



NSW GOVERNMENT
Department of Planning

Concept Plan Modification

*The Former Carlton & United Brewery Site
26 Broadway, Chippendale*

Proposed by Frasers Broadway Pty Ltd

Modification MP 06_0171 MOD 2



Modification of Minister's Approval under Section 75W
of the *Environmental Planning and Assessment Act*
1979

December 2008

© Crown Copyright 2008
December 2008
NSW Department of Planning
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.

1. EXECUTIVE SUMMARY

This is an assessment report recommending approval for an application seeking to modify the approved Concept Plan for the former Carlton & United Brewery site.

The original Concept Plan (MP 06_0171) was approved by the Minister for Planning on the 9 February 2007 and comprised the following:

- A mixed use urban precinct involving a maximum of 235,000sq.m gross floor area;
- Creation of a public open space (5,381m²) and other public domain areas;
- A land use mix split between 39% commercial offices/retail and 61% residential (with upper limit of 70%);
- Building heights, envelopes and GFA for 11 development blocks;
- A grid pattern street layout;
- Retention of 33 heritage items;
- Landscape concept;
- A maximum of 2,440 car parking spaces; and
- Planning agreements (PA).

Current modification (as exhibited)

In June 2007, the site was acquired by Frasers Greencliff Developments Pty Ltd (the current proponent). On 20 May 2008, the proponent submitted an application to modify the approved Concept Plan seeking approval for the following changes:

- Increasing the maximum GFA from 235,000sq.m to 257,000sq.m (22,000sq.m or 8.56%). This equates to an increase in FSR from 4.06:1 to 4.40:1;
- 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- residential GFA 132,950sq.m GFA (51.73%) and commercial GFA 124,050sq.m (48.26%);
- Increasing the size of the public park from 5,381m² to 6,328m² (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 main park and public domain areas;
- Increased site area of by 396sq.m from 57,950sq.m to 58,346sq.m; and
- Modification to the Planning Agreements including increased affordable housing contribution of \$32million.

The Capital Investment Value of the current modification is \$1.286billion (\$800 m approved) generating 600-1200 full time construction jobs and 5,457 operational jobs.

Permissibility

The site, lies within the City Edge Zone under Sydney Local Environmental Plan 2005. The proposed uses (residential, commercial, retail uses and open space) are permissible in this zone subject to development consent. The proponent is now seeking to rezone the site via a draft SEPP amendment to achieve higher density and heights across the site.

State Significant Site (SSS) Study Amendment

The site is proposed to be listed under Schedule 3 of the SEPP (Major Project) which identifies 'State Significant Sites' to which Part 3A of the Environmental Planning and Assessment Act, 1979 applies. The proponent has submitted an SSS study which seeks to establish new land use

zones and development controls across the site. These controls include land use zones, height, and FSR and heritage conservation to give effect to the modified Concept Plan. The SSS Study has been prepared in accordance with Clause 8 of the Major Projects SEPP. However, determination of the Concept Plan is not dependant upon gazettal of the SEPP.

Design Integrity Panel

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 submitted a report on 12 November 2008 concluding that the revised Concept Plan was acceptable subject to detailed design resolution of the bulk and form of Block 1, 4 and 8, the solar reflector and planting system on block 2 and the cantilevered platforms on Block 2a.

Public Exhibition

The modification application was placed on public exhibition from 30 July to 1 September 2008. 100 public submissions, 350 pro-forma letters (from UTS students) and 9 submissions from public agencies were received. Key issues included:

- Built form / Density
- Overshadowing
- Traffic
- Car parking management
- Heritage
- ESD
- Ownership of public domain and roads
- Community benefits/affordable housing
- Residential amenity
- Increased demand on infrastructure

Preferred Project Report (PPR)

On 22 October 2008, a PPR was submitted by the proponent to address issues raised during the exhibition period. The recommendations are based on amendments received as part of the Preferred Project Report.

Amendments to the exhibited concept include:

- Combined Block 1 and 4, on the corner of Abercrombie Street and Broadway has been reduced by 8,000sq.m, on the corner of Abercrombie Street and Broadway. Of this 8,000sq.m, 1,500sq.m has been deleted from the total floor space (257,000sq.m exhibited, now 255,500sq.m). The remainder, (6,500sq.m) has been redistributed to other blocks on site. Approximately half (3,000sq.m) has been incorporated into the exhibited envelope of Block 2 on Broadway without changing the overall height but by reducing floor to ceiling heights.
- Reconfiguration of building envelopes and floor space as follows:
 - Block 1 and 4 (Abercrombie St) - Reduction of 8000sq.m GFA. Building stepped down from raised street corner between 1 and 6 floors along Abercrombie Street;
 - Block 2 increased by 3,000sq.m but contained within exhibited envelope;
 - Block 5 (Kent Road) increased in height by 2 floors (increased by 2,000sq.m);
 - Block 9 (Kent Road) increased in height by one floor over both parts to building. No additional habitable floor space;
 - Block 8 (Abercrombie) increase in GFA by 500sq.m, of upper level mass to envelope but remains setback from O'Connor Street with maximum eaves height unchanged as exhibited. Maximum building height reduced by one floor;
 - Block 11 (Wellington St) - Addition of 1,000sq.m over 4 floors sited at ground level adjoining southern side of main building length and re-insertion of building break as approved;

- Block 6 (Kent Rd) stepped back from residential properties to maintain outlook as approved.
- Revised land use mix split comprising a maximum of commercial/retail 104,050sq.m (40.72%) and residential land uses 151,450sq.m (59.27%);
- A total of 1,550 residential units including 227 serviced apartments in Block 2.
- Enlarged pedestrian through site links within blocks 1 and 4;
- Reconfiguration of vehicular access to blocks 1 and 5; and
- Introduction of a two way street around the main park and brewery yard.
- Revised traffic generation calculations show estimated traffic generation below that of approved Concept Plan.

Public Benefits

The proposed Modification (as amended) will result in the following public benefits:

- Enlarged public domain area, including a 947sq.m increase in size of public park compared with that originally approved and creates of publicly accessible plaza 4,275m² in area.
- Increased opportunities for jobs close to home within close walking distance of the CBD involving less demand for private car usage (approximately 440 less cars);
- On going social and economic benefits to Sydney and the wider State with provision of 104,050sq.m of additional office space;
- Ecologically sustainable development outcomes (for energy production, water consumption and greenhouse reductions for buildings);
- Increased housing supply, mix and type within close proximity to the regional transport network (Central Station & bus services along Broadway) and existing infrastructure;
- Increased employment opportunities through the construction and operational phase of the development (600-1200 jobs);
- A \$32m affordable housing contribution;
- Major urban renewal of the former disused Brewery site; and
- Continuation with the cultural association with the site with retention of heritage items associated with the former brewery.

Assessment Outcomes

This report concludes that the proposed modifications are acceptable, subject to:

- deletion of commercial tenant parking scheme and public car park as it has the potential to provide for high levels of car usage within walking distance of major public transport services;
- detailed car parking strategy to investigate alternative transport, car share reserved spaces;
- detailed resolution of block 1, 4 and 8 to ensure compatibility to the surrounding area and maintain visual links to brewery heritage and that adjoining site;
- resolution of the solar reflector and planting system associated with block 2;
- resolution of raised park platforms and sunken area to main park ensure a cohesive public domain;
- interpretation scheme to interpret original streets and materials within landscaping of the park to ensure heritage is understood in the overall design;
- limiting car parking to a maximum 2000 spaces or compliance with City of Sydney's parking rates, whichever is the lesser, with further details required to justify basement car park sizes and additional road capacity improvement works; and
- Application of a datum line, set by brewery heritage for all buildings across entire site to ensure an appropriate pedestrian scale is maintained at street level.
- A requirement for 6 star, Green Star buildings.

Further detailed analysis of the individual elements of the proposal will be undertaken at future Project Application stage.

Conclusion

The Department has assessed the merits of the modification, the Design Integrity Panel's report, and public and agency submissions. The Department is satisfied that the impacts of the modification have been addressed via the proponent's EA, Statement of Commitments, the PPR and Panels comments.

Furthermore, the Department is satisfied that the modified proposal will result in a better outcome than the original Concept Plan approval, particularly with regards to increased, public open space, additional ESD provisions, reduced surface and through traffic and improved pedestrian/cycle connectivity across the site. On these grounds, it is recommended that the modification application be approved.

2. THE SITE

The site lies at the southern edge of the CBD in the Local Government area of Sydney City. The site is located at No. 26 Broadway and is bound by Broadway, to the north, Kensington St to the east, Abercrombie to the west and O'Connor and Wellington Streets to the south. (see **Figure 1**).

The site is located in one of the most accessible locations in the city, within walking distance of retail, employment, leisure and public transport facilities. The site lies approximately 500m from Central Train Station. The site has been identified within the Sydney City Draft Subregional Strategy as a major urban renewal site.



Figure 1: Site Location

Since the original Concept Plan approval, two additional properties have been added to the site along Kensington Street amounting to 396sq.m. The site now has an area of 5.834 hectares (ha) (58,346sq.m).

The area surrounding the subject site is generally characterised by a mix of residential and commercial development of varying heights, bulk and scale. The site lies adjacent to the University of Technology Sydney to the north, and the University Of Notre Dame to the west. Existing development around the western, southern and eastern sides of the site have predominantly residential and commercial uses.

The site was previously used as a brewery by Carlton & United Breweries NSW Pty Ltd until February 2005. Demolition work is currently underway on site, as per MP 07_0210 issued 12 March 2008, with the exception of 33 heritage items required to be retained by the original Concept Plan approval to reflect its historical association as a brewery.

The majority of heritage buildings are concentrated along Kensington Street and otherwise interspersed across the site including the ovoid drain, 4 hotels, terraces, warehouses and the Irving Brewery building at the centre of the site.

The site is owned by Frasers Broadway, with the exception of small areas owned by City of Sydney, Energy Australia and a private land owner.

3. BACKGROUND

3.1 Original Concept Plan Approval (MP06_0171)

On 9 February 2008, the Minister for Planning approved a Concept Plan MP 06_0171 for the redevelopment of the former Carlton and United Brewery Site.

The Concept Plan approval comprised the following:

- A mixed use development with a maximum 235,000sq.m Gross Floor Area (GFA).
- A land use mix split of residential (142,262sq.m GFA or 61%) to commercial/retail (92,738sq.m GFA or 39%) based on an upper limit of 70% residential overall.
- Layout into 11 development blocks and a grid street pattern,
- Design excellence provisions for architectural design quality, improved quality and amenity of the public domain and residential amenity.
- Over 6, 500sq.m open space including a major new park (5,381sq.m) and improved access from residential parts of Chippendale
- Retention of 33 heritage items;
- Vehicular access and total of 2,400 car parking spaces and
- 2 Planning Agreements and Statement of Commitments.

The Capital Investment Value of the approved Concept Plan was \$800 million.

A copy of the original approval and a copy of the original report are at **Appendix C**.

Figure 2 illustrates the approved Concept Plan.

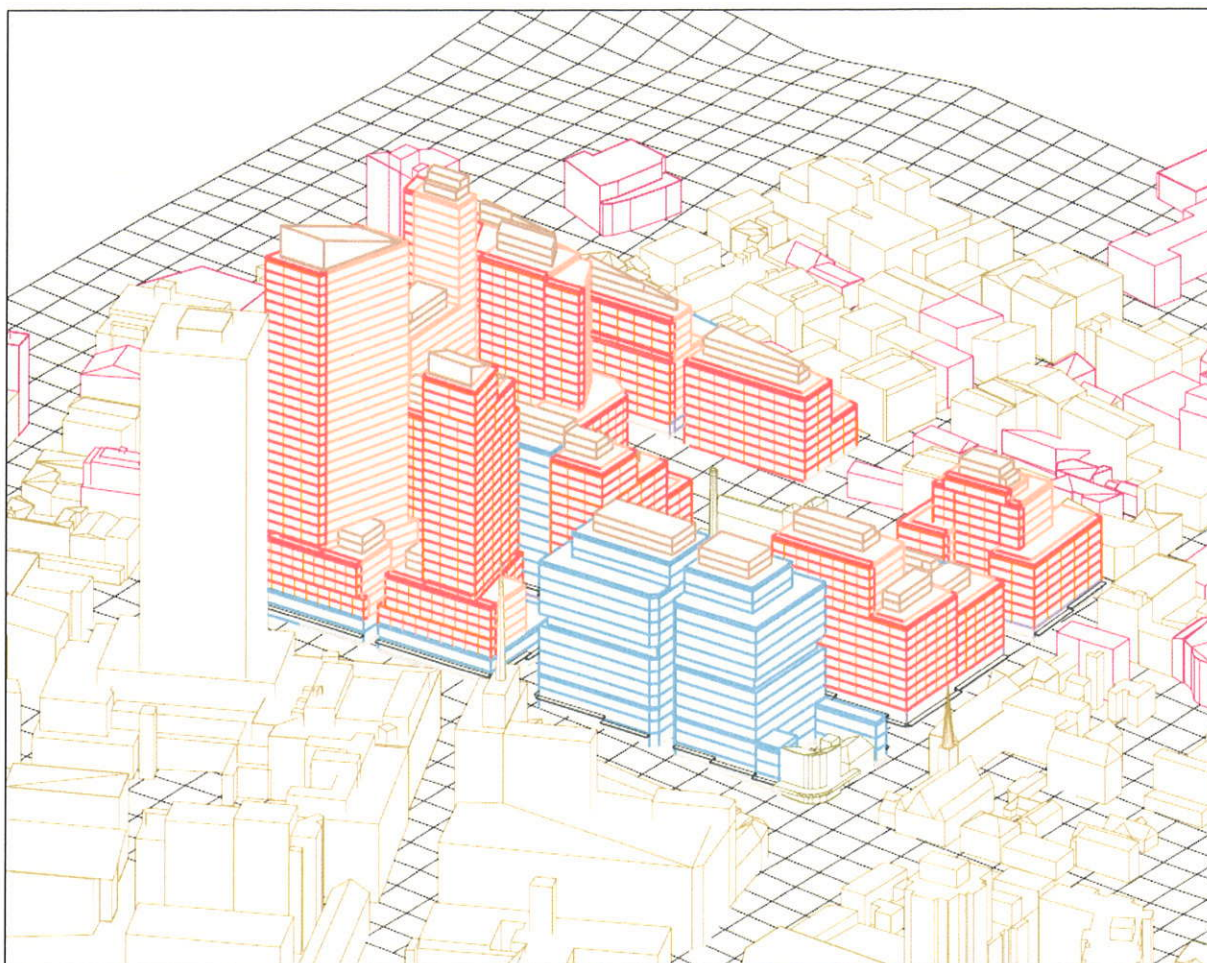


Figure 2: Aerial view looking south east of CUB site and building envelopes as lodged for Concept Plan. Views along Abercrombie and Broadway. Red denotes residential, blue denotes commercial.

3.2 Project Chronology

Original Concept Plan Approval

- 21 June 2006 – Director-General, as delegate for the Minister formed the opinion that the proposal is a Major Project and that Part 3A of the Act applies
- 23 June 2006 – The order of the Minister published in the Government Gazette.
- 28 August 2006 – Minister authorized the lodgment of a Concept Plan application.
- 13 October 2006 – Concept Plan was lodged.
- This approval includes two PAs entered into by proponent:
 - 31 January 2007 – Proponent enters into PA with RWA to provide monetary contributions towards affordable housing.
 - 9 February 2007 – Proponent enters into Planning Agreement with Minister to deliver public domain benefits.
- 19 January 2007 – An owner's consent deed was entered into between City of Sydney and land owner
- 9 February 2007 – Concept Plan approved by Minister of Planning

Concept Plan Modification (MOD 1)

- June 2007 – Site purchased by Frasers Greencliff Developments Pty Ltd and embarks on thorough review of the approved Concept Plan.
- 18 July 2007 –(Modification 1 to MP06_0171 MOD 1) – Minister of Planning, under delegated authority, issued consent for minor modification to correct typographical error in consent notice and provide clarification future environmental assessment requirements in Part A of Schedule 2 to Concept Plan. It did not involve any change to the substance of the approval.

Current Modification to Concept Plan MOD 2

- 20 May 2008 – (Modification 2 to MP06_0171 MOD 2) - An application was submitted to modify the Concept Plan and PAs submitted to the Department.
- 31 July 2008 – 01 September 2008 - EA placed on public exhibition.
- 22 October 2008 – proponent submitted PPR.
- 5 November 2008 - Draft amendments to Owner's Consent Deed and draft amendments for planning PA with Minister received.
- 13 November – Expert Advisory Panel report received to PPR.
- 25 November 2008 – (updated) Deed of modification to PA with Minister and Deed of variation to Owner's Consent Deed submitted.
- On 28 November 2008 the Planning Agreement with RWA was signed.
- 3 December 2008 revised Statement of Commitments received.
- 5 December additional plans and traffic report received.

Project Applications

- 12 March 2008 – (MP07_0210) Minister granted consent for demolition of existing structures associated establishing works and recycling of demolition materials. Expected completion November 2008.
- 15 August 2008 – (MP07_0163) Minister granted consent for remediation and transitional works on the site. Works as approved include removal of contaminated fill and installation of barrier wall along southern boundary to prevent continued cross flow of contaminated groundwater onto the site. Works commence in November 2008.
- 6 November 2008 – (Modification 1 MP07_0163 MOD 1) Minister granted consent issued for modification to remediation and transitional works
- 17 October 2008 – Request DGR's for preliminary EA for excavation of main park, installation of storm water detention tank under main park, backfill & embellishment of park, temporary roads, ground services, concrete casing to Ovoid drain, installation of RTA intersections and signalisation at O'Connor and Abercrombie Streets and Regent and Kent Roads. Works expected to commence mid 2009.

3.3 Role of Expert Advisory Panel (Panel)

A non statutory independent Panel was appointed by the Minister of Planning in June 2007 to review built form and urban design parameters, including appropriateness of FSR controls, height and heritage listings for the approved Concept Plan.

Following the submission of the modified proposal 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 of the modified proposal.

The Design Integrity Panel reviewed the PPR and on 12 November 2008 submitted a report on their findings. The Panel's report is summarised as follows:

- The panel is supportive of the proposal as submitted;
- The panel has appropriate bulk, scale and heights distributed across the site;
- The expanded park is a positive for the proposal;
- The modifications to the proposal have been appropriate; and
- The Panel believes the quality of the urban design is of a high standard and quality.

The Panel's support for the PPR proposal is however subject to detailed design resolution of the bulk and form of Block 1, 4 and 8, the solar reflector and planting system on Block 2 and resolution of the cantilevered park platforms. The Panel's recommendations are discussed further in Section 6 of the report.

4. DESCRIPTION OF PROPOSED MODIFICATIONS

4.1 Current Modification - MP06_171 MOD 2 (as exhibited)

On 20 May 2008, the Proponent lodged the subject application to modify the approved Concept Plan (**Appendix C**), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act).

The proposed modifications include;

- Increasing the maximum GFA from 235,000sq.m to 257,000sq.m (22,000sq.m or 9%);
- Revised building footprints, heights, envelopes and maximum GFA for 11 development blocks;
- Revised block plan and street layout including central ring road to replace grid street layout;
- Revised land use mix - residential GFA 132,950sq.m GFA (52%) and commercial GFA 124,050sq.m (48%);
- Increasing the size of the public park from 5,381m² to 6,328m² (increased by 947sq.m);
- Reduction of car parking from 2400 to 2000 car spaces;
- Additional ESD measures;
- Retention of 33 Heritage items;
- Increased site area of by 396sq.m from 57,950sq.m to 58,346sq.m; and
- Modifications to the approved PA including increased affordable housing contribution to \$32m.

For comparison **Figure 3** illustrates the layout and built form of the approved Concept Plan while **Figure 4** illustrates the modified Concept Plan as exhibited.

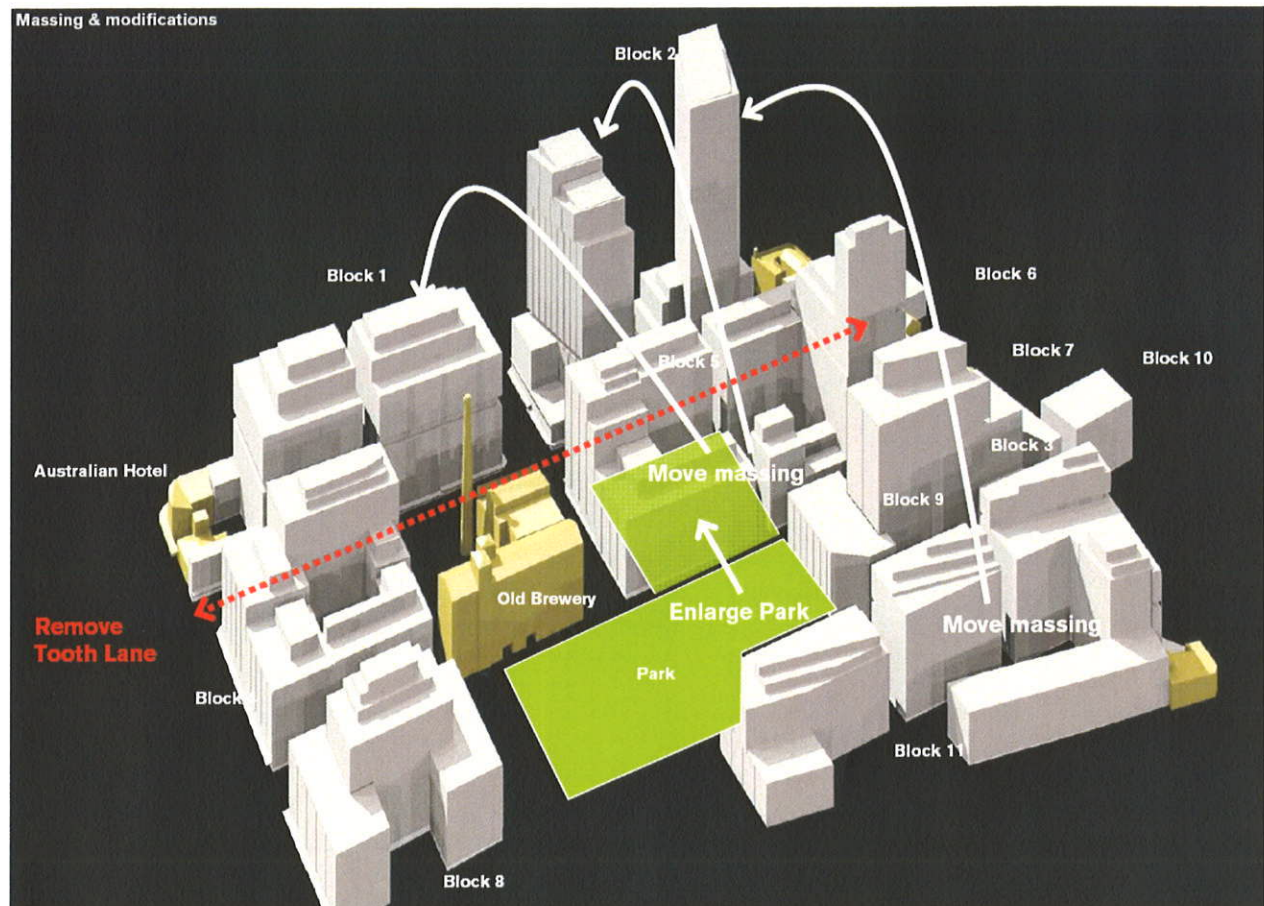


Figure 3: Approved layout and built form superimposed with modification as exhibited.

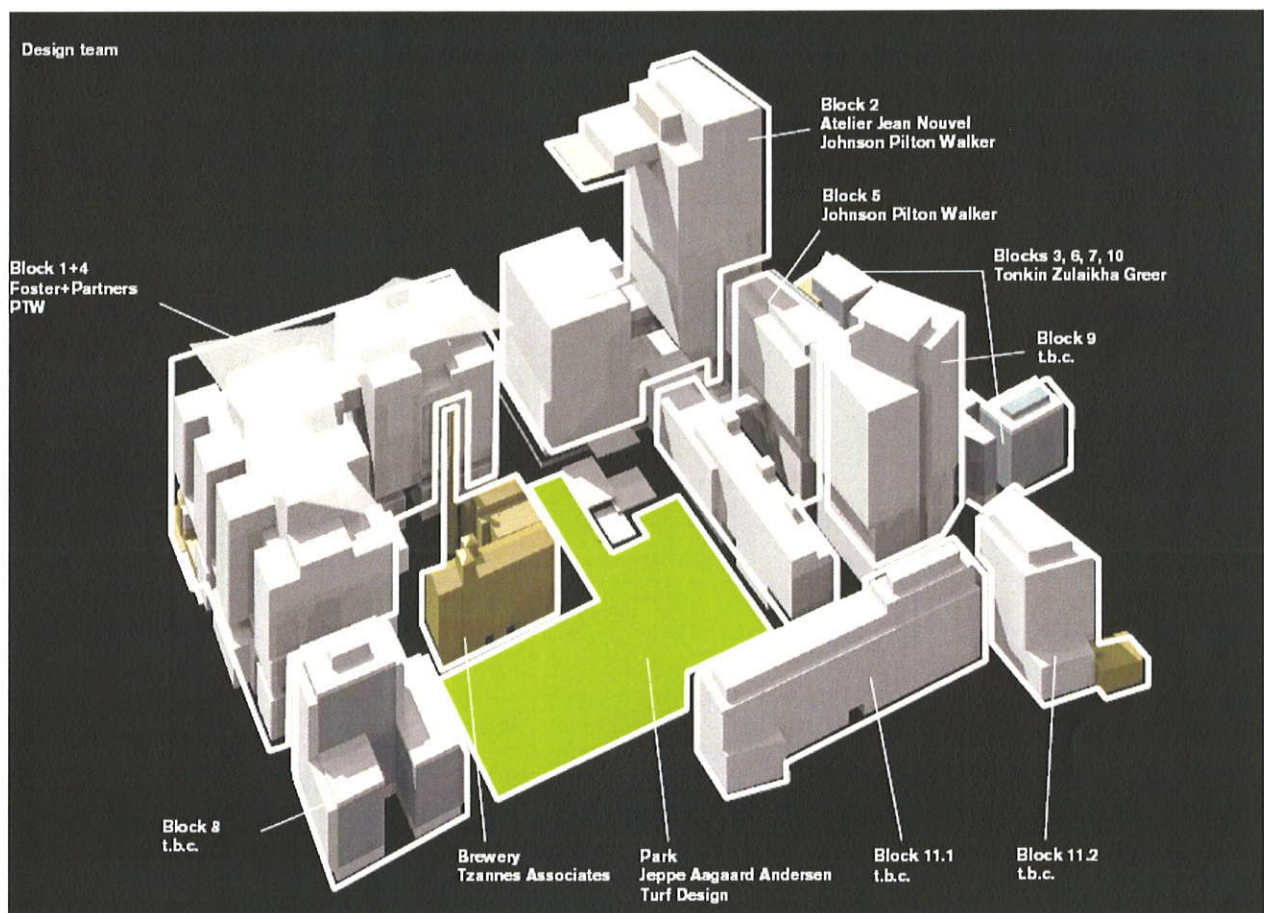


Figure 4: Modification as exhibited

4.2 Preferred Project Report (PPR)

On 22 October 2008, a PPR was submitted by the proponent to address issues raised during the exhibition period. The recommendations are based on amendments received as part of the Preferred Project Report.

Amendments to the exhibited concept include:

- A reduction of 8,000sq.m has been made from Blocks 1 and 4, on the corner of Abercrombie Street and Broadway. Of this 8,000sq.m, 1,500sq.m has been deleted from the total floor space (257,000sq.m exhibited, now 255,500sq.m). The remainder, (6,500sq.m) has been redistributed to other blocks on site. Approximately half (3,000sq.m) has been incorporated into the exhibited envelope of Block 2 on Broadway without increasing the height of the building but by reducing floor to ceiling heights.
- Reconfiguration of building envelopes and floor space as follows:
 - Block 1 and 4 (Abercrombie St) - Reduction of 8000sq.m GFA. Building stepped down from raised street corner between 1 and 6 floors along Abercrombie Street;
 - Block 2 increased by 3,000sq.m but contained within exhibited envelope;
 - Block 5 (Kent Road) increased in height by 2 floors (increased by 2,000sq.m);
 - Block 9 (Kent Road) increased in height by one floor over both parts to building. No additional habitable floor space;
 - Block 8 (Abercrombie) increase in GFA by 500sq.m, of upper level mass to envelope but remains setback from O'Connor Street with maximum eaves height unchanged as exhibited. Maximum building height reduced by one floor;
 - Block 11 (Wellington St) - Addition of 1,000sq.m over 4 floors sited at ground level adjoining southern side of main building length and re-insertion of building break as approved;
 - Block 6 (Kent Rd) stepped back from residential properties to maintain outlook as approved.
- Revised land use mix split comprising a maximum of commercial/retail 104,050sq.m (40.72%) and residential land uses 151,450sq.m (59.27%);
- A total of 1,550 residential units including 227 serviced apartments in Block 2.
- Enlarged pedestrian through site links within blocks 1 and 4 (**Figures 10, 11 and 12**);
- Reconfiguration of vehicular access to blocks 1 and 5; and
- Introduction of a two way street around the main park and brewery yard.

The following table (**Table 1**) summarises the key differences between the approved Concept Plan and the PPR.

Table 1 Concept Plan / PPR Comparison

	Approved Concept Plan	Modification (PPR)	Difference +/-
Site Area	57,950sq.m	58,346sq.m	+396sq.m
GFA	235,000sq.m	255,500sq.m	+20,500sq.m (+8.02%)
FSR	4.06: 1	4.37:1	+0.31:1
Height	133.0m (Block 2)	133.0m (Block 2)	No change
Commercial/retail GFA (sq.m)	92, 738sq.m (39.46%)	104,050sq.m (40.72%)	+11,312sq.m
Residential GFA (sq.m)	142,262 sq.m (60.5%) (1,689 units)	151,450sq.m (59.27%)	+9,188sq.m
Car parking	2,440 spaces	2,000 spaces (includes 55 utility spaces)	-440 spaces
Heritage buildings	33 retained	33 retained	No change
Public open space	5,381m2	6,328m2	+947sq.m

4.3 Preferred Project Report description (PPR)

GFA/Height

The modified proposal seeks to increase the Maximum GFA from 235,000sq.m to 255,500sq.m. This represents an increase of 8%. The modified proposal also seeks to vary the approved heights across the site.

Built Form

Under the modified proposal the additional built form will be largely focused along the Broadway frontage and to a lesser extent Abercrombie Street and within the site itself along Kent Road where amenity impacts can be better managed. The siting and design of development blocks along the western, southern and eastern edges are similar to that approved or have been amended to ensure a sensible transition to Chippendale.

Land use

The modified proposal seeks to vary the mix of land uses across the site. Approximately 41% of the site will now accommodate non-residential uses and 59% residential uses. This compares directly with the sliding scale for the land use mix between residential/commercial GFA in the Concept Plan. The upper limit for residential uses (70% of the total GFA) as defined by the approved Concept Plan has not been exceeded.

Open Space/ Public Park

As a result of the modified layout and built form, the public domain has been increased by approximately 20%. This includes an increase in the size of the main park (public open space) by 947sq.m and adjoining publicly accessible plaza (4,275m2 in size) in location of deleted Block 5 west.

Car parking

The number of parking spaces provided on the site will reduce from 2,440 to a maximum of 2,000. This represents a reduction of 440 spaces and generally complies with City of Sydney's

car parking requirements. On surface traffic has been reduced through use of combined car parking basement areas.

Street Layout

The proposed street layout has been modified. A central ring road with increased number of pedestrian through links across the site, connecting to Chippendale, replaces a grid street layout.

ESD

Frasers have committed to a minimum of 5 star Green Star rating for residential/commercial/retail buildings including heritage buildings. Frasers have also committed to investigate the use of Tri generation plant, water treatment factory and provide for enhanced storm water infrastructure.

Heritage

The Modified proposal will maintain the retention and adaptive reuse of some 33 heritage items as approved. A datum line articulating buildings along all frontages at street level will ensure an appropriate scale for pedestrians is maintained. This datum line has been set by the parapet height of the Australia Hotel for Blocks 1 & 4 (3 storey) and the entry gate along Tower 2 (2 storey).

Site Area

Two additional properties (on Kensington Street) have been incorporated into the site area since approval of the Concept Plan. The site has now increased by 396sqm from 5.795ha to 5.834ha.

An illustration of the PPR built form is below in **Figure 5**.