



NSW PLANNING ASSESSMENT COMMISSION

22 January 2009

REVIEW OF RECOMMENDATION IN THE DG'S REPORT FORMER CARLTON UNITED BREWERY SITE CONCEPT PLAN MODIFICATION

INTRODUCTION

On 22 December 2008, the Director General of the Department of Planning (the Department) wrote to the Chairperson of the Planning Assessment Commission (PAC) advising that the Minister for Planning has requested the PAC to undertake a review of the recommendation of the Department of Planning's Assessment Report (DG's report) for the Former Carlton United Brewery (CUB) Site Concept Plan Modification.

The Terms of reference for the review are:

- 1. The Planning Assessment Commission is to review the reasonableness of the recommendation of the Director-General's Report.*
- 2. The Review is to be undertaken and reported to the Minister by 2 January 2009, if feasible, or otherwise at the earliest opportunity.*
- 3. The Planning Assessment Commission is not required to hold a public hearing in relation to this Review.*
- 4. The Planning Assessment Commission is not required to consult with persons who made submissions in relation to the Concept Plan Modification.*

The Commission consisted of Ms Gabrielle Kibble (Chairman of the PAC), Ms Janet Thomson (Member of the PAC) and Ms Donna Campbell (Member of the PAC). The Commission was briefed by senior staff of the Department.

REVIEW OF DOCUMENTATION

The Commission has reviewed the Director General's Assessment Report and conditions of approval for the approved Concept Plan signed by the former Minister in February 2007, the Director General's Assessment Report for the proposed modification and associated conditions of approval recommended by the Department, the Environmental Assessment Report prepared by JBA Pty Ltd dated July 2008 and the Preferred Project Report also prepared by JBA Pty Ltd and dated October 2008.

PROPOSAL

The application to modify the approved Concept Plan for the CUB Site seeks approval for the following changes:

- An increase in the maximum GFA from 235,000sq.m to 255,500sq.m which increases FSR from 4.06:1 to 4.37:1;
- Revised building envelopes for 11 development blocks;
- Reconfiguration of floor plates to development blocks and changed internal road layout (central ring road and increased number of pedestrian through links to replace grid street layout);

- Revised land use mix split comprising a maximum of 104,050sq.m of commercial/retail space (40.72%) and 151,450sq.m (59.27%) of residential land use.
- Increase in the size of the public park from 5,381sq.m to 6,328sq.m (947sq.m);
- A maximum of 2000 car parking spaces (reduction of 440) within combined basement areas;
- A comprehensive sustainability strategy for the site including commitments towards using tri generation plant and an integrated water recycling scheme and enhanced storm water infrastructure. Improved building energy efficiency for all new buildings including heritage buildings; removal of surface traffic and prioritising bicycle / pedestrian movement;
- Retention of 33 Heritage items;
- Landscape concept for the main park and public domain areas;
- Increased site area of 396sq.m from 57,950sq.m to 58,346sq.m; and
- Modification to the Planning Agreements including an increased affordable housing contribution of \$32million.

KEY ISSUES

The Director General's (DG's) Report identified several issues including:

- Density;
- Built form / Urban Design (Building envelopes);
- Overshadowing and amenity;
- Car parking and traffic; and
- Planning Agreements
- Heritage / Public access.

Density

The modified Concept Plan proposes to increase the GFA of development on the site by 8 percent to 20,500sq.m above that of the approved Concept Plan. The majority of this additional development is proposed to be located within the Broadway, Abercrombie and Kent Road elevations.

The Department considers the distribution of the additional GFA appropriate and is satisfied that the subject site is capable of absorbing the additional development, given its range of uses. The site is close to public transport and the modified Concept Plan now provides for a reduction in car parking from 2440 spaces to 2000 spaces.

The Department has also advised that this location will ensure the proposal supports the aims and objective of the Metropolitan Strategy of locating higher densities close to existing transport infrastructure and jobs closer to home.

The Department's recommended modifications prescribe the maximum GFA for each block based on the proponent's plans and allow for a 5% variation in the event of a minor alteration during the detailed design stage. These modifications also prescribe that no more than 70% of total GFA across the site is to be for residential landuses and no more than 30% is to be for non-residential landuses.

Whilst the proposal is an application made under Part 3A of the Act and therefore not specifically bound by the provisions of LEPs, the Commission notes that the proposed FSR is generally similar to that provided for the site in the City of Sydney LEP 2005.

The Commission considers that the Department's recommended modifications are reasonable. Whilst these recommended modifications stipulate the maximum GFA and landuse mix across the site, they do not itemise the future landuse of each block. The

Commission notes that this will be addressed during the separate State significant site listing process having regard to the character of surrounding development.

Built Form and Urban Design

As previously mentioned, a large proportion of the additional density and height proposed has been distributed to the Broadway elevation, with a smaller amount along Abercrombie and Kent Roads. The Proponent has used this distribution of mass to reduce development toward Chippendale.

A Design Integrity Panel (Panel) was appointed by the former Minister for Planning on 4 April 2008 consisting of Chris Johnson, Lucy Turnbull and Richard Francis-Jones, to consider built form, urban design and amenity. The Panel advised that the modified Concept Plan was acceptable subject to the detailed design resolution of:

- the bulk and form of Blocks 1, 4 and 8 - to ensure compatibility with the surrounding area;
- the solar reflector on Block 2 - to ensure the solar reflector achieves its design to objective of illuminating overshadowed areas of public space;
- the planting system on Block 2 - as it is critical to the building's future appearance, detailed resolution of park and public domain on eastern side of platforms (sunken area) relative to park platforms to provide for cohesive public domain and to ensure amenity, security and public access.

The Department considers the distribution of the additional GFA to be appropriate, subject to resolution of the Panel's recommendations at the detailed design stage of the proposal. The Department has also recommended that the Panel review the detailed designs of buildings at the future Project Application stages of the development.

To ensure the proposal is sympathetic to surrounding development and is at an appropriate heritage and pedestrian scale despite the increased GFA, the Department has also recommended the establishment of a city datum line along all frontages.

The Commission considers the Department's recommendations regarding the proposed built form / urban design are acceptable and reasonable. The Commission notes, while a proponent may change a building to have a residential use, any such change will be assessed on its merits and will be required to comply with residential development standards at the time of application. .

Overshadowing

The Department's examination of potential overshadowing revealed some increases in overshadowing and some minor gains in solar access to surrounding properties. This examination also revealed that the modified proposal would significantly improve solar access to public open space on the site.

A comparison of the proposed modification and the approved Concept Plan revealed that the modified proposal would achieve a greater level of compliance with SEPP 65 than that of the approved Concept Plan.

The Department considered that the modified proposal delivers a reasonable level of solar access to the main park, residential component of the development and to surrounding areas. Shadows cast are not expected to unduly prejudice the amenity of adjoining residential properties and are reasonable given the location of the proposal in a dense urban environment.

The Commission notes the improved solar access to the public open space and considers that whilst overshadowing has been increased in some instances, the overshadowing impacts are acceptable given the limited extent and nature of the increase and the dense urban environment in which site is located.

Car parking

The Department supports the proposed reduction in the total number of car parks from 2,440 to 2,000 across the site given its high level of accessibility. Accordingly, the Department has provided a recommendation that the total number of parking spaces across the site be limited to 2000 or in accordance with the City of Sydney's car parking rates, whichever is the lesser.

The proposal includes car parking spaces for the residential parts of the development and intends that they be retained in common ownership by the body corporate of the respective block in which the entitlement is vested. The Department considered this proposal acceptable due to potential management benefits.

The modification also includes a proposal to allow commercial car parking spaces owned by the commercial developments, to be used by patrons of the restaurants and other facilities on the site after 5pm. The Department did not support this proposal due to the potential high level of car usage it would encourage and the increase in traffic congestion during peak and non-peak times. It recommends that no approval be granted for public car parking spaces and that no public car parking spaces be included in any future application for development on the site.

The Commission notes that future car parking will be provided in accordance with approved plans and considers that the recommendations are reasonable and will be effective in minimising traffic congestion and encouraging the use of public transport.

Traffic Generation

The Proponent proposes a landuse split of 40.72% commercial and 59.27% residential that is similar to that of the approved Concept Plan. The Department is of the view that despite the increase in GFA, the proposal will result in traffic generation similar to that of the approved Concept Plan due to the reduced number of car parking spaces proposed.

The Department recommends that the Proponent demonstrate that several road capacity improvements will be undertaken when lodging future applications for development on the site.

The Commission considers the Department's recommendations reasonable and sufficient to ensure the accommodation of associated future traffic generation.

Excavation for basement level car parks

The modified Concept Plan proposes both individual basement level car parks and two integrated basement car park areas for a maximum of 2000 vehicles with possible further basement areas and links.

The Department raised concern that the proposed basement level excavations are disproportionate to the building blocks above and has recommended that no approval be granted for the basement parking envelopes proposed and that further basement parking details be provided at the project application stage of each block.

The Commission considers the Department's concerns are warranted and that the subject recommendations are reasonable.

Planning Agreements

The proposal includes two planning agreements, one with the Redfern Waterloo Authority (RWA) and one with the Minister for Planning.

The Planning Agreement with the RWA for the modified Concept Plan was finalised in November 2008 and will allow for \$32 million in the monetary contributions to be paid to the RWA as a result of the proposed increase in GFA that would be permitted on the site.

It is proposed that the Planning Agreement with the Minister be amended to allow for increased community contribution, an increase in the size of a public park and park embellishment, public access and changes to stratum and increased indexation.

The Department has recommended that the Planning Agreement with the Minister be finalised prior to issuing any approval for building works as it had not been formalised at the time of writing their assessment report.

The Commission considers the required finalisation of the proposed agreement reasonable.

Heritage

The modified Concept Plan retains all 33 heritage items as identified in the approved Concept Plan. However, the proposal includes infill building over the Australian Hotel and 3 adjoining terraces, all of which are locally listed items. This will be an additional heritage impact not included in the approved Concept Plan.

The Heritage Report undertaken by Urbis Pty Ltd for the proposed modification recognised that the new building wrapping around Broadway and Abercrombie St would change the context of the Australian Hotel as it would be built in its airspace.

This Report also identified a number of benefits of the proposed new building, including that the proposal 'strengthens the character of the building as a corner element'. The negative impacts were identified as being the dominance of the additional height over the Hotel in the streetscape and that the rear yard of the Hotel would be undercover.

In their assessment, the Department considered that the proposed overhead development would allow the Hotel to retain its historic and aesthetic significance to the extent that retention of overhead development was justified. The Department's recommendations include requiring further details of building materials, roof forms, fenestration and finishes and that an interpretation plan be submitted with future project applications and that a city datum line be used to ensure an appropriate heritage / pedestrian scale at street level.

The Commission notes that the separate process of State Significant site listing will make strategic provision for the protection of heritage items on the site. However, the Commission is of the view that the development proposed on the corner of Abercrombie Street and Broadway does not provide an adequate resolution for the heritage items that are to be retained on these frontages.

The Commission recommends the proposal be further modified to provide an appropriate elevation to Broadway and Abercrombie Street in recognition of the heritage significance of the Australian Hotel and the adjoining terraces.

OTHER ISSUES

The Commission notes that the Panel and the Department have considered issues relating to individual blocks and public access. The Commission's review indicates that the proposed modifications are adequate and reasonable for addressing these issues.


CONCLUSION

The Commission considers that the proposed modification provides improved outcomes beyond that of the approved Concept Plan. The Department has comprehensively assessed the modified Concept Plan and the recommendations in the DG's report are reasonable subject to further modification to protect the local heritage items as provided below.

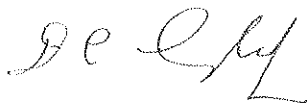
The Commission notes that although the subject application is a modification to an approved concept plan, the approval is in the form of an approval for the whole site. This is desirable given the complex nature of the proposed development.

RECOMMENDATION

The Commission recommends further modification of the proposal to ensure an appropriate elevation to Broadway and Abercrombie Street in order to protect the heritage significance of the Australian Hotel and the adjoining terraces. It is recommended that this be demonstrated to the Department's satisfaction prior to the lodgement of the first application for development on the site.



Gabrielle Kibble
Chairman



Donna Campbell
PAC member



Janet Thomson
PAC member