

Impacts on neighbouring properties

To west including Abercrombie Street

The shadow cast onto neighbouring properties to the West will be greater than that approved up to 11am during mid winter and mid March.

However, from 11am the majority of all properties will retain their existing solar access. No overshadowing will occur between 12.00pm and 2.00pm during midwinter as a consequence of this modification. This generally complies with the recommendations of the EAP Recommendation 4.

While there is an additional morning overshadowing impact, the shadows cast are not expected to unduly prejudice the amenity of adjoining residential properties. In the context of this dense, city edge, urban environment the overshadowing impacts from the modification proposal are considered to be reasonable. Refer to **Figures 18** and **19** for a comparison of approved and PPR shadows cast at 11am midwinter. Affected properties are located along the western edge to the site.



Figure 18: Shadow cast by approved Concept Plan (red). Full retention of solar access for residential properties along Abercrombie Street at 11am midwinter.

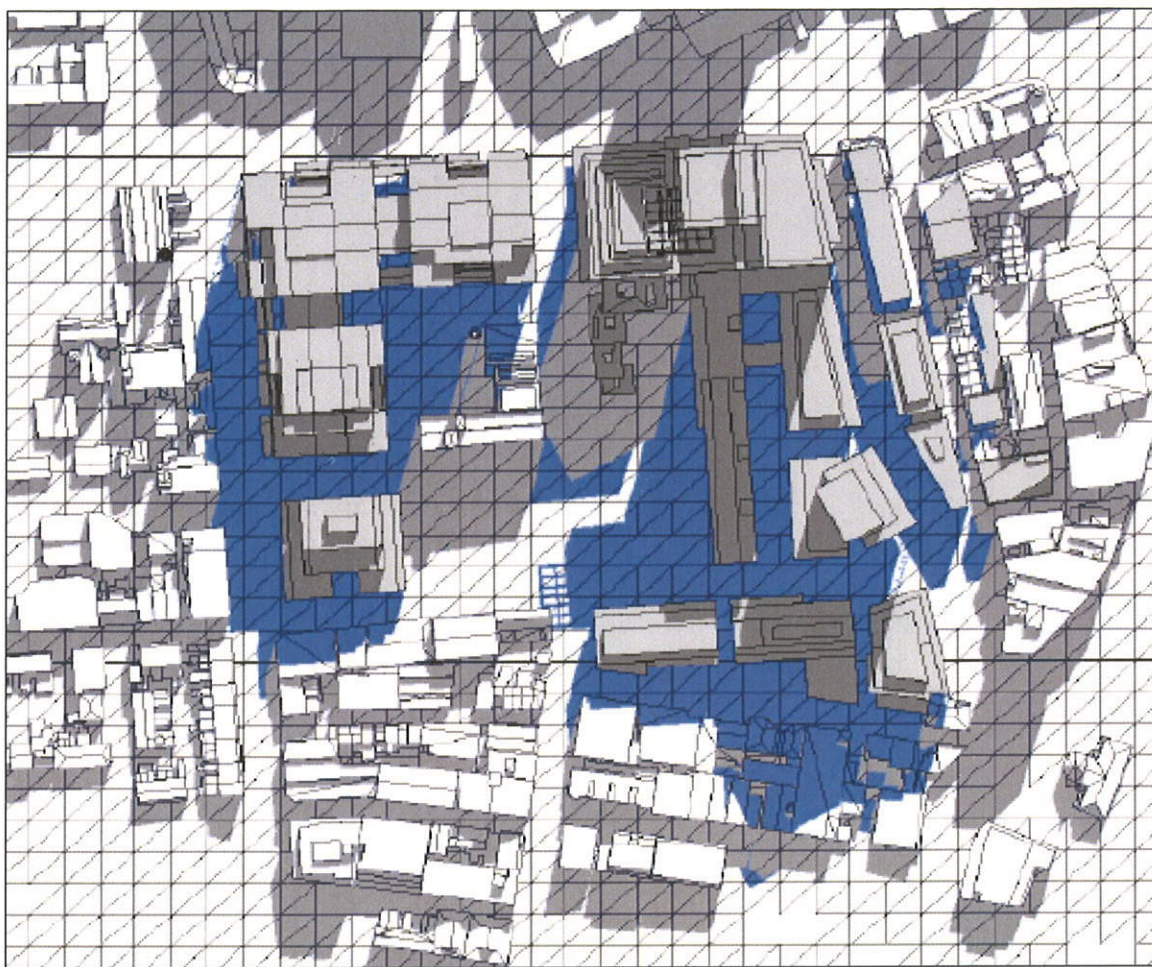


Figure 19: Shadow cast by PPR (blue). Retention of solar access for residential properties along Abercrombie begins by 11am mid winter.

To south and east including Wellington and Regent Streets

The shadows cast by the Modified proposal towards Wellington Street are greater during midwinter than the approved Concept Plan. However, the shadows cast at mid March are less than the approved Concept Plan, throughout all times of the day. Real gains for Wellington Street residents are experienced in mid March by the removal of bulk sited along the Wellington Street edge and building breaks along Block 11.

To the east including Regent Street, shadows cast by the modification increase overshadowing of residential properties between 12 – 2pm midwinter, however direct sunlight access is maintained during morning hours to these affected properties. Further, slight improvement in shadows cast from that approved results from retention of Block 10.

On balance, while there is additional overshadowing during midwinter, the solar access gains during mid March are a considerable improvement. Refer to **Figures 20 and 21** for a comparison of approved and PPR shadows cast at 1pm midwinter. Affected properties are located along the southern and eastern edges to the site.



Figure 20: Approved shadow cast (red) at 2pm midwinter.

