

NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT
Carlton United Brewery Site (MP 06_0171)



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act
1979

February 2007

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GLOSSARY & ABBREVIATIONS

CMP	Conservation Management Plan
Council	City of Sydney Council
Cox/ATA	Cox Richardson & Alexander Tzannes Associates
CSDCP 1996	<i>Central Sydney Development Control Plan 1996</i>
CSLEP 1996	<i>Central Sydney Local Environmental Plan 1996</i>
CSPC	Central Sydney Planning Committee
CUB	Carlton & United Breweries
DCP	Development Control Plan
DEC	Department of Conservation NSW
DGRs	Director-General Environmental Assessment Requirements, issued pursuant to section 75F of the Act
EA	Environmental Assessment
EAP	Expert Advisory Panel
EPI	Environmental Planning Instruments, as identified in Part 3 of the Act
FSA	Floor Space Area, as defined by the SLEP 2005
FSR	Floor Space Ratio
GFA	Gross Floor Area, as defined by the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>
LEP	Local Environmental Plan
LGA	Local Government Area
Major Projects SEPP	<i>State Environmental Planning Policy (Major Projects) 2005</i>
MoT	NSW Minister of Transport
NatHERS	Nationwide Housing Energy Rating System
RFDC	Residential Flat Development Code
SEPP	State Environmental Planning Policy
SLEP 2005	Sydney Local Environmental Plan 2005
SSDCP	<i>South Sydney Development Control Plan 1998 (Urban Design)</i>
SSS Study	State significant site Study, prepared as per clause 8 of the Major Projects SEPP
the Act	<i>Environmental Planning and Assessment Act, 1979</i>
the Regulations	<i>Environmental Planning and Assessment Regulation 2000</i>
VPA	Voluntary Planning Agreement
WSUD	Water Sensitive Urban Design

1 EXECUTIVE SUMMARY

This is a report from the Director-General to the Minister in relation to Project MP 06_0171 on Carlton & United Breweries Site (CUB Site) to the Minister for the purposes of determining the concept plan pursuant to Section 75O(2)(a) of the Act and considering the future rezoning CUB Site pursuant to clause 8 of the Major Projects SEPP.

The Proponent for Project MP 06_0171 is Carlton & United Breweries (NSW) Pty Ltd.

The Proponent is seeking concept plan approval under Part 3A of the Act for land at Chippendale known as the CUB Site. The Proponent has also provided a SSS Study consistent with Clause 8 of the Major Projects SEPP recommending that the CUB Site be listed within Schedule 3 of the Major Projects SEPP to facilitate its rezoning. The Proponent has sought to enter into Voluntary Planning Agreements in connection with the rezoning for the provision of community facilities and affordable housing.

It was previously agreed with the Proponents that the Concept Plan and SSS Study processes be concurrently undertaken. The plans and documentation submitted by the Proponents with the Concept Plan and SSS Study have been used to inform the assessment process.

This Report recommends to the Minister that **approval be granted** to the concept plan **subject to those modifications** set out in the instrument of approval set out at Appendix A.

The recommended instrument of approval is such that the concept approval is subject to the Proponent entering into a voluntary planning agreement for public benefits (noting a separate voluntary planning agreement has been completed with the Redfern Waterloo Authority regarding affordable housing). This means the consent is not effective or activated prior this occurring.

This report assess the concept plan in accordance with legislative requirements. The original proposal was revised to reduce building bulk and height to the east of the site, following exhibition. Subject to recommended modifications including a further reduction of bulk and scale to the east, the environmental impacts of the proposal are acceptable.

This Report also recommends to the Minister that the rezoning of the **CUB Site be pursued** to give effect to the Concept Plan, because it is a matter of significance for the environmental planning of the State. This rezoning can proceed separately, given proposal is not wholly prohibited in the current zone.

2 BACKGROUND



Figure 1 - Location Map of the CUB Site (Source: JBA Urban Planning Consultants)

2.1 Introduction

The Carlton & United Breweries site (CUB Site) is known as 26 Broadway, Chippendale (Figure 1).

The CUB Site is a 5.795 hectare former industrial site located on Broadway on the southern edge of the Sydney CBD, less than 400 metres from Central railway station. The subject CUB Site is also located between major educational establishments such as the University of Technology, Sydney TAFE (Ultimo) and the University of Sydney.

The Site is principally owned by Carlton & United Breweries (NSW) Pty Ltd. The Site also includes small parcels of land owned by the Corporation of the City of Sydney and EnergyAustralia (Figure 2).

The Proponent is seeking to redevelop the CUB Site to create a mixed use urban precinct for the purpose of commercial office uses, residential housing, infrastructure works and public domain.

On 21 July 2006, the Minister declared the development proposed by the Proponent to be a project to which Part 3A applies. Consequently, the Minister is the approval authority.



Figure 2 - Plan showing land owned by the City of Sydney Council and EnergyAustralia (Source: JBA Urban Planning Consultants Pty Ltd)

2.2 Site Locality and Description

The site is located at 26 Broadway, Chippendale and adjacent surrounding properties fronting on to Broadway, Kensington Street, O'Connor Street and Abercrombie Street. The site comprises an area of approximately 5.795 hectares (57,950 square metres). Until recently, the Carlton & United Breweries site was used as a brewery for the production, packaging, warehousing and distribution of beer. Associated properties are either vacant or leased by private tenants.

Key landmarks close to the site are the University of Technology Sydney campus and its tower to the north. Central Railway Station and Railway Square are north east of the site. The site is generally bound by Abercrombie Street on the western side of the CUB Site and to Regent Street to the east.

The character of the site is established by its past development and use as a brewery. The site has a historic industrial character and it has a scale different from the surrounding inner city development of Chippendale, Ultimo and Haymarket. The layout of the site, existing buildings and remaining industrial infrastructure demonstrate important aspects in the development of brewing in New South Wales and its changes over many years. (Figure 3 and Figure 4).

The site includes historic buildings that have been identified for preservation and conservation for their historical value. These buildings are located off Abercrombie Street near the intersection with Broadway, off Balfour Street and Irving Street to the north-west of the intersection of those streets, along Kensington Street, and at the eastern end of Wellington Street.

The site has a north south orientation and the general topography of the site slopes down to the west and north towards Blackwattle Bay. There is a remnant creek channel which runs through the site in an east west direction. Approximately 80% of the site is covered by buildings and 15% of the site is covered by hard surface areas.



Figure 3 - View of CUB Site looking south along Kent Road (Source: JBA Urban Planning Consultants Pty Ltd)



Figure 4 - View of CUB Site at intersection of Balfour Street and Broadway (Source: JBA Urban Planning Consultants Pty Ltd)

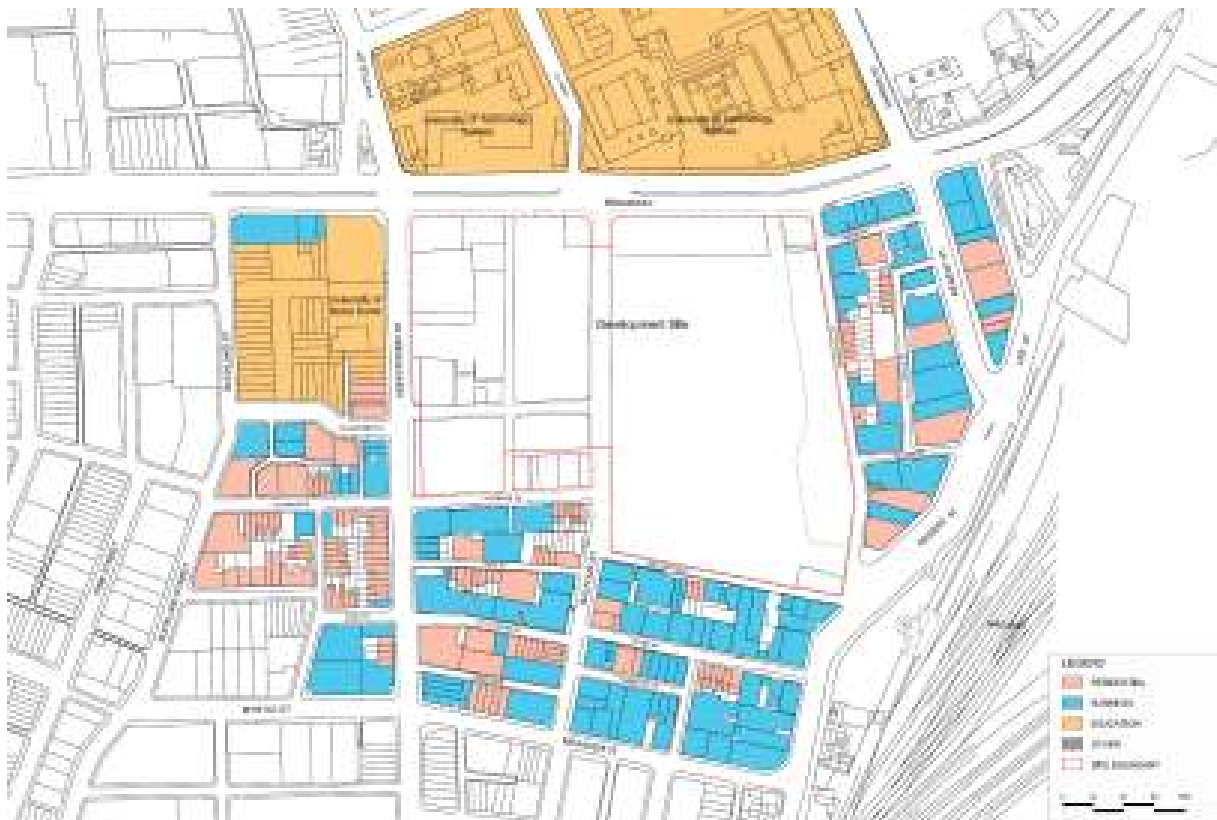


Figure 5 - Surrounding Land Uses (Source: JBA Urban Planning Consultants Pty Ltd)

2.3 Existing Land Use

Carlton & United Breweries (NSW) Pty Ltd closed its Kent Street Brewery in February 2005.

Before February 2005, the site and associated buildings had been used for various commercial and industrial purposes. The area west of Balfour Street comprised production processes and services, while the area east of Balfour Street comprised bottling, packaging, racking, warehousing, distribution, maintenance, stores and administration.

A car park is located in the basement beneath the bottling and racking area. Until late 2006, parts of the car park were open to the public.

2.4 Surrounding Land Uses

The CUB Site is located within the City of Sydney LGA, and is located on the southern edge of the Sydney CBD. The CUB Site is located on the fringe of the Sydney CBD forming a transitional boundary in scale and land use between higher density and scale of the CBD and surrounding lower scale of the City's edge and Chippendale.

Existing development in the vicinity of the site comprises a variety of uses, including residential, commercial, retail, bulky good retailing, warehousing and educational. The site is close to major arterial roads and the railway line. The locality has tertiary educational uses with the University of Technology Sydney located directly opposite the subject site and the University of Sydney is located a few blocks to the west along City Road, and Notre Dame University located on the western side of Abercrombie Street.

The CUB Site has its northern frontage on Broadway. This road is a major gateway to the Sydney CBD. It is a major bus route that provides transport links to the Sydney CBD and inner suburban area.

East of the subject site are groups of residential terraces bounded by larger, industrial scale buildings at the north and south ends of Kensington Street.

To the west of the subject site are warehouse and residential buildings and the Australian Hotel. Further west of the site is Victoria Park and the University of Sydney.

Established commercial/industrial and residential development is located to the south of the subject site in the suburb of Chippendale.

2.5 Site History

2.5.1 Past Development Activity

Prior to 1855, the site formed part of the military gardens and a roadway that linked the settlements at Sydney Cove and Parramatta. Although just outside the limits of the town development, part of the site was allocated for a military garden to provide an opportunity for the military to supplement their rations by growing vegetables and keeping livestock. This military garden was one of many established around Sydney town.

Brewery operations were commenced by Charles Newnham and John Tooth from 1835. This was the original Kent Brewery which was located to take advantage of the fresh water of the Blackwattle Creek which ran through the site. The original brewery covered the area now predominantly occupied by Main Store, Bottling Area, Main Avenue and the Marshalling Yard. A fire destroyed much of the original brewery in 1853 and the brewery was subsequently rebuilt in 1855.

The brewery expanded its operations to its current size through a series of purchases of adjoining land commencing in the late Nineteenth Century. This resulted in the securing of the Broadway frontage by the early 1900s. The western area of the site was gradually developed in 1900 to 1930 and this land acquisition and brewery expansion continued at interval through the Twentieth Century. The former commercial/industrial buildings on O'Connor Street were the last buildings purchased and happened during the middle to late 1990s.

The brewery ceased operations in February 2005.

2.5.2 CUB Project History

The study area includes the main brewery site known as 26 Broadway and contains a large number of buildings associated structures relating to the brewing process. These buildings were arranged along a network of streets and lanes as they were incorporated into the site during its gradual expansion.

A CUB project history is summarised below:

April 2003 Proponent announced the closure of the Kent Street Brewery from February 2005. Concurrently CUB and Australand Holdings initiated discussions on the sale of the site.

July/August/September 2003 CSPC agreed to prepare a site specific LEP for the site. A CSPC sub-committee for the CUB Site was established for the purpose of preparing a Competition Brief which in turn was to inform the proposed LEP.

August 2003 An architectural design competition was launched to form the preparation of any new planning controls for the site and future development proposals initiated by Council. Australand appointed 3 design teams (architects, urban designers and urban planners) to prepare alternative design solutions for the site and engaged Hill Thalys Architecture and Urban Design to prepare design guidelines for the site. The work of Council's design teams and Hill Thalys was then used to formulate the brief for the Architectural Design Competition and draft urban design guidelines attached to it. Australand/CUB commenced community consultation.

October/November/December 2003 Competition Design Brief and draft guidelines were prepared and finalised, together with community consultation. The draft guidelines and the competition brief stipulated a maximum FSR for the site of 4.4:1, and a minimum 30% residential land use and foreshadowed that the winning entry would form the basis of a Stage 1 Development Application. The FSR of 4.4:1 is calculated using the FSA definition in CSLEP 1996 and represents approximately 4.3:1 using the GFA definition in the *Standard Instrument (Local Environmental Plan) Order 2006*.

January/February/March 2004 the Design Competition commenced in accordance with the Design Excellence provisions of clause 28D of CSLEP 1996.

April/May/June 2004 Design entries from the design competition were placed on exhibition in April for 4 weeks. The Design Competition Jury made their assessments of the entries and considered all submissions in May. The Jury found the FSR of 4.4:1 (based on Council's FSA) would not lead to a satisfactory urban form and that, accordingly, they did not provide a winning scheme. Nonetheless, the Jury did rank each scheme and ranked first the scheme by the team of COX/ATA and Sue Barnsley Design. The Jury urged the developer to engage this team to continue work on an appropriate plan for development of the CUB Site with Council.

June 2004 the Council and CSPC considered the Jury's report and resolved to inform the owner/developer that a Stage 1 Master plan / Development Application should not be made until such time as an amendment to the SLEP had been prepared and gazetted.

July 2004 to March 2005 Australand managed the preparation of a comprehensive CMP in consultation with the City of Sydney, the NSW Heritage Council and the NSW Heritage Office. The conditional agreement for the sale of the site to Australand was rescinded in March 2005. CUB elected to continue the process of seeking a Stage 1 Master plan / Development Application approval for the site.

June 2005 to June 2005 CUB engaged the current consultant team, including COX/ATA as the architects for the preferred scheme arising from the design competition. The CUB consultant team was engaged to help advise on the preparation of new controls for the site and ultimately to prepare any applications for approval. The Council engaged a consultant team to undertake supplementary studies and help Council in formulating new planning controls for the site. Many meetings were held between the CUB team, Council representatives' and their consultants. CUB presented its preferred scheme, developed by COX/ATA to the CSPC in June 2005.

July 2005 to December 2006 the CMP was endorsed by the Heritage Council in July 2005. Council's draft planning controls for the site were presented to the CSPC. In August 2005 the CSPC and Council resolved to adopt the 10 design principles for inclusion in the planning controls for the site.

December 2005 the Council and CSPC resolved to adopt the site specific LEP (draft Amendment 1 Sydney Local Environmental Plan 2005) for referral to the Director-General for public exhibition. Concurrently, the Council and CSPC resolved to adopt the site specific DCP (draft amendment to Central Sydney DCP 1996) for public exhibition. Principles for finalising VPAs were also resolved with the finalisation delegated to the Council's Chief Executive Officer.

December 2005 to May 2006 the draft LEP was referred to the Department.

25 May 2006 the Minister wrote to the Lord Mayor in relation to the affordable housing levy as provided for under the *Redfern Waterloo Authority Act 2004* and the delay in process and negotiations surrounding the project.

7 June 2006, the CSPC resolved to request the Minister use his powers under Part 3A of the Act to deal with the site.

21 June 2006 and 21 July 2006 the Minister declared by order published in the NSW Government Gazette that the redevelopment of the CUB Site and adjoining lots on Kensington Street, Chippendale was a project to which Part 3A applied.

2.6 Council Studies and draft planning controls

Council's involvement with the CUB Site between 2001 and 2006 has resulted in a number of studies to assist in developing planning controls. These studies formed part of the process for Council in the development of draft planning controls to amend the zoning of the CUB Site within SLEP 2005 and CSDCP 1996. The studies commissioned by Council included:

- a market assessment prepared by SGS economics,
- an acoustic report prepared by the Acoustic Group,
- an open space and community facilities needs study prepared by Heather Nesbitt Planning and Bligh Voller Nield,

- built form assessment and review prepared by Bligh Voller Neild, and
- a traffic and transport study prepared by PBAI Australia.

A brief summary of the context of each study follows. While not comprehensive, it does outline the main aspects of the studies and how they were incorporated into draft planning controls (draft LEP and DCP) endorsed by the City of Sydney Council and CSPC:

(1) Market Assessment

Primarily this study considered the wider context of the CUB Site, the strategic linkages to other surrounding sites and the ability to provide for commercial / non-residential uses. The study affirmed a non-residential component of a minimum of 30% of GFA could be sustained.

(2) Acoustic Assessment

This was commissioned mainly due to noise impacts from Abercrombie Street and the impact noise may have on a main park if it had a frontage to Abercrombie Street. It provided noise levels and commentary on baffling treatments that may be necessary if the park is located along Abercrombie Street.

(3) Open Space and Community Facilities

This addressed open space provision in the Sydney LGA and Chippendale. The report found that there was a general under-provision in the locality, once larger parks (such as Victoria Park and Prince Alfred Park) were excluded on the basis of access being difficult due to busy arterial roads. It recommended that a single area of at least 5,000 square metres should be provided within the CUB Site, and gave a guide for the on-site provision of open space, depending on the ultimate resident / working population.

The report was used to pursue:

- in proposed planning controls for the CUB Site, a centrally located large park (adjacent to the southern boundary, to have good access to the Chippendale community), and
- in VPA provisions, improved access to Victoria and Prince Alfred Park.

In terms of community facilities, the report provided a guideline depending on the population and broadly found larger multi-functional centres were more successful. It recommended the provision of a space of at least 1,000 square metres. This led to provisions in Council's draft VPA allowing either provision on site or a monetary contribution of \$2.5 million towards a community centre in neighbouring Chippendale (most likely an upgrade to the existing Pine Street Centre).

(4) Built Form Analysis:

Bligh Voller Neild P/L reviewed the built form analysis by the Proponent. They recommended an:

- FSR of 3.5:1 (based on Council's FSA calculation),
- 25 metre buildings around the site,
- 2 towers toward Broadway, and
- a different street layout, particularly around the Brewery Yard.

The built form was ultimately not endorsed by the Council and CSPC. However, Council incorporated as objectives and provisions in draft planning controls the greater retention of heritage buildings and the objectives relating to that part of the CUB Site bounded by Broadway, Balfour Street, Irving Street, and Abercrