

## Response to Submissions



### Central Park

Modification to Approved Concept Plan MP 06\_0171 (Mod 8)

Submitted to Department of Planning and Infrastructure

On Behalf of Frasers Broadway Pty Ltd

May 2013 ■ 12373

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## 1.0 Introduction

An Environmental Assessment Report (EAR) for amendments to Concept Plan Approval MP06\_0171 (Mod 8) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) was publicly exhibited for a period of 35 days between 27 February 2013 and 2 April 2013.

In total 37 submissions were received in response to the public exhibition of the Modification Application. This includes two agencies submissions, made by the Office of Environment and Heritage and Roads and Maritime Services, neither of which raised any concerns with the proposed development.

The following issues were raised by the Department of Planning and Infrastructure (DP&I):

- the proposed changes to the approved land uses;
- modifications to the building envelopes;
- building separation distances; and
- traffic, parking and vehicular access.

The proponent, Frasers Broadway Pty Ltd, and its specialist consultant team have reviewed and considered the submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), have responded to the issues raised.

This Response to Submissions should be read in conjunction with the Modification Application EAR prepared by JBA dated December 2012, as well as the following applications which were submitted concurrently:

- SSD for Block 4S Student Accommodation (SSD- 5700 -2012); and
- Modification to Project Approval for Blocks 1 and 4 (MP08\_0253).

Due to the interrelationships between the three applications, there is a level of overlap in the issues raised in the submissions. The Response to Submissions for the above applications should be referred to when reading this report.

## 2.0 Key Issues and Proponent's Response

Submissions in response to the public exhibition of the Modification Application were received from City of Sydney Council, State Government agencies and the general public. The source of submissions can be summarised as:

- State authorities and agencies - 2;
- City of Sydney Council – 1; and
- Members of the public – 34 (some overlap across three concurrent applications).

The following section provides a detailed response to the key issues raised by the DP&I following its review of the submissions. These concerns were generally reflected in Council's submission. The following issues have been raised:

- the proposed changes to the approved land uses;
- modifications to the building envelopes;
- building separation distances; and
- traffic, parking and vehicular access.

In addition to the above, the Department requested that some additional information be provided to support the proposed modifications. This is also addressed below.

A detailed response to all of the issues raised by other agencies, Council and the general public during the public exhibition period is provided at **Appendix A**. Whilst the responses received from agencies and Council have been addressed individually, the public submissions have been addressed on an issue-by-issue basis. This approach has been adopted due to the significant amount of repetition in the submissions.

### 2.1 Land Use

#### 2.1.1 Issue

The Department has raised concerns around the proposed changes to the approved land use mix. The Department has requested that additional information and justification be provided around the impacts of the proposed change, in particular:

- the potential impacts on the Central Pak site in terms of providing a balanced, mixed use, urban development;
- the potential amenity of future residents within Block 1 and the Brewery Yard Buildings, taking into account SEPP 65 and the accompanying Residential Flat Design Code;
- the potential heritage impacts resulting from the proposed use of the Brewery Yard Buildings for residential uses;
- the impacts of the proposed change on on-site parking provision; and
- the potential future demand for commercial floor space in light of BIS Shrapnel's research.

## 2.1.2 Proponent's Response

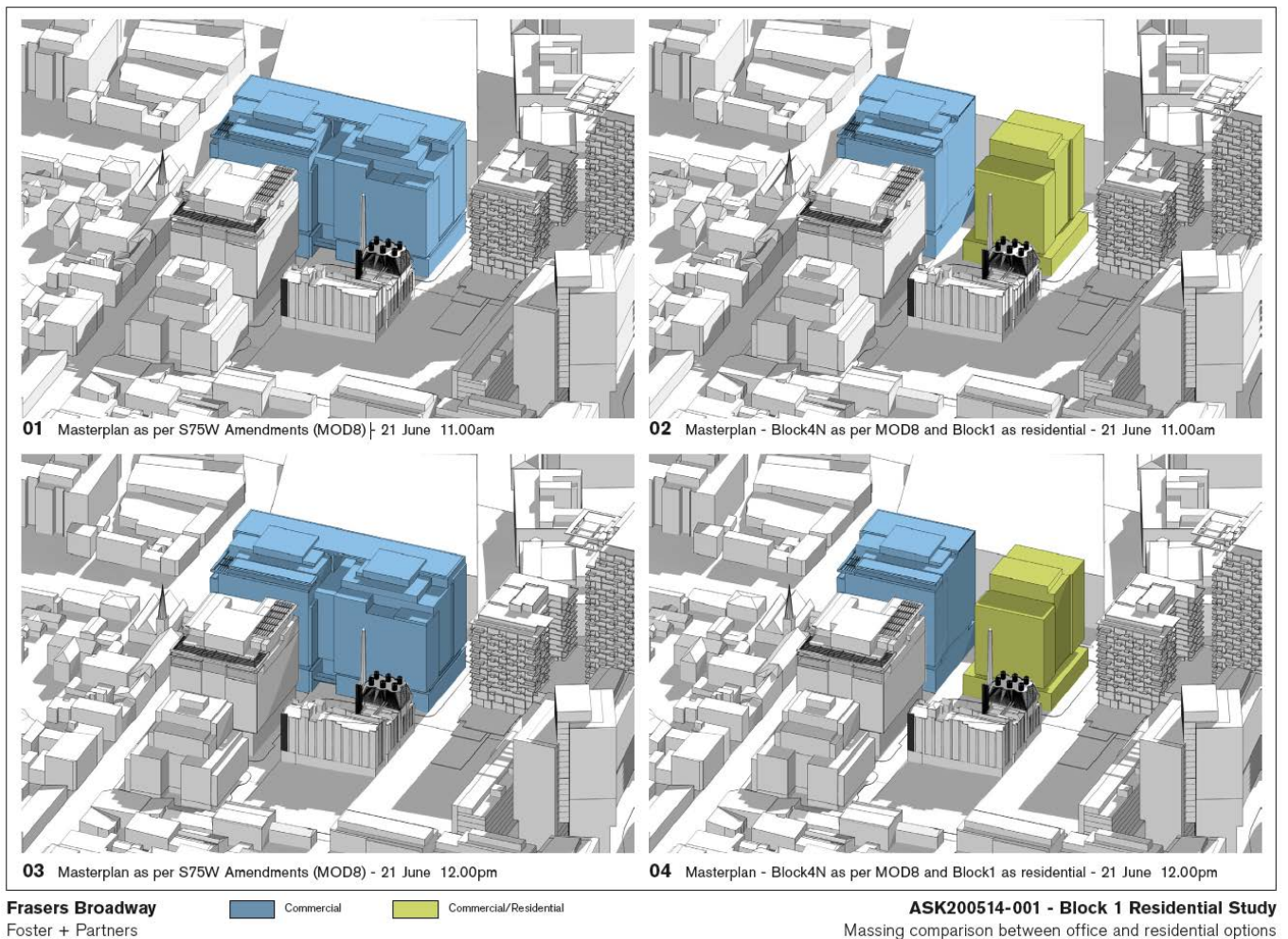
### Future Land Uses and Potential Impacts of Changing to Residential

The proposed modifications to the Concept Plan seek to provide the flexibility to enable Block 1 and the Brewery Yard to be developed for either residential or commercial uses in the future. However, it is noted that any change of use would require the submission of either a Section 75W Modification Application (Brewery Yard) or a new SSD DA (Block 1) to the DP&I. These applications would further assess the impacts of the proposed use on the mix across the site, and would provide a detailed assessment of the likely environmental effects of the change, including an assessment against SEPP 65 and the Residential Flat Design Code (RFDC), as well as the heritage impacts of residential uses on the significance of the Brewery Yard.

Notwithstanding this, a preliminary study undertaken by Foster +Partners (refer to **Appendix B** and **Figure 1**) demonstrates that a residential scheme on Block 1 could have a number of positive environmental impacts. A summary of potential impacts / benefits arising from the proposed change is provided below:

- the approved building heights would generally be maintained, whether residential or commercial uses are developed on Block 1 and the Brewery Yard;
- due to the requirements of SEPP 65 and the need to provide residential amenity, the residential Block 1 envelope would potentially be narrower than the commercial envelope, with greater setbacks from Block 2 and Block 4N, and the potential for separation at the ground level;
- the redevelopment of Block 1 for residential purposes would enhance public amenity through increased public domain (between Blocks 1 and 4N), resulting in less overshadowing and more solar access to the Brewery Yard forecourt and Chippendale Green; and
- the Brewery Yard envelope (being a heritage item) would be maintained.

As detailed throughout this response, Fraser's are continuing to market office tenancies of varying sizes. The primary objective for the proposed modification is to allow the future flexibility to achieve the objectives of the Concept Plan, particularly in relation to the project's overall program. Providing flexibility in the delivery of Blocks 1 and 4N will ensure the completion of the southern gateway to the City in a timely manner, representing a positive outcome for the broader community.



**Figure 1** – Commercial versus residential massing

Source: *Foster + Partners*

Further, it is considered that the proposed modifications will continue to deliver a balanced and viable mix of uses on the site. The student accommodation use (subject to a concurrent SSD DA) introduces a greater mix of residential dwelling types, affordable housing and retail uses. The proposed student accommodation use is unique in providing a substantial range of facilities for the residents within the building, designed to meet the specific requirements of students. This includes large areas of communal and passive recreation space at the ground and first floor, as well as throughout the building more broadly with facilities including a gym, study / music rooms and BBQ areas. When considered in conjunction with the other approved and proposed uses across the Central Park site (including the retail / shopping centre on the lower levels of Block 2, the recently approved hotel on Block 3A, two childcare facilities intended for Block 4N and Block 11, approved and proposed student accommodation developments in the Kensington Precinct and Block 4S, commercial uses in Block 4N and a variety of commercial and retail uses in the Kensington Street precinct) there will continue to be a vibrant mix of uses across the site.

The Economic Impact Assessment prepared by MacroPlan Dimasi demonstrates that demand for office space in the Sydney CBD has been weak over the past decade, leading to low growth in effective rentals. Whilst BIS Shrapnel's report has not been sighted, the prediction of a significant growth in demand for commercial floor space in the near future is refuted by MacroPlan Dimasi who has determined that the outlook for white collar jobs growth in Sydney CBD is



relatively subdued. Further, the future need for large-scale commercial floorspace is already adequately catered for by major projects such as Barangaroo. On this basis, demand for a smaller commercial development on Block 4N at the Central Park site (approximately 30,000m<sup>2</sup> of GFA) is more likely to be realised in the current climate.

Conversely, there has been a shortfall in residential construction over the past five years which has resulted in an accumulation of demand, with sufficient excess demand to support solid residential construction for at least the next five years.

With respect to the impact of the loss of non-residential development on the vitality of the precinct, the Assessment highlighted a number of positive attributes associated with the increased resident student population, many of which would also apply to the general residential population.

### Parking Provision

GTA Consultants have considered the potential car parking arrangements, should Block 1 be redeveloped for residential uses (refer to **Appendix C**). This has been compared to the use of Block 1 for commercial purposes, and when considered against the Concept Plan maximum (2,000 spaces) either use would generate less than the maximum. The traffic report also concludes that the proposed Concept Plan amendments and additional residential uses would only result in an additional 15vph during the peak period (including 5vph from recent changes to the Kensington Street Precinct). This would have a negligible impact on traffic in the area.

## 2.2 Building Envelopes

### 2.2.1 Issue

The Department has raised concerns in relation to the proposed enlargement of the approved building envelopes for Blocks 1 and 4N, stating that it would result in a development with an increased bulk and scale when viewed from within and outside of the site. The Department notes that greater consideration should be given to the degree of building separation and articulation to ensure that future development provides an attractive streetscape appearance.

The Department has also requested that consideration be given to the retention of the uncovered link at the lower levels of Blocks 1 and 4N, in place of the glazed through-site link which is proposed. The Department has questioned whether the revised link will facilitate a true pedestrian path into and out of the site, stating that the retention of this route as a 'main pedestrian way' is essential given the proposed removal of a number of potential links between Broadway and Abercrombie Street as a result of the proposed modification.

Finally, the Department has requested that consideration be given to a revised envelope and / or building height on Block 8, given the proposed reduction in the gross floor area on that site.

### 2.2.2 Proponent's Response

#### Bulk and Scale

The proposed amendments to the Block 1 and 4N envelopes are largely consistent with approved Project Application for commercial buildings on the

site, and generally seek to simplify the detail with regards to the Concept Plan massing. If, in the future, an alternative scheme is proposed on Blocks 1 and/or 4N, an appropriate degree of building separation and articulation would be implemented to ensure the development provides an attractive streetscape appearance, both within and outside of the site. This would be subject to a future Section 75W Modification Application.

In order to achieve compliance with the requirements of SEPP 65 and the RFDC, changing Block 1 from commercial to residential would result in greater separation between Blocks 1 and 4N, as well as Block 2. Due to the inherent usage requirements and differing floor to floor heights of residential development, the current built form would also be broken-up and articulated, thereby reducing the overall perception of bulk (refer to Section 2.1.2).

With respect to articulation, it is noted that the design of any final building would be carefully considered in the same way that the articulation of the building facades has been addressed for other buildings on the Central Park site. To improve articulation and to break-up the apparent mass of the building, Frasers would look to introduce vertical slots and recesses which would introduce natural light, as well as ventilation into the building plan. Such architectural devices are demonstrated in the current design proposal for Blocks 2, 5 and the Block 4S SSD, where deep slots have been introduced into the main tower elements to bring daylight and natural ventilation into the circulation corridors, as well as the amenity of views out from these spaces

Further, Frasers is still seeking offers from commercial tenants, for office space of varying requirements. A previous proposal sought one large campus style commercial tenancy and as such, required the extension of the previous bridge connections between Blocks 1 and 4N to address market requirements. Frasers is now seeking the flexibility within the Concept Plan to attract quality commercial tenants, and hence seeks to retain the proposed massing. Should a large scale commercial tenant be secured, and depending on whether their requirements lead to a change in the design, Frasers would still be required to submit a Section 75W Modification Application (at a minimum) whereby the final design can be assessed on its merits.

### Pedestrian Link

The proposed enclosure of the pedestrian way between Blocks 1 and 4N would be only be implemented if both Blocks 1 and 4N were developed for a combined commercial scheme (for a large commercial tenant).

Notwithstanding this, an enclosed link would still be open to the public, and would operate in a similar way to other links in the City, including Governor Phillip Tower. The proposed enclosure of the link would provide an 'all weather' connection from Broadway through to Central Park, and would provide an increased sense of security at night.

It is noted that given the location of the link, and the existing crossing over Broadway, it would serve as a mid-block connection rather than a key pedestrian connection, with a number of other connections provided into the site.

### Block 8

Finally, with respect to the Department's concerns regarding the Block 8 envelope, it is noted that the final design of Block 8 is subject to a competitive design process, as established under the Concept Plan. This design competition has commenced and is most likely to be adjudicated before the finalisation of this application. Development on the site is restricted by the maximum GFA, and the existing envelope will allow for sufficient scope for the competitive design process, as well as the future articulation of the building. The winning scheme

will be the subject of a future SSD application to the DP&I. Further, it is intended to provide car parking in the basement of that building.

## 2.3 Building Separation

### 2.3.1 Issue

The Department has raised concerns about the proposed reduction in building separation distances between the buildings on Blocks 4N and 4S. The Department considers that an increased building separation would assist in addressing the amenity impacts of future residents of Block 4S, and could provide a higher quality pedestrian link into the site from Abercrombie Street, encouraging pedestrian flow through the site.

Concern is also raised in relation to the proposed building separation distances between Block 4S and Block 8, particularly considering the proposed change of use of Block 4S from commercial to residential and the potential impacts on the amenity of future residents of both buildings.

### 2.3.2 Proponent's Response

The design of Block 4S, and the proposed separation distances to neighbouring buildings, are capable of providing a high level of amenity to the student accommodation use whilst maintaining amenity to the adjacent commercial (Block 4N) and residential (Block 8) buildings. The design of the Block 4S facades have been developed with careful consideration to amenity, privacy and aspect for occupants.

Internally, the units within Block 4S are generally orientated east / west rather than north / south in order to increase amenity and reduce privacy impacts. Whilst some of the communal spaces with Block 4S face south towards Block 8, these have been designed to ensure amenity to Block 8 is maintained, either through physical design mechanisms (such as balustrades and screens) or through implementing the recommendations of the Acoustic Report and Revised Preliminary Plan of Management. Similarly, the external terraces of Block 4S at Levels 1 and 13 will be screened and closed after hours to avoid any adverse amenity impacts.

It is considered that the through-site link between Blocks 4S and 4N provides an adequate level of separation, as well as a high quality, inviting pedestrian environment. The link has been activated by locating retail uses and the entrance to the student accommodation at this point. The change in levels also provides strong connection with Central Park Avenue and the Brewery Building, whilst the improved solar access and visual connectivity from Abercrombie Street into the Brewery Yard will encourage pedestrian use.

Elton Consulting has reviewed the pedestrian link from a CPTED perspective (refer to **Appendix D**). The provision of a safe and inviting pedestrian environment will encourage its use throughout the day and night. In summary:

- The through-link will generate pedestrian activity as it is the main entrance to the proposed Block 4S student accommodation facility. It also acts as a pedestrian walkway across the Central Park from east to west.
- The through-link incorporates lighting and landscape elements that will make the area amenable, attractive and encourage people to sit and enjoy the surroundings, such as feature lighting, tree plantings, seating, a water feature and bike racks.
- Activity generating uses are located at the ground floor level on both Block 4S and Block 4N frontages of the through-link, including retail, cafe and the

student accommodation lobby / entry, which will each encourage people to visit, walk-through but importantly stay in the area and provide passive surveillance opportunities.

- Awnings / overhead cover is provided along part of all four frontages of the student accommodation building, which contributes to making this an all-weather, pedestrian-friendly environment with the potential for outdoor seating associated with cafe and restaurant uses. These awnings also provide an element of privacy to student dwellings above.
- Having some clusters overlooking the through-link further increases the level of surveillance which was previously surrounded by commercial buildings that would have been vacant afterhours.
- A 24 hour on-site security / operator presence in the student accommodation facility will provide an additional element of safety. Surveillance will be supplemented with CCTV cameras.

## 2.4 Traffic, Parking and Vehicular Access

### 2.4.1 Issue

Whilst the Department supports the proposed reduction in the on-site car parking provision to reflect the reduction in commercial floorspace, the Department does not support the proposed shared use of the commercial car parking for public car parking, stating that this would encourage private car travel to the site, therefore increasing traffic in the City and within the Central Park site.

Other comments relating to traffic, parking and vehicular access include:

- Further assessment is required in relation to the potential impacts of the proposed use of Block 1 and part of the Brewery Yard for residential uses and the resulting impact on on-site car parking. Specifically, the Department has requested clarification around any likely resulting surplus of, or increased demand for, on-site car parking. The assessment also needs to consider any impacts in relation to traffic generation, flow and street parking demand on the site and surrounding road network. The findings of the assessment may be used to consider a potential reduction in the maximum on-site parking, within the existing Concept Plan approval.
- A revised estimate is requested as to the proposed maximum parking provision on the site, given the proposed change in land uses and current Part 3A modification requests and SSD application relating to the site.
- Clarification is requested as to the reasons and justification for the proposed deletion of the approved 'drop-off' and 'taxi only' use of the eastern part of Central Park Avenue, as well as an assessment of any potential impacts.
- Clarification is required as to the reasons for and justification for the proposed relocation of the approved vehicle entry point to the basement parking to Block 11, as well as an assessment of any likely impacts resulting from the modification (including an assessment of the loss of on-street parking).

### 2.4.2 Proponent's Response

The proposed modification seeks to allow on-site car parking to be utilised for visitors and patrons of the retail uses across the site afterhours. This would alleviate the demand on the existing residential streets of Chippendale and would localise any additional traffic within Central Park. The quantum of spaces to be used by the public would be limited to approximately 100 and would be used afterhours for short-term parking only. Details of the proposed arrangements, including an assessment of any impacts and the number of spaces to be used,

would be the subject of a future Section 75W Modification Application and / or SSD Application.

Notwithstanding this, the proposed arrangements have been considered by GTA Consultants (refer to **Appendix C**) and are deemed appropriate. In summary, the spaces would only be made available afterhours when public transport operates at a reduced frequency, and would likely be used by people who are visiting residents of the site, students attending evening classes at surrounding Universities, people visiting from remote destinations and patrons of the restaurants / bars on the site. It is anticipated that these users would travel to the site by car, regardless of whether or not public parking is provided. On this basis, the proposed arrangements would alleviate parking on surrounding streets, as well as reducing traffic associated with people circulating to find a parking space. Further, as the spaces would be used afterhours (when there are lower levels of traffic on the streets) the use of some parking spaces by the public would not result in any adverse traffic impacts.

With respect to the Department's remaining concerns:

- GTA Consultants have considered the proposed parking provision and has confirmed that the use of Block 1 for residential purposes would remain consistent with the maximum number of on-site car parking spaces permitted. The schedule at Attachment 1 of the Traffic and Parking Statement shows that the proposed parking provision (1,904 spaces) is less than the maximum permissible under LEP 2005, and approximately 5% lower than the permissible parking allowance under the Concept Plan (i.e. 2,000 spaces).
- The traffic report also concludes that the proposed Concept Plan Mod 8 amendments permitting residential on Block 1 and the Brewery Yard would generate an additional 15vph during the peak period (including 5vph from recent changes to the Kensington Street Precinct), which is deemed negligible to traffic in the area.
- Due to the mostly likely east-west pedestrian movement across the site, the location of the carpark entry in Block 1 and Council's requirement to ensure that the swept paths of opposing vehicles on Central Park Avenue do not overlap, the approved drop-off and taxi bay / loading bays have been removed (to enable the widening of Central Park Avenue) and relocated to the eastern side of Block 4S (refer to Plan A-1257). The proposed relocation will allow for a consolidated pick-up / drop-off and loading space in a safer and more accessible location. The revised location has the following benefits:
  - allows independent two-way traffic movements around the corner of Central Park Avenue;
  - provides adequate footpath widths between Block 1 and Central Park Avenue to improve pedestrian amenity adjacent to Block 1; and
  - allows the driveway to the Block 1 basement car park to be relocated further away from Chippendale Way (formerly Balfour Street).
- The relocation of the vehicle entry point to Block 11 is proposed to address the traffic engineer's concerns around the potential for conflict as traffic is required to cross over and into the existing Block 5C basement entry. Overall there has been a slight increase in the amount of on-street parking with O'Connor / Central Park Avenue having a net loss of 2 spaces, Carlton Street gaining 1 additional space and Park Lane adding 4 spaces. The changes have also resulted in additional street trees compared to what was originally envisaged.

## 2.5 Additional Information

In addition to the issues raised above, the Department has requested the following additional information:

1. Confirmation of the proposed building separation distances of buildings on Block 4N and 4S, with varying distances provided on Architectural Plan A-1290 and the EIS for SSD 5700-2012.
2. Provision of additional shadow diagrams to illustrate the resulting shadows of the proposed modified building envelopes, on hourly intervals from 8am until 5pm on 21 June.
3. Confirmation that the typical basement levels shown on Plan A-1269, Rev 9, are consistent with the approved Project Applications on the site.
4. Confirmation that the deletion of a number of proposed pedestrian crossings (Plan A-1256) is consistent with relevant approved Project Applications.
5. Provision of an amended Architectural Plan a-1257 to delete the reference to a 'possible pedestrian link' in Block 2, as public access has been conditioned by MP09\_0078 (as modified).
6. Confirmation of the basis for the colouring of Block 6 on Plan A1290 (in grey) and not blue (i.e 'Non Residential' uses).
7. Update references to 'serviced apartments' on Plans A-1454 and A-1460 and on any other plans should be deleted.

### 2.5.1 Proponent's Response

The Proponent's response to the request for additional information is outlined in **Table 1**, below.

**Table 1** – Additional Information

Item	Response	Location
1	The minimum separation distance between Blocks 4N and 4S is 11.90m (excluding bay windows) as shown in ASK-160513-0001.	Appendix B
2	Additional shadow diagrams have been prepared by Foster + Partners.	Appendix B
3	The typical basement plan is consistent with the approved Project Applications. It is noted that the basements for Blocks 8 and 11 are the subject of current design competitions.	Appendix B
4	The changes to Plan A-1256 reflect amendments made by both RMS and Council who have refused all crossings on Carlton Street (formerly Kent Road), the most eastern crossing on O'Connor and the crossing on Kensington Street, however an additional crossing has been added on Central Park Avenue.	Appendix B
5	The drawing has been amended to remove the reference to a 'possible pedestrian link'.	Appendix B
6	The grey colour on Block 6 has been changed to blue to reflect 'Non-residential uses'.	Appendix B
7	The drawing has been amended to change 'Serviced Apartment' to 'Residential'.	Appendix B