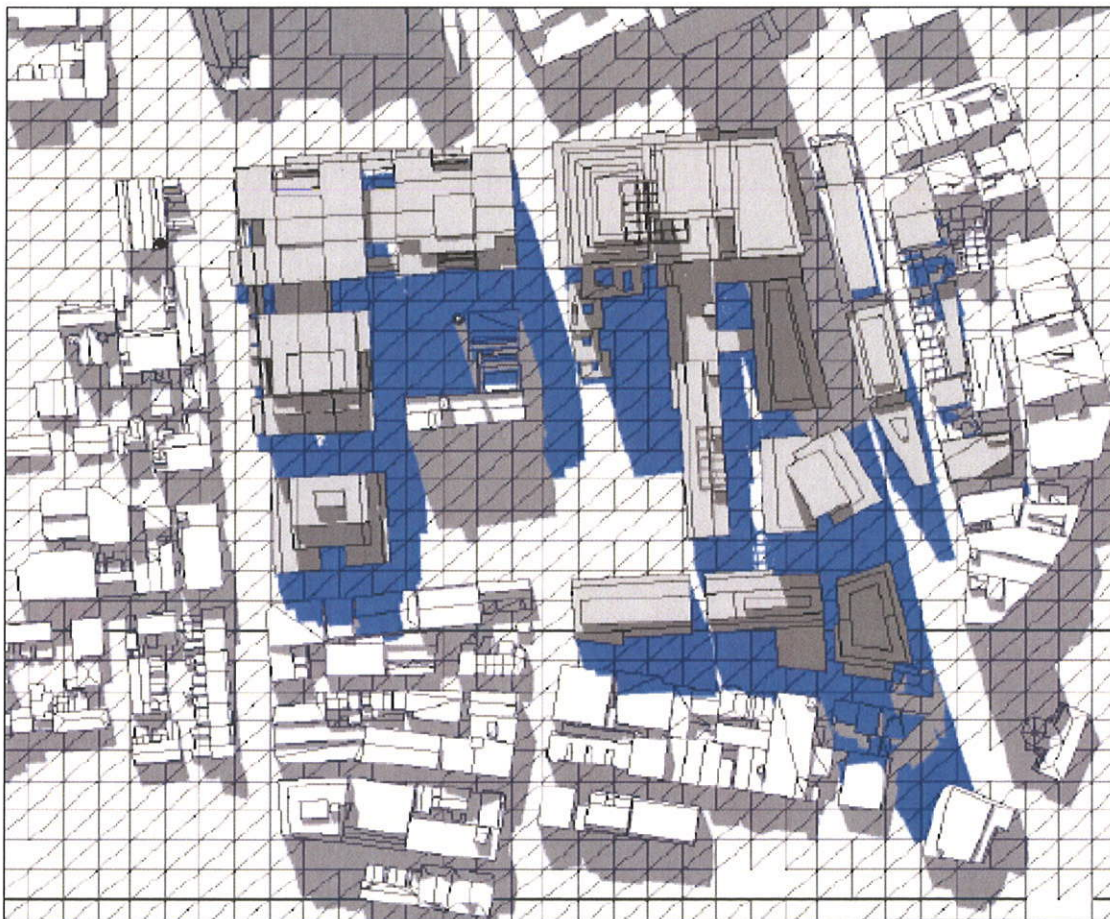


Figure 21: PPR shadow at 1pm midwinter. Shadows cast extend further south.

To O'Connor Street

There are minor solar access gains to properties along O'Connor Street compared to the approved Concept Plan. Minor solar gains begin at 11am in midwinter and mid March along O'Connor Street elevation.

On this basis the Modified Concept Plan is considered to be acceptable.

Impact of SEPP 65 compliance for residential component of development

Additional shadow analysis provided in the PPR reveal a marginal improvement in midwinter solar access for the development as a whole when compared with that approved. On average 63.8% of all residential apartments will achieve direct solar access between 9.00am and 3.00pm midwinter which compares to 57.5% in the approved Concept Plan.

On a block by block basis, 4 blocks (5A, 5B, 8 & 11A) do not comply with 60% of SEPP 65 requirements compared with 6 non complying blocks in the approved Concept Plan. Despite this non compliance it is considered that as the modified Concept Plan improves solar access overall and on a block by block basis compared to the approved Concept Plan the proposal is acceptable.

Impacts on Public Park:

The modified proposal will result in improved solar access to the main park. A comparison of direct sunlight access to the main park between 12 noon and 2pm midwinter (as per Recommendation 3 of the DIP) reveals an improvement commencing at 11am midwinter till 2pm midwinter over the approved shadow impact of the central park area. In effect, users will benefit from an increased park area which receives direct sunlight at all times of year over that originally approved.

In the context of this dense, city edge, urban environment the overshadowing impacts are considered to be reasonable. Further detailed analysis of the overshadowing impact will occur during Project Application stages.

6.4 CAR PARKING & TRAFFIC GENERATION.

Car Parking

The overall number of car parking spaces provided on the site will reduce from 2,440 to approximately 2,000 under the modified proposal. This represents a reduction of 440 car parking spaces from the approved Concept Plan. Revised traffic generation calculations for the PPR are below that of the approved Concept Plan. The Department supports the reduction in car parking spaces and reduced trip generation to the site in this highly accessible location. It is envisaged, the reduced car parking rate will encourage public transport patronage, walking, cycling, reduce private vehicle use and reduce traffic congestion within this inner city area. Further, car parking rates generally comply with City of Sydney parking controls.

Concerns were however raised regarding the centralised operation of 2000 car parking spaces for dual use and its associated traffic generation. An assessment of the centralised car parking scheme is provided as follows:

- Residential car parking spaces -. The proposed centrally managed residential car parking spaces is considered to be acceptable. Car parking provision based on the restricted car parking rates of City of Sydney compares to the Concept Plan residential allocation. Further, the Department considers enforcement with the body corporate of each respective block (in this instance being a single entity Frasers Broadway Pty Ltd) as an acceptable means for on going effective management rather than on an individual by individual basis
- Commercial car parking spaces: The revised PPR proposal seeks to operate a commercial tenant parking until 5pm after which time public car park use is proposed. The management

of dual use commercial tenant car parking and public car parking is not supported as it has the potential to provide for high levels of car usage within walking distance of major bus services on Broadway and to a public transport hub of Railway Square and Central station with an increase in traffic congestion on neighbouring streets, at peak and non peak times. Deletion of public car park use is recommended to ensure traffic and amenity is maintained by the development as per that approved by the Concept Plan. This will also avoid establishing an undesirable precedent within the CBD. Further specific modification is required to investigate a car parking strategy which includes Green Star and car share reserved spaces.

Traffic generation

The assessment undertaken by the proponent's transport and traffic consultants indicates the modification application will result in a lower peak hour traffic generation when compared with the approved Concept Plan. This was based on a land use split, as exhibited, in the order of 48% commercial 52% residential compared with that approved as 39% commercial 61% residential.

It is noted that the PPR has adjusted the land use mix closer to the approved Concept Plan (as now 41% commercial/ 59%residential). Revised traffic generation estimates provided by the proponent's traffic consultant indicate traffic generation is less than the approved Concept Plan.

Furthermore, in addition to the approved road capacity improvement works a new signalised intersection is planned for the Abercrombie and O'Connor Street intersection which will be included as modifications in the approval. On these grounds the proposed development will have an acceptable traffic impact. Accordingly, no objection is raised.

Excavation for basement level car parks

The Department does not support the extent of the proposed basement envelopes in their current form. The modification to the Concept Plan proposes both individual basement level car parks and two integrated basement car park areas, ranging between 3 and 5 levels, for a maximum of 2,000 vehicles with possible further basement areas and links marked on the plan.

The Department is concerned that the basement envelopes overall size and extent (including further additional basement links) are disproportionate to the building blocks above which may result in more car parking than the maximum quantum of parking proposed. To resolve this issue a modification has been imposed requiring details of proposed basements to be submitted with above ground development.

6.5 OTHER ISSUES

Heritage

All 33 heritage items, identified for retention by the approved Concept Plan are sought to be retained by this modification application. No. 18-20 Kensington Street and external masonry walls of No.50 – 58 Kensington Street have also been added to the list in this modification application.

The building over the Australia Hotel will have an additional heritage impact, relative to the approved scheme. While this impact will affect the Australia Hotel, its historic and aesthetic significance would remain in sufficient value to justify retention of the building. Further, amendments to Blocks 1 and 4 improve visual linkages to brewery heritage (Chimney, Irving Brewery building), along its edges (including the Australia Hotel, adjoining residential terraces and opposite (telecommunications tower, St Benedict's Church and Blackfriars building to Notre Dame University). For these reasons it is considered the proposal will result in acceptable heritage impacts.

Further, the proponent's heritage consultant has recommended a number of additional mitigation measures where further design development is required. In summary it is recommended modifications be imposed on the approval for interpretation of heritage within the site. Further, a

modification will be imposed to ensure a datum line giving a pedestrian scale to all streets and edges of the entire site to ensure an appropriate heritage / pedestrian scale to the development.

The Department is satisfied that remaining detailed investigation of other negative and neutral aspects can be lodged and resolved at the Project Application stage.

Public Access

The main public park has been increased in size by 947sqm, from 5,381sqm to 6,328sqm and changes to the layout mean public domain area has increased by 5,562sqm or 20% overall. In response to the poor integration with other areas of Chippendale, the modification provides for more cohesion across the site and better pedestrian through linkages with Chippendale. In particular, relocation of traffic signals to the Abercrombie/O'Connor Street intersection will provide for better pedestrian /cycle connectivity from west of Chippendale into the site.

The reduced building footprint and building breaks along Block 11 enable and encourage pedestrian access from the south and east of Chippendale. The network of public park and publicly accessible public domain via 88B instruments and public access management plans link other parts of the open space network and site itself to and from the broader Chippendale community at this end. The conversion to shared access ways further prioritises safe pedestrian / cycle movement within the site itself irrespective of ownership. The Department is therefore satisfied that the modified proposal improves public access compared with the approved Concept Plan.

7. CONSULTATION AND EXHIBITION

The current modification was referred to public agencies and placed on public exhibition from 31 July 2008 to 01 September 2008. The Modification was also placed on the Department's website.

A total of 100 public submissions were received (in addition to 350 pro forma letters from UTS students) and 9 submissions from public agencies.

7.1 PUBLIC SUBMISSIONS

Public submissions have been broadly categorised as follows:

- Built form/Density
- Overshadowing
- Traffic, public transport and car parking
- Heritage
- Increased demand & cumulative impact on infrastructure (roads/on street parking/public transport)
- Retail floor space
- Future zoning
- Affordable housing
- Ownership/public domain/accessibility
- Community benefits
- Access (bike/pedestrian)
- Design competition
- Environmental considerations
- Amenity impacts
- Economic considerations

Comment:

The above issues have all been addressed in **Section 6** of the report. The proponent's response to public submissions made is in **Appendix D**.

7.2 PUBLIC AUTHORITY SUBMISSIONS

The following is a summary of submissions received from the public authorities.

City of Sydney

Owner's consent was issued by City of Sydney at the time of lodgement of the modification application.

The proponent has provided a Deed of Variation which seeks to vary the terms of the original Owner's Consent Deed issued with the Concept Plan. This owner's consent deed seeks signed agreement by the proponent and City of Sydney which is expected to be considered by full council on 15 December 2008.

Remaining concerns as raised by the City of Sydney include:

- Embellishment of a redundant portion of wider public domain outside boundary to Kensington Street listed in OCD. Refer to discussion in Section 4.
- Density - Refer to discussion in Section 6.
- Built form and massing – Refer to discussion in Section 6.
- Heritage – Refer to discussion in Section 6.
- Public domain – Refer to discussion in Section 6.
- Transport - Refer to discussion in Section 4 and 6.
- Social impact (affordable housing / community contribution) – Refer to discussion in Section 6.
- Sustainability – Refer to discussion in Section 6

Sydney Regional Development Advisory Committee of RTA.

Sydney Regional Development Advisory Committee has raised a number of concerns in relation to the current modification. In summary, the RTA raised concerns regarding cross traffic movements at Blackfriars and Irving Street associated with the proposed signalised intersection of Abercrombie/O'Connor Street. In order to resolve this, the RTA recommend restricting Blackfriars Street for left turn only movements and Irving Street right turn only Movements.

The RTA also recommend the proposed traffic signals at the intersection of Abercrombie Street and O'Connor Street and Broadway and Balfour Street to be constructed prior to the commencement of construction activities to provide safe ingress and egress for construction vehicles and maintain road network efficiency during construction. This condition is considered reasonable and has been imposed on the Concept approval.

The RTA also recommends a number of standard conditions relating to traffic management, car parking, construction standards and cost responsibility. Where necessary the approval has been modified accordingly.

Ministry of Transport

Issues raised include:

- Preparation of detailed car parking strategy which seeks to minimise car parking demand through innovative measures such as car-share and Green star reserved car spaces;
- Application of Travel Demand Management measures to further reduce the number of car based trips to the subject site by future residents and employees; and
- Development of an effective and integrated pedestrian and cycle network that can promote the increasing use of these modes for access to the proposed development.

On balance, it is considered there exists scope for investigation into alternative transport including Green Star and car share reserved spaces on the site. Specific modification is therefore required

to investigate a detailed car parking strategy to ensure alternative transport is considered for the development as a whole at this stage.

Rail Corp

Rail Corp generally supports the proposed modifications to the CUB site but raise issues with Access between site and central station precinct and capacity of the Devonshire Street tunnel are not wide enough to handle crowds moving between the two sites, especially in morning peak. Given this proposal represents less than a 10% increase in GFA from the approved development it is not expected that the additional density alone will cause capacity problems with pedestrian infrastructure in this inner city location.

State Transit

State Transit raised concerns regarding the proposed adjustments to the intersection of Broadway and Jones Street. This intersection caters for three bus services and provides a direct link to strategic corridors used by these services. Any transfer to the intersection with Wattle Street is not supported. Jones Street facility should remain available to bus services.

Jones Street was given permission to close as per modification in the original Concept Plan. On this basis, while the objection is noted, the proponent has advised this was an initiative of City of Sydney.

Redfern Waterloo Authority (RWA)

RWA have advised the determination of the Concept Plan modification should not occur before the PA has been entered into.

To address this issue the Department recommends a Modification which reads *approval of the modified Concept Plan MP (06_0171) does not commence until such time as the proponent enters into the PAs with the RWA.*

Housing New South Wales.

Housing NSW requested the Department to carefully review the revised PA to ensure that the contribution rate is at least equivalent to that provided under the original PA.

This issue has been addressed in negotiation between the proponent and RWA. .

NSW Fire Brigades

NSW Fire Brigades raised access for emergency vehicles and hydrants on water mains as issues. These are issues that are addressed and resolved when the detailed Project Applications area addressed.

Sydney Water

Sydney water raised a number of concerns relating to water servicing/easements and demolition and trade waste approvals. The Department is satisfied that resolution of these issues can occur at future Project Application stages.

Energy Australia

Energy Australia is currently in negotiations with Frasers for the electrical supply arrangements to the site. Final supply arrangements are likely to be confirmed by the end of 2009. Therefore the Department does not have any additional comments to make regarding these arrangements.

8. PUBLIC BENEFIT

The proposed Modifications (as amended) are in the public interest and 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.

9. CONCLUSION

The Department has assessed the current modification to the Carlton & United Breweries approved Concept Plan and considered the submissions in response to the proposal. The key issues raised in the submissions related to the built form, traffic, public transport, social impacts, heritage, amenity, ecologically sustainable development, privacy loss, overshadowing, demand on utilities and services, mix of uses and economic considerations.

A key feature of the current modification is the provision of 20,500sq.m additional floor area. Despite this additional floor space, the Department is satisfied that the Modified proposal will result in a better outcome than the original Concept Plan approval, particularly with regard to;

- increased open space across the site in the form of an enlarged public park and increased public domain including a plaza area in location of deleted Block 5 west;
- improved pedestrian and cycle connectivity and accessibility from Chippendale;
- a notable reduction in on site parking and traffic generation;
- reduced over shadowing to the main public park;
- managing residential amenity impacts by providing a sensible transition in height and bulk to surrounding area; and
- maintaining a reasonable level of solar access to neighbouring properties in a dense urban environment.

On this basis the proposal is considered to be acceptable.

10. RECOMMENDATION

It is recommended that the Minister for Planning:

- a) **consider** the findings and recommendations of this report in regards to the Concept Plan.
- b) **grant** approval for the Concept Plan pursuant to s.75O (1), subject to modifications by signing the Instrument of Approval at **Tag A**.
- c) **determine**, that approval to carry out the remainder of the project or stages of the projects with a capital investment value:
 - a. of \$5 million or more is, pursuant to section 75P(1)(a), to be subject to Part 3A of the Act;
 - b. less than \$5 million is, pursuant to section 75P(1)(b), to be subject to Part 4 or Part 5 of the Act ;
- d) **Note** that the proposed listing of the site within Schedule 3 of the Major Projects SEPP will be pursued separately; however this does not preclude the Minister from approving the Concept Plan for subdivision prior to the SEPP amendment.

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