



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

20 July 2013

The Department of Planning and Infrastructure
Bridge Street
SYDNEY NSW 2000

Email: Mark Brown

Dear Mark

SSD5700-2012 Block 4S, Central Park, Chippendale and associated applications for Block 4N and the Concept Plan). Response to the Proponent's Response to the Submissions made

Thank you for the opportunity to comment. We make the following comments:

Non-compliance with the Director General Requirements (DGR).

We understand compliance is necessary with the DGR for the Concept Plan and State Planning and Local Planning requirements, specifically SEPP 65, SEPP (Affordable Rental Housing) and the City of Sydney's Boarding House requirements.

In short, the Response fails to address many of the specific issues that were raised by us as well as other individuals in their submissions. Further many of the responses reiterate the previous assertions or say the issue will be addressed without providing a satisfactory explanation.

While the following comments are not exhaustive and we ask the Department to consider previous representations that were put forward. Notwithstanding this, we draw the Department's attention to:

a. Failure to meet the objectives in the Concept Plan

The proposed changes in land use for Block 4s (and 1N) from *commercial* to *residential* use are not supported. The Response does not address the concerns raised in the submissions.

In short, the proposed change of use deletes employment opportunities that would be provided by commercial use, reduces local amenity (e.g. the open space and local resources available for residents to an inappropriate and unsustainable level) and does not provide for a balanced social mix. Rather it has a direct and adverse impact on local amenity, as it increases an already high student population and further lowers the median population age (when Chippendale already faces inherent challenges from a much younger population and very high transient residential mix).



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The Concept Plan specifically set a maximum 30% commercial use to ensure a balanced and appropriate social mix. This followed extensive studies and planning. Further, Chippendale already has a high density level and absence of open space and appropriate facilities.

Local population counts for Chippendale in 2011¹ are 4,406 persons. Chippendale is also one of Sydney's smallest suburbs with little open space, yet carries some of the City's highest traffic volumes². In 2004³, Chippendale had less than 1.36m² open space per resident. This compares to a minimum standard of 6.6m² for the City's LGA and 6.0m² for Green Square.

While the introduction of Chippendale Green (and some associate areas) introduces about 6,000 m² of open space, the net effect is far less, reflecting the increase in population since 2004 and plans for Central Park. Once Central Park is occupied, the estimated open space will be less than 0.8m². Whereas, homes in many other inner city suburbs typically have access to open space in their backyards or through the inclusion of balconies, a large percentage of homes in Chippendale have little if any open space. Instead they are reliant on what little public open space there is in the suburb. Past arguments have been made by some developers suggesting residents can rely on open space in regional parks, such as Victoria and Prince Alfred Parks. However these have been discounted by independent studies which suggest open space should be available within 400 metres and must be easily accessible (i.e. without barriers such as main roads or railway lines). Previous legal proceedings have also emphasised the need for open space locally.

Assuming the application for Block 4S is approved (without changes to Block 1N), the local population will increase by 4,500 residents (not the 2,500 residents indicated at the time of the Concept Plan)⁴. In addition, Chippendale has a working population of 3,102⁵, with a working population of at least 2,500 workers anticipated for Central Park/Kensington Street.

As such, the density equates to 244 residents/hectare compared with an average of 68 for the LGA and 41 for the Inner City. We note parts of Chippendale, already have a density well over 400 residents/hectare with no open space⁶ available in the immediate area. Taking into account both

1 City of Sydney Residential Population Estimates for Chippendale are 4,406. Estimates are regarded as more robust than ABS residents counts (as these do not include residents who have lived in a suburb for less than 12 months) - refer City of Sydney's Research Manager

2 RMS AADT data indicates more than 1.6M vehicles travel through Chippendale each week

3 City of Sydney's Open Space study for Chippendale

4 Consultant's letter to Frasers dd 19 December 2012 supporting Mod 8 to Concept Plan assumes 611 studios, 919x 1 BR, 705 x 2Br, 75 x 3BR; in addition 826 Bedsitters Block 4S and 271 for Blocks 3B, 3C and 10. Our estimates indicate > 5,000 residents.

5 2011 City of Sydney FSR and Employment Land Study. This does not include tenancies at Henry Deane Plaza on Lee Street.

6 ABS statistics for 2011. Statistical Area 1133512. Residential Density = 473



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residents and workers equates to 399 residents/workers/hectare without any other increase in the residential or working population.

We note these figures do not include considerations such as students attending the University of Notre Dame (which has insufficient open space and facilities); the impact from students attending UTS or influx of visitors anticipated for the retail/entertainment areas on Central Park and Kensington Street. Consequently the impact on local amenity and facilities is enormous. In short, it is unreasonable to expect this small suburb to absorb the increase and vital that the Department ensure a balance in terms of land use - particularly after hours, when commercial activity is reduced and residents are more likely to use local resources. The announcement of the likely redevelopment of Central to Eveleigh corridor reiterates the necessity for a balanced social mix and to ensure that sufficient resources and open space are provided for the local community at this stage.

Further, given these considerations, we also strongly oppose any change in land use for Block 1N and the Brewery Yard. Any changes for Block 1 and the Brewery Yard can only be considered along with full disclosure of the proponent's plans for public comment. Any change before this is premature and unreasonable.

b. Non-compliances with SEPP 65

The proposal does not meet key planning controls including, but not limited to solar access, ventilation in rooms and noise criteria.

The proponent suggests that they are not required to comply with SEPP 65, because the proposed building is student accommodation. We are unable to substantiate their claim. Nonetheless, the conditions set by the DGR and National Affordability Housing Regulations (NAHR) indicates otherwise. Specifically, the NAHR state that the housing must comply with the relevant state and local planning controls, and meet the relevant controls for separate dwellings.

While we believe it is inappropriate to change the use from commercial to residential, if the change is considered, it is essential that the relevant controls are met - including solar access, EDS, ventilation and airflow as well as noise impact. The Response does not address these key requirements; in part some generalized statements have been made, however typically they do not provide the relevant information and sufficient evidence how the requirements will be met.

Solar Access and Privacy Screens

The design does not meet the relevant requirements. Only 42% of the units will receive 2 hours of sunlight in midwinter (with extended hours to capture this; i.e. from 0700 to 1700hrs, not the normal 0900 to 1500hrs). The argument that the students will be out all day is false. Full-time university students typically are on campus 20 -24 hours per week. The remainder of the time, students typically study for long periods of time and at their place of residence. The assumption that Solar Access won't matter to the students because they will be there for short leases only is unreasonable. Further most students will lease their rooms for 6 – 12 months at a time, which is the equivalent of a normal private lease.



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Further the proposed privacy screens, reduce solar access and will give the rooms even more of a closeted feel – the solution is inadequate to fix what are essential issues in terms of the design, i.e. the building in its current form and location was not intended as residential accommodation, irrespective if the accommodation is intended as student accommodation or affordable housing (which we note requires the accommodation to be indistinguishable and on par with local accommodation). To suggest that key controls will not be met is inequitable and contrary to the intention of the Act⁷.

Instead, it appears that the decision for the change in land use was led by financial incentives (nearly \$85.5M⁸). Further, it appears this decision was made in 2010 or even earlier, when the application for funding was made - rather than a recent decision taken in response to the development of Barangaroo as suggested by Frasers. In short, we believe other options could be considered, that reduces the impact on local amenity.

Natural Ventilation and Noise Implications

In short, the design doesn't meet the criteria. The proponent's report (JBA EIS Report: P 45, Section 4.7 - then subsequently ignored by the proponent whenever they mention this) states: *"The result of the model demonstrates that the carbon dioxide levels are consistent with any occupied space and that with the windows completely open the carbon dioxide levels will remain below the established benchmark"*. However to meet the noise standards, it will be necessary that all West facing windows will be required to remain closed. The report also mentions *"cross- flow ventilation is also available"* however this requires openings in all corridors and communal areas to remain open. We believe the proposed design modifications indicated in the Response have BCA implications and do not address the ESD requirements. Here, we suggest an independent review be conducted, prior to any assumptions being made on the information supplied by the proponent.

Building Separation

Design changes to accommodate these requirements should be forthcoming, instead of saying that they have already approval for the bulk of the building etc. If the proponent wishes to change the building use to *residential*, then the design should accommodate the minimal separations between buildings.

In short, if changes to the Concept Plan are to be permitted and the change of use permitted, then we ask that the proponent puts forward an alternative design for public comment that meets SEPP requirements.

⁷ Regulations for Affordable Rental Housing

⁸ Funding is indexed. In addition, further funding may be planned under a scheme for the construction of Boarding Houses. This could potentially lead to funding of about \$160M (compared to indicated costs of about \$73M including contingency costs). As such, any change from commercial use to student housing, should ensure that key design issues are addressed, including those that would assist in reducing the impact on local amenity.



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Further we understand that Frasers are arguing for the assessment to be considered against the Boarding House Development Control Plan 2004 (BHDCP 2004). While it appears that an offer for NRAS funding has been reserved for this project (we note 828 not 826 places), we do not believe the proposal in its current form meets the relevant requirements. We note inquiries are being progressed through the relevant authorities. Once this information is available, we note further information may follow, by way of an Addendum.

c. Non-compliance with SEPP (Affordable Rental Housing)

The building is designated as a Class 3 building. As such, SEPP 65 criteria are applicable⁹. In response, the key controls must be assessed against SEPP 65 (as previously noted the current design fails requirements).

Further, amendments were introduced in 2011 which apply a test for infill affordable rental housing developments. As such, the Department is required to consider whether the development is in character with the local area, before granting approval.

Specifically, the design fails to relate to the established surrounding buildings i.e. St Benedicts Church and other low rise character buildings on Abercrombie St, which are part of Chippendale's Heritage Conservation area. While the proponent may argue that Block 4S, is compatible with Block 4N, as required by the Concept Plan, this requirement was made on the assumption that the building would be commercial space.

Given that Block 4S is now proposed for student housing with funding provided by NRAS, the proposal is subject to the SEPP (Affordable Rental Housing) as well as the Act. This means the building's physical impact on surrounding development must be acceptable and its appearance in harmony with the local area and character of the street. This follows Court decisions where proposals were not found to be acceptable because they impact other developments (e.g. overlook other properties; have noise impacts in terms of say the roof top gardens to nearby buildings, e.g. the impact from the open space areas in Block 4S on Block 8 and other residential properties, such as those on Abercrombie Street¹⁰).

In short, the building's physical impact must be in "harmony with the local area and character of Abercrombie Street (vs. Broadway). While the "local character" test allows a wide range of interpretations, the Court has provided some guidance. This includes consideration/harmony with the existing architecture, materials and styles of the street. Where a proposed development changes the

⁹ NSW Government AHSEPP Fact Sheet: "Does SEPP 65 apply to BCA Class 3 boarding house developments

¹⁰ Several properties (including a unit block) in the immediate area were incorrectly identified as commercial use rather than residential use in an additional report requested by the expert panel in 2008. As such, we believe the assumptions that have subsequently been drawn may be incorrect.



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streetscape the Court has found that the development should sit comfortably with other developments in its vicinity. Specifically the Court has found that the *visual catchment*, in which a proposal should be viewed, has a wider context than just the immediate frontage and adjoining buildings. In determining whether a proposed development is compatible with the character of the local area, the Court will compare building height, bulk, scale, setbacks and landscaping to existing developments. In our previous submission we put forward some ideas and suggested further discussion to address this; however it appears the proponent has not considered this and instead is keen to perpetuate previous design decisions rather than take a fresh approach to facilitate a better and more appropriate outcome.

Further, the absence of sufficient deep soil, open space and balconies has a corresponding impact on the use of local open space. While the building provides open decks on the top levels, this area is insufficient and also presents some challenges. Firstly the size of the areas is considered insufficient - particularly when compared to the use of the open space areas in the accommodation provided at UTS, which are much larger and able to accommodate late night activities. Whereas at Block 4S, the hours will need to be limited. While a 10pm limit is proposed, we believe it is unreasonable to expect nearby residents to accommodate noise every day until 10pm. Here we suggest 8pm is appropriate.

However this also presents a dilemma, as whatever restrictions are proposed, unless the Building can provide sufficient space and areas that can be used for late night activities (that does not impact local amenity), it will result in students moving out of the building into the Brewery Yard (which we understand is being considered as a late night food and beverage area) or adjoining facilities, such as Chippendale Green or even other local parks. This is evidenced at UTS, where Level 8 which was designed as an open area is now closed off at 10pm to reduce the noise impact to students in the building and to surrounding properties. Instead students move to Level 13, which is typically used until the early morning hours – particularly on Friday and Saturday nights. This also follows issues around the use of the public domain space along the rear of the building. What did become apparent when inspecting the rooms at UTS is that insufficient consideration is given to the impact that the limited size of the individual rooms have both on students and consequently local amenity.

The assumptions in the Economic Impact Assessment are flawed

The proponent's Response is to repeat the same limited arguments that they had submitted originally. Their initial report failed to thoroughly assess the capabilities of students to pay the proposed rents.

We note student housing is already provided in Blocks 3A, 3B and 3C - totaling 271 beds. In addition, smaller studio apartments are provided on Central Park. Given the size of this accommodation, there is already a likely impact on local amenity as well as potential rental housing stress.

In terms of Block 4S, the proponent has indicated that the subsidised rental for a "studio" (i.e. "a bedsitter") will be \$350 pw. We understand this assumes a longer rental, rather than a more flexible arrangement and reduced costs that typically apply for shared accommodation. Further, the proposal



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assumes that the accommodation will mainly cater to overseas students. In response, our assessment shows that the introduction of student housing will increase the overall student population in Chippendale. Further, the proposed rentals will not reduce rental stress, rather increase rental stress.

Enquires to the UTS about their student housing as well as a number of providers, highlighted a number of considerations:

- The uptake for student housing in the area is mainly from overseas students, who are initially unfamiliar with local rentals and living costs. A key challenge is that they find rentals and the cost of living, when compared to their home countries unsustainable.
- Consequently, students move out into shared accommodation, typically within 12 months to reduce rental stress. This occurs when students become more familiar with Sydney.
- According to the UTS, who have more than 700 rooms, the price threshold for a student is \$200 pw, with a preference for \$150 week. The current rentals at UTS are generally between \$220 - \$280 pw.

In Chippendale, typically the cost of shared accommodation is \$180 - \$200 per week. This compares well with the average median rental in Chippendale, which is \$424¹¹ for a 1 -2 bedroom unit, which costs can be shared. As such, introducing purpose built student accommodation increases rather than decreases the local student population (as a percentage of the overall residential population). This has a corresponding social impact particularly in terms of the median age and a shorter term more transient population. Rather than freeing up accommodation (as indicated in the EIA) it increases demand. As such, the increase in "purpose built student housing" has pushed up rentals rather than reduced rental stress, as evidenced in ABS 2011 Statistics.

Consequently the level of rental stress restricts students disposable income hence lowers spending in local businesses.

While we assume the following considerations do not form part of the Department's assessment – these considerations have been raised by locals:

- *If the purpose of affordable rental housing is to reduce rental stress for essential workers who are unable to afford accommodation close to the City and for those in genuine need, why is funding directed to incoming overseas students, where asset tests do not apply and income tests are difficult to substantiate, and their skills lost after the leave Australia?*
- *Further, what cost impact is there in terms of funding that is redirected from local programs to support an export industry?*

¹¹ Chippendale - Statistics for 2011. Refer Annexure A



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- *What will happen to purpose built blocks such as this, where there is a subsequent reduction in demand that is likely to follow, given the Federal Government's recent announcement regarding cuts to tertiary education? (we note the number of student places has already reduced from a previous high in 2010)*

Perhaps this highlights why tenancy requirements are now being tightened up the NSW Government (as was already the case in Queensland where more stringent criteria applies, including an asset test). These suggest that "affordable rental housing" will be restricted¹² to Australian citizens and Permanent Residents and that further variations may be considered. If this is the case it is likely to have an impact in terms of the assumptions made for the EIA.

Further, the proponent's Response wrongly states that there will be no impact from the loss of jobs/employees in the area. The proponents' response fails to adequately consider the impact that 826 "dwellings" will have on local amenity, or has given sufficient consideration to the necessity for a balanced mix of households. In summary, the inclusion of such large scale student housing is detrimental to local amenity - it further reduces a balanced social and demographic residential mix and reduces the potential for local jobs/employees in the area (putting pressure for other land holding to absorb this).

d. Changes to Concept Plan and Block 4N, 1N and the Brewery Yard are not supported

We reiterate our previous comments. The proponent has not addressed a number of other the concerns raised. Further changes to the land use for Block 1N and the Brewery Yard are not supported without full disclosure and the plans being made available for public exhibition and comment. The changes are particularly sensitive and should be considered holistically and in context of the longer term rather than as a reaction to market demand.

e. Other Considerations

While not exhaustive, we highlight the following:

- The lack of sufficient open space provisions and recreational areas, particularly those that are accessible after 10pm on the weekends. In speaking to students and staff at UTS, they confirmed that students typically "party" in communal space well in to the early morning hours, particularly on Friday nights and weekends. At UTS this is accommodated by open space and internal facilities that are available on the upper floor of the building (to reduce the impact of students leaving the building to party in nearby areas). Of particular concern to local residents is that Chippendale Green which the local community was promised as a "tradeoff" for the high density and designed for local use will be used by students partying. At the time that the initial concept plan was approved the retail space was kept to a minimum. This has substantially changed. This has a corresponding impact on local

¹² From 1 July, 2013



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amenity. The inherent challenges are already highlighted by the wide spread use of the park as a recreational space for large groups of students (partying) in the evenings particularly at weekends.

- When visiting UTS block, other considerations were apparent – in particular the need for more study areas in Block 4S. At UTS two large areas are provided on each floor as well as study and IT rooms on level 8. We believe more study areas are necessary.
- While we understand that individual rooms may meet the minimum requirements, the visit to UTS building reiterated how small the rooms are (particularly in terms of rental cost). It emphasised the need for greater space to store personal possessions in rooms and have sufficient private space in a room to relax and accommodate friends.
- At UTS, the acoustics impact from traffic on Harris Street was apparent - even though the rooms were set well back (circa 25 metres). This only reiterated the need for the issues we highlighted in terms of acoustics and ventilation to be properly addressed. In particular we have concerns that the solution that is assumed - is that students in rooms facing Abercrombie Street will keep their windows closed, with the air conditioning acting as “white noise” buffer. This in effect reduces ESD compliance to meet 5 star rating for SEPP (Affordable Rental Housing).
- The proponent (nor their consultants) have addressed considerations such as the impact from late night areas that are proposed on the ground floor of Block 4S, particularly the shop fronts on Abercrombie Street. The initial letter from Elton Consulting highlighted the concerns. The subsequent Response seems “to have swept the concerns under the carpet”. Due to the impact on nearby residential areas, the inclusion of late night retail/food and beverage shop fronts and outdoor areas on Abercrombie Street is not supported, and contrary to discussions with the City of Sydney.
- The proposed grade separation between Blocks 4s and 4N is not supported. Rather the planned walkway under Block 4N should be introduced and the vista between Building 4N and 4S as viewed from Broadway and Abercrombie Street through to the Brewery Yard and Chimney Stack optimized. This will require subsequent changes to the drop off areas. The design elements should be seen in context of the wider public interest - not in terms of a financial solution that does consider alternative options to improve the plans. Further, we believe further consideration is necessary in terms of the potential wind impact on the south east corner of the building and flow through between Building 4S and 4N.
- The introduction of the awning on Abercrombie Street is not supported, as it is out of character with the local streetscape for Abercrombie Street.
- Changes to the proposed car parking arrangements in Building 4N, and access to the loading dock and child care pickups/drop off, from Abercrombie Street is not supported. This is considered high risk both for pedestrians and drivers.

In conclusion there are a number of key issues, which require further consideration. We welcome the opportunity to discuss these further with the Department.



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Please let us know if you require any further information.

Yours sincerely

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Statistical Area	ANNEXURE A	Area (Hectares)	# Residents	Density / Residents	# Workers ⁴	Density (R + W) Hectares	Med. Age Residents	% Residents Students Uni/TAFE	Recent Arrivals (Aust < 5yrs)	\$ Median H'Hold Y	Median \$ Rental	% H'holds Rental Stress
1133512	Regent (east) - Lee Street	1.28	593	464	392	770	27	13.80%	52.8	374	300	47.4
1133513	Central Park + Area to Regent (west side)	8.78	598	68 ²	426	117	27	35.50%	58.2	1,149	400	29.7
1133514	Abercrombie (East) - Buckland (west), Myrtle (nth) - Broadway (sth)	4.39	438	58.7 ³	298	168	31	15.50%	45.5	1,663	430	16.3
1133515	Wellington - Cleveland (north), Balfour (east) to Regent	4.74	294	68	709	212	30	21.80%	49.4	1,069	443	35.6
1133516	Myrtle (south) - Cleveland, Abercrombie (West) - Wiley (east)	2.12	483	234	244	343	28	28.60%	49.8	1,422	413	20.8
1133517	Myrtle (north) - Daniel (south), to City Road	2.28	309	135	158	205	33	20.10%	30.8	1,387	280	15.7
1133518	Daniel (north) to Broadway (south) - City Road - Buckland (west)	4.01	516	132	182	174	29	24.00%	50.7	1,833	531	21.0
1133519	Daniel (sth) - Cleveland (nth), Shepherd (east) - Buckland (west)	2.23	378	103	165	243	29	21.40%	48.2	1,703	500	18.0
1133520	Myrtle (south) - Daniel (north), Peace Park - Wiley (east)	0.45	140	103	161	669	23	55.70%	85.8	700	522	49.0
1133523	Myrtle (south) - Cleveland (north), City - Pine (west)	3.23	362	135	0	112	31	24.00%	49.3	1,136	380	29.1
1133524	Railway Yards	9.91	0	na	0	0	na	na	na	na	na	na
1133528	O'Connor - Cleveland, Abercrombie (east) - Balfour (west)	2.9	295	106	367	228	30	16.90%	29.8	1,629	375	21.8



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Notes	
Source	www.atlas.id.com.au
Population	May be much higher. Shared households often do not disclose all residents.
1	2011 - Residential "Estimates" - Date is considered more reliable. SA 1133712 includes Central Park; SA 1133514 - Blackfriars/St Benedict's, Some other areas have high no of commercial premises
2	5.79 hectares = Central Park
3	Area includes Educational Institution/Blackfriars
4	City of Sydney FSR and Employment Land Study (data is considered more reliable).