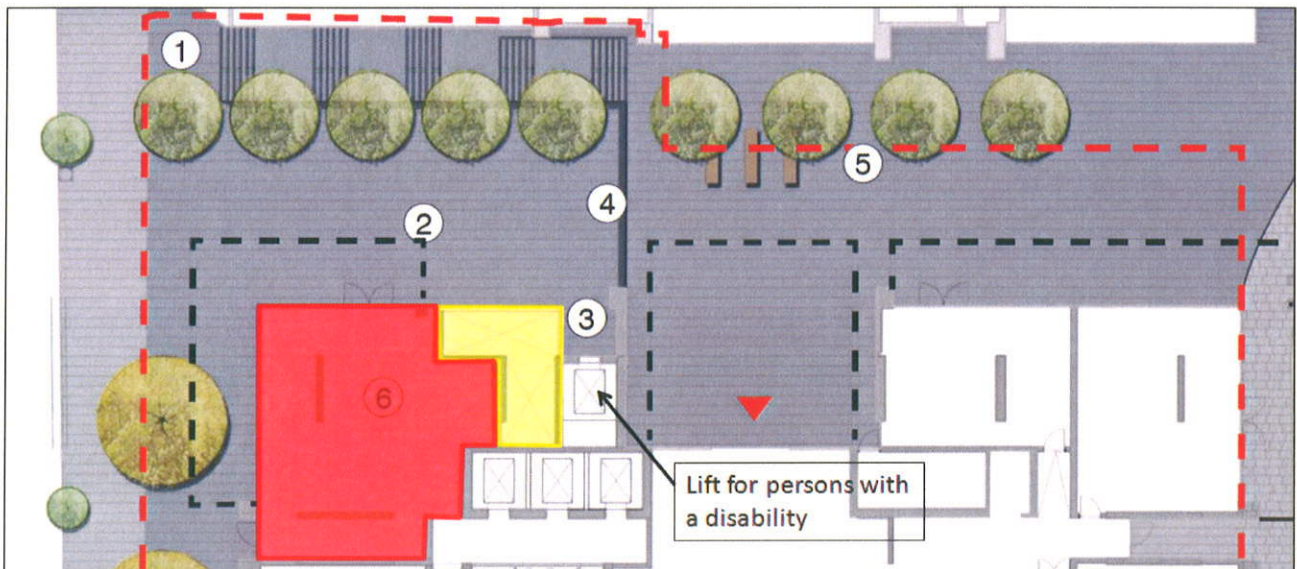


Figure 11: Proposed design of through site link between Block 4N and 4S with proposed cafe tenancy highlighted in red and recommended increase in retail tenancy highlighted in yellow

These new spaces are activated through provision of retail and café tenancies that front the spaces. The department notes however that the café proposed to be located at the lower ground floor tenancy does not directly front onto a significant portion of the new open space. The department recommends that the tenancy frontage to this space be expanded as per **Figure 11** to allow for better activation of the space. A condition has been recommended accordingly.

Further, the department notes the lift access for persons with a disability, from the lower ground level to the upper ground level, is located behind the northern building edge, hidden from pedestrian view at Abercrombie Street. The department recommends that appropriate signage be displayed adjoining the stairs advising that lift access is available to the upper ground level. A condition has been recommended accordingly.

Council commented that maximising the visual permeability of the Abercrombie Street to Central Park pedestrian link is necessary to the useability of the pedestrian link.

Subject to the recommended changes (including the increased separation distance discussed in **Section 5.2**) the department is satisfied that the design of the through site link maximises

pedestrian useability and visual permeability into and out of Central Park and will provide high quality public spaces for the enjoyment of future pedestrians.

5.2.2 Design Excellence

The design architect for the project is Foster and Partners, which is in accordance with the requirements of the approved Concept Plan (as modified), which has specified this architect for this stage of the Central Park development.

5.3. Residential Amenity

A number of public submissions raised objections with the level of residential amenity provided for future residents of the proposed development.

The Affordable Rental Housing SEPP and the City of Sydney Council's Development Control Plan 2012 (SDCP 2012) contain a range of controls relating to boarding house development, which includes student accommodation. It is noted that the SDCP 2012 controls does not apply to the development but is appropriate for consideration in this assessment in accordance with the DGRs.

Affordable Housing SEPP

The department has assessed the proposal in relation to the relevant provisions of the Affordable Housing SEPP and has concluded that the proposal is consistent with the requirements of the SEPP and provides satisfactory levels of amenity for future residents. In particular:

- solar access to communal areas receive a minimum of 3 hours of sunlight between 9.00am and 3.00pm during midwinter;
- 500m² of communal areas are provided across the levels and also on the rooftop terrace that significantly exceed the minimum 20m² requirement;
- the proposed room sizes are greater than 12m² for a single lodger and 16m² in other cases; and
- adequate bathroom and kitchen facilities are provided.

City of Sydney Development Control Plan 2012

Solar Access

The department also notes that the City of Sydney provides guidelines setting out that 50% of the apartments and the communal open space be provided with 2 hours of solar access at mid winter. The proposal provides for communal areas to receive a minimum of 2 hours of solar access, however only 30% of apartments are provided with 2 or more hours of solar access at mid winter. Despite the proposal not meeting this guideline, the department notes that:

- all aspects of apartment design meet relevant internal amenity criteria (such as minimum areas and provision of facilities); and
- the proposal provides a significant amount of communal open space with a high level of amenity which may be utilised by lodgers as part of the day to day accommodation requirements.

The department therefore considers that the proposed development will provide future lodgers with a reasonable level of solar access and amenity.

The proposed building envelope (subject to the recommended changes) is generally consistent with the modified Concept Plan and the apartment layouts have been designed to maximise solar access by orientating bedrooms north, east and west, with no southerly facing apartments. Further the proposal complies with solar access requirements to communal areas in accordance with the Affordable Housing SEPP and SDCP 2012.

In consideration of the above, the department is satisfied that the development has sought to maximise solar access to apartments where possible and achieves adequate levels of internal amenity for future residents.

Washing Machines

SDCP 2012 requires the provision of one 5 kilo capacity washing machine and one dryer per 12 residents for student accommodation (ratio of 1:12). The proposal provides a total of 28 washing machines and 28 dryers within a communal laundry room. This equates to a ratio of 1:29.5. Council has requested that the proposal provide laundry facilities in accordance with SDCP 2012 requirements.

The applicant has provided supporting letters from other operators (Unilodge) of similar student accommodation developments who provide laundry facilities at a ratio of 1:45 and 1:50, with no issues. The applicant further notes that Blocks 3B, 3C and 10 have obtained approval with the provision of washing and drying machines with 7kg capacity at a ratio of 1:24. The proposal provides washing and dryer machines with 9kg capacity at a ratio of 1:29.5.

Despite being less than SDCP 2012, the department is satisfied that the proposed number of washing and drying machines, will provide for adequate laundry facilities for future residents.

Private Open Space

SDCP 2012 (for student accommodation) requires 30% of all bedrooms to have access to private open space with a minimum area of 4m² in the form of a balcony or terrace area.

The proposal provides five apartments with private courtyards at level 3 (**Figure 12**). The remaining apartments have not been provided with private open space. It is noted however that external communal courtyards are provided at level 3 and level 15 with a total area of 500m².



Figure 12: Floorplan layout of Level 3 (left) and Level 15 (right) showing apartments with private courtyards and external communal courtyards.

The department is satisfied that reasonable levels of open space are afforded to future residents via external communal courtyards. In addition, all studio rooms and rooms within the apartments generally comply with the minimum room size requirements of the SDCP 2012, and the maximum permitted room size requirements within the Affordable Rental Housing SEPP, therefore allowing adequate habitable space for future residents.

Lifts

The proposal provides three lift cores for the building equating to a student/lift ratio of between 1:12-1:21 for various floors. Council raised concern at the potential deficiency in the number of lifts available to service future residents. However, the applicant notes the passenger lifts have capacity for 17 people and this has been assessed by WSP (applicant's building design consultant) to be sufficient to service future residents. In consideration of the above, the department is satisfied that adequate lifts are available to service future residents.

Minimum apartment sizes

Council has commented that the submitted drawings showing the internal layout of rooms are not to scale and are unable to determine if the typical room layouts comply with the minimum room size provisions, subject to certain exclusions, under the Affordable Rental Housing SEPP and the SDCP 2012.

Council has therefore suggested a condition be imposed requiring minimum room sizes in accordance with the Affordable Rental Housing SEPP and the SDCP 2012 to ensure that the proposed rooms provide adequate amenity for future residents.

The Proponent has advised that the minimum net internal floor area of the smallest unit (studio standard unit) ranges between 17.4 to 20.5m². This is greater than the minimum of 16.9m², however the proposed unit areas do not incorporate 'bay windows' or services, which may reduce the floor area below the minimum.

The department notes however that the majority of apartments would comply with minimum apartment sizes and is satisfied that the apartments will provide a reasonable level of amenity for future residents.

Summary

In consideration of the above, the department is satisfied the proposal provides satisfactorily levels of amenity for future residents. A detailed assessment of the proposal against the Affordable Rental Housing SEPP and SDCP 2012, and RFDC is in **Appendix D**.

5.4. Other Issues

Management of Student Accommodation

Public submissions have raised concerns that the use of the site for student accommodation, particularly the communal outdoor terraces on level 13, may result in adverse noise impacts to nearby residents.

A preliminary operational plan of management has been submitted outlining key security and management measures to mitigate visual and acoustic impacts on surround residents, particularly future residents of Block 8 to the south. This includes:

- resident inductions outlining key house rules and services for the student accommodation;
- 7 days a week trained staff providing management functions and servicing for the needs of future residents;
- establishment of complaints handling procedures;
- establishment of a policy for fair and equitable use of all communal spaces for both the benefit and quiet enjoyment of all residents to mitigate risk of disturbance to neighbours and restricting use of the communal outdoor terraces on Level 13 to between 7:00am to 10:00pm; and
- provision of 24 hour on site-security and CCTV cameras to address ongoing security management of the student accommodation use.

Council comments that it is supportive of the security and management measures proposed and the proposed hours for the communal outdoor terrace use.

The department has considered the above and is satisfied that subject to appropriate management measures the future use of the site as student accommodation will not have any unreasonable noise impacts on nearby residents. Notwithstanding, the department considers that in order to mitigate any potential for adverse noise impacts on nearby residents, no amplified music shall be played on the outdoor terrace and staff shall manage noise levels in accordance with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic, submitted with the application. Conditions have been recommended accordingly.

Affordable Housing

Council and public submissions raised concerns as to the proposal's eligibility as affordable housing under the National Rental Affordability Scheme (NRAS) on the basis that the proposed weekly rent of \$340 for a studio may cause housing stress. Council requested further details demonstrating compliance with the provisions of NRAS.

Council maintained its concerns in its final submission where it stated that support for Block 4S to change from commercial to student housing was reliant on the proposal demonstrating compliance with relevant building, amenity, environmental and social provisions, particularly under the NRAS.

The NRAS is a Federal Government program to invest in affordable rental housing. The scheme addresses the shortage of affordable rental housing by offering tax-free financial incentives per annum (indexed annually) for each approved dwelling rented at 20% below current market rates for a period of 10 years.

Properties which qualify for participation in the NRAS are located in potential high growth areas, with a strong rental demand or an under supply of rental stock. Participants who are approved by the scheme may build, own, finance or manage NRAS dwellings.

The applicant has submitted a copy of the approval notice by the Federal Government granting funding approval for the proposal under the NRAS for affordable housing.

The department is satisfied that the concerns raised by Council have been considered by the Federal Government prior to granting approval under the NRAS. Notwithstanding, the department notes that the use of the site as student accommodation has been assessed as an acceptable form of land use under the modified Concept Plan, irrelevant of eligibility under NRAS.

Car Parking

The Affordable Housing SEPP requires car parking provision at the following rates:

- 0.2 parking spaces for each boarding room; and
- not more than 1 parking space for each person employed in connection with the development and who is resident on site.

This equates to the provision of 168 on-site car parking spaces for the development. It is noted that the proposal provides no on-site car parking.

Given the site's excellent location in relation to public transport and its accessibility to services and facilities, as well as the specialised nature of the student accommodation, the department and Council both consider that the proposed nil on-site parking provision is acceptable, in this instance. It is also noted that Green Travel Plans will be implemented in the future to encourage sustainable forms of transport to and from the site.

Motorcycle Parking

The Affordable Rental Housing SEPP requires a minimum provision of 1 motorcycle parking space per every 5 boarding rooms equating to 165 motorcycle parking spaces.

The proposal would provide four (4) on-site motorcycle parking spaces. The applicant has submitted a SEPP 1 Objection relating to on-site motorcycle parking.

The department has considered the SEPP 1 Objection and considers that requiring strict compliance with the development standard is both unreasonable and unnecessary, in this case. The site is located within close proximity to a number of educational establishments, local services and facilities. In addition, the site is well placed and served by non-private vehicle travel modes. The SEPP 1 Objection in this instance is therefore considered well founded. The department's detailed assessment of the SEPP 1 objection is included in **Appendix C**.

Restrictions on Student Housing

Council has recommended conditions requiring eviction of students within four weeks of expiry of the tertiary course and only full time students be allowed to reside within the development.

The applicant has commented that in some instances students will complete a course in one academic year and then commence another the following academic year. In order to avoid instances where students are evicted unnecessarily, it is requested that a period of 12 weeks be given which would be sufficient to cover the holiday period. In addition, it is requested that both part time and full time student residents be allowed to reside on the site, as some future student residents may be enrolled part time only in order to work and pay for their living costs.

The department has considered the above and considers it reasonable to amend Council's recommended conditions to allow for flexibility and practicality in providing student accommodation for future residents of differing needs.

6. CONCLUSION

The department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the Application's EIS, RtS and department's recommended conditions. The department considers that the proposal is consistent with the modified Concept Plan for the site and is an appropriate development.

The department considers that the proposal will result in a quality development providing student accommodation on a site within close proximity to a number of surrounding tertiary educational establishments and well served by local services and facilities and public transport. The design of the development has responded to the site's context and site constraints and will provide a reasonable level of amenity to residents. The proposal will satisfactorily safeguard the amenity of surrounding residents and is compatible with the surrounding uses.

Subject to recommended conditions, the department considers the proposal to be in the public interest and recommends the application be approved.

6. RECOMMENDATION

It is RECOMMENDED that the Planning Assessment Commission:

- **note** the information provided in this report;
- **form the opinion** that the objections under State Environment Planning Policy 1- Development Standards to the minimum on-site motorcycle parking development standard under the Affordable Rental Housing SEPP 2009, are well founded and that strict compliance with the development standards is unreasonable and unnecessary in the circumstances;
- **approve** the development application, subject to recommended conditions; and
- **sign** the attached consent instrument.

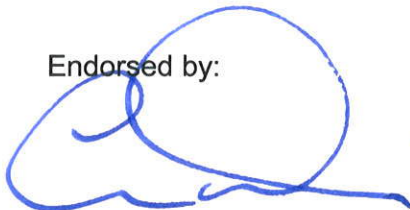
Prepared by Simon Truong – Senior Planner

Endorsed by:



Heather Warton
Director
Industry, Social Projects and Key Sites

Endorsed by:



25.10.13

Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A ENVIRONMENTAL IMPACT STATEMENT/ RESPONSE TO SUBMISSIONS

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5700

APPENDIX B SUBMISSIONS

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5700

APPENDIX C SEPP 1 OBJECTION STANDARDS FOR BOARDING HOUSES- ASSESSMENT

The following assessment of the SEPP 1 Objection applies the principles arising from *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported) by using the questions established in *Winten Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) and as reiterated in *Wehbe v Pittwater Council* (2007) NSW LEC 827. In applying the principles set out in the Winten case, the SEPP 1 Objection has been considered by reference to the following tests:

1. Is the planning control in question a development standard?

The planning control in question is the on-site motorcycle parking requirement within Clause 30 'Standards for boarding houses' of the Affordable Rental Housing SEPP 2009. As such any variation of this standard requires a SEPP1 Objection, as has been prepared in this case.

2. What is the underlying purpose of the standard?

The Affordable Rental Housing SEPP does not include objectives specifically for the relevant development standard or Clause 30. The department has therefore considered the overall aims of the SEPP. The aims of the SEPP are as follows:

- a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in s.5(a)(i) and (ii) of the Act?

The aim of the Policy is set out at Clause 3 of SEPP 1, and seeks to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Wehbe V Pittwater Council (2007) NSW LEC 827 (21 December 2007) sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states that:

'An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.'

Accordingly, the following assessment considers the objection made by the applicant against objectives of the Affordable Housing Rental SEPP.

- the proposal will result in the provision of specialist student accommodation, assisting to ease pressures on low cost market rental housing within the surrounding area;
- the development will provide in excess of the minimum number of on-site, secure bicycle parking spaces; and
- the site is located within close proximity of a number of educational establishments and local services and facilities, accessible by a number of non-private vehicle travel methods.

As a result of this assessment it is considered that, notwithstanding the non-compliance with the development standard, the underlying objectives of that standard are achieved by the proposal development.

The Land and Environment Court has established that it is insufficient merely to rely on absence of environment harm to sustain an objection under SEPP 1. This position was confirmed in *Whebe V Pittwater Council*. The following assessment considers whether the objection demonstrates that strict application of the development standard would hinder the attainment of the objectives of the Act.

Under the Act, Section 5(a)(i) & (ii) the following is required:

- (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,*

It is considered that, in the circumstances, strict application of the development standard would hinder the attainment of the objectives of the Act. The site is ideally located in proximity to a range of educational establishments. In addition, the site is well located for accessing local services and facilities by a range of travel methods including walking, cycling, bus and train. The development will provide specialised residential accommodation for students, reducing pressures on existing student housing in the surrounding area.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

The forgoing analysis has found that compliance with the on-site motorcycle parking requirement development standard is both unreasonable and unnecessary in this instance as the site is ideally located in proximity to a range of educational establishments. In addition, the site is well located for accessing local services and facilities by a range of travel methods including walking, cycling, bus and train and compliance. Consequently, it is considered that the SEPP1 Objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances.

5. Is the objection well founded?

The department considers that the SEPP No. 1 objection advanced by the applicant that compliance with the on-site motorcycle parking requirement standard is well founded on the basis that strict application would hinder the attainment of the objectives of the Act and that the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance.

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of Section 79C(a)(i) 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 (State & Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55- Remediation of Land
- State Environmental Planning Policy No. 65- Design Quality of Residential Flat Development & accompanying Residential Flat Design Code;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Sydney Local Environmental Plan 2005.

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State & Regional Development) 2011;

The proposal is State Significant Development under Clause 2 of Schedule 2 of SEPP as the site falls within the area defined as the 'Broadway (CUB) Site' and has a capital investment value in excess of \$10 million.

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. RMS raises no objection with the proposal.

State Environmental Planning Policy No. 55- Remediation of Land

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 been carried out. Standard conditions to manage any potential environmental impacts of the development are recommended.

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 5.1 of this report.

Key Principles of SEPP 65	Department Response
Principle 1: Context	The proposal is consistent with the use and built form requirements as per the modified Concept Plan and with the character of the locality. The proposal will not have any detrimental impacts on the amenity of existing and future adjoining development.
Principle 2: Scale	The proposal is consistent with the general height limits as approved within the Concept Plan (as discussed in Section 5.2.1). The buildings are considered to be of appropriate height and scale for the locality and is compatible with developments adjoining the site.
Principle 3: Built Form	The buildings are considered to demonstrate architectural design excellence as discussed in Section 5.2.1 .
Principle 4: Density	The proposal contributes towards the long term dwelling targets, set out within the Draft Metropolitan Plan for Sydney 2031 and Draft Sydney

	Subregional Strategy. The dwellings are of an appropriate size and scale to facilitate a range of living arrangements. The proposed density generally complies with the approved Concept Plan.
Principle 5: Resource, Energy and Water Efficiency	A valid BASIX certificate has been submitted with the application. It indicates that the proposal complies with the established water and energy efficiency targets. Further a 5 Star Green Star rating is targeted for the building.
Principle 6: Landscape	The proposal includes provision of landscaping within communal courtyards and pedestrian links. The landscaping has been designed to fit the existing Context.
Principle 7: Amenity	The proposal generally complies with the principles and requirements of SEPP 65 and the recommended standards of the RDC in terms of achieving satisfactory residential amenity. Any non-compliances have been discussed further in Section 5.3 of this report. The proposed dwellings will achieve satisfactory levels of solar access to communal areas, natural ventilation and privacy.
Principle 8: Safety and Security	The building has been designed to provide passive and active surveillance of the surrounding public domain. All dwellings have been provided with areas of secure storage. Furthermore, security access is provided for entry into buildings.
Principle 9: Social Dimensions and Housing Affordability	The development provides student housing. The delivery of student housing will aid in reducing the pressures and demand for student housing in the area, and will aid in the creation of a mixed and balanced community.
Principle 10: Aesthetics	The design of the building is articulated, include a palette of materials and colours which provide an interesting streetscape appeal. The building will contribute towards a desirable streetscape character, complementing the character of surrounding development.

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of “rules of thumb” which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the Code.

Whilst student accommodation or boarding house type accommodation do not strictly apply to the RFDC, the RFDC contains best practice design principles which remain relevant to some extent to student accommodation and have been considered as part of the assessment.

A full assessment of the proposal against the RFDC rules of thumb is set out in the table following:

	RFDC requirement	Proposed	Complies?
Part 1 Local Context			
Building Separation (habitable rooms & balconies)	Up to 4 storeys: 12 metres between habitable rooms/balconies Above 5 storeys: 18 metres between habitable rooms/ balconies;	Generally in accordance with Concept Plan	No *See Section 5.2.1
Street Setbacks	Compatible with desired streetscape character	Generally in accordance with Concept Plan approval	Yes
Part 2 Site Design			
Deep Soil Landscaping	Min 25% of deep soil planting	None	No *In an existing built up urban area. Compliance unnecessary.
Fences	Provide privacy and security Contribute to public domain	No fencing proposed. Appropriate security and surveillance measures in place.	N/A

Communal Open Space	Larger and brownfield sites potential for >30%	500m ² of external communal space is provided	No *Acceptable in dense urban area and student accommodation use
Private Open Space (ground floor)	25m ² with minimum width of 4m	5 apartments with private courtyards at the level 3. Remaining apartments have no private open space	No *See Section 5.3
Part 3 Building Design			
Building Depth	Max 18m	Less than 18 metres	Yes
Acoustic Privacy	Separate noisier spaces from quieter spaces	Generally like uses are provided adjacent to each other.	Yes
Solar Access	70% of living rooms & private open space to achieve 2hrs (for dense urban areas) sunlight between 9am-3pm on 21 June (Winter solstice)	30% of apartments receive 2 hours of sun light during winter solstice	No * See Section 5.3 for further discussion
Single aspect units	Limit those with southerly aspect to no more than 10%	Non proposed	Yes
Naturally cross ventilated	Min 60% of apartments cross ventilated	No apartments cross ventilated	No *Design of apartments facilitate good natural ventilation
Kitchens with natural ventilation	Min 25%	All kitchens naturally ventilated	Yes
Max No. of apartments off a circulation core	Max 8 apartments per lift core	3 lifts cores providing ratio of 1:12-1:21	No *See Section 5.3
Apartment Size (min)	1 bed cross through= 50m ² 2 bed= 89m ² 1 bed single aspect= 63 ² 2 bed corner= 80m ² 2 bed cross over= 90m ²	N/A	N/A
Balcony Depth	Min 2m	None proposed	N/A
Floor to ceiling heights	≥2.7m	2.7m	Yes

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 3** below.

Table 3: Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009

Section	Control	Compliance
Clause 29 Standards that Cannot be used to refuse consent	<p>If the proposed density is not more than:</p> <p>a) the existing max FSR permitted for residential development on that land</p> <p>Building Height</p> <p>b) if building is not more than max permitted height</p>	<ul style="list-style-type: none"> N/A No max FSR control for site but max GFA of 24,500m permitted and complies Complies with max building heights permitted under modified Concept Plan

	<p>Landscaping</p> <p>c) if proposed landscaping is compatible with streetscape</p> <p>Solar Access</p> <p>d) if communal rooms receive at least 3hrs sunlight between 9-3 at midwinter</p> <p>Private Open Space</p> <p>e) one area of at least 20m² and min 3m depth</p> <p>Car Parking</p> <p>f) at least 0.2 spaces for each boarding room</p> <p>Accommodation room size</p> <p>g) 12m² for single lodger, 16m² in any other case</p>	<ul style="list-style-type: none"> Landscaping proposed is compatible Communal rooms achieve at least 3hrs solar access No private open space provided. Refer to Section 5.3. No car parking proposed. Refer to Section 5.4. Room sizes comply with minimum.
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 (excluding bathroom & kitchen)</p> <p>c) Rooms 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) Repealed</p> <p>g) If site zoned for commercial purposes- ground floor not to be used for residential</p> <p>h) At least 1 bicycle & 1 motorcycle parking space per 5 rooms</p>	<ul style="list-style-type: none"> Complies. Studio long- 22.2m², standard studio- 18.9m², accessible studio 34.5m², Complies Individual Bathroom and kitchen facilities per studio/room Complies N/A Zoned City Edge under Sydney Local Environmental Plan 2005 and permissible under Concept Plan No. See Section 5.4 and Appendix C.
Clause 30A Character of Local Area	Consideration whether the design of the development is compatible with the character of the local area.	<ul style="list-style-type: none"> See Section 5.2

In light of the assessment detailed in section 5 of this report and the table above, it is considered that the proposal displays an acceptable level of consistency with the development standards within the Affordable Rental Housing SEPP.

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

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water and energy use and thermal comfort. SEPP BASIX requires all new dwellings meet sustainability targets of a 20% reduction in energy use (building size dependent) and a 40% reduction in potable water

There has been a commitment to use the requirements of BASIX as a minimum requirement and a BASIX reports has been submitted for the building demonstrating satisfactory compliance with BASIX targets. The resulting BASIX scores for the building are:

- Energy - 61
- Water - 49
- Thermal Comfort – Pass

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. A condition requiring as much has also been imposed.

Sydney Local Environmental Plan 2005

The site is zoned City Edge by the Sydney LEP 2005. The proposed student accommodation use is permissible within the zone.

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 Development Control Plan 2012 – Section 4.4

An assessment of the proposal against the numerical controls within the City of Sydney's Boarding Houses Development Control Plan is set out in **Table 4** below.

Table 4: Compliance with the City of Sydney Development Control Plan – Section 4.4 – Boarding House and Student Accommodation

Section	Controls	Compliance
Bedrooms	<ul style="list-style-type: none"> • Minimum room sizes: <ul style="list-style-type: none"> • 12m² (including 1.5m² wardrobe space); • additional 4m² when additional adult; • 2.1m² for ensuite; • 0.8m² for any shower in ensuite; • 1.1m² for any laundry; and • 2m² (including small fridge, cupboards and shelves and a microwave. • Access to natural light • Minimum ceiling height of 2.7m • Fire safety for Class 3 buildings 	<ul style="list-style-type: none"> • Complies • Complies • Complies • Complies • Complies • Complies • Complies • Complies
Communal Kitchen Areas	<ul style="list-style-type: none"> • Minimum communal kitchen area of 6.5m² or 1.2m² per resident, whichever is the greater • One sink per 6 people • One stop top cooker per 6 people • Exhaust ventilation • Minimum kitchenette sizes for refrigerator storage, freezer storage, and lockable drawer or cupboard storage 	<ul style="list-style-type: none"> • Complies • Complies • Complies • Complies • Complies
Communal Living Areas and Open Space	<ul style="list-style-type: none"> • 1.25m² of communal open space per resident in apartments • Indoor communal living areas to receive 2 hrs of solar access to 50% of area between 9am-3pm at midwinter • 30% of bedrooms have private open space with minimum 4m of balcony or terrace area 	<ul style="list-style-type: none"> • Complies • No, see Section 5.3 • No, see Section 5.3

Bathroom, Laundry and Drying Facilities	<ul style="list-style-type: none"> • Communal bathroom facilities accessible 24hrs • 1 x 5kg washing machine & 1 x dryer for every 12 residents 	<ul style="list-style-type: none"> • N/A • No, see Section 5.3
Plan of Management	<ul style="list-style-type: none"> • Submission of detailed plan of management 	<ul style="list-style-type: none"> • Yes

In light of the assessment detailed in section 5 of this report, it is considered that the proposal displays an acceptable level of consistency with the objectives of the SDCP 2012.

APPENDIX E RECOMMENDED CONDITIONS OF CONSENT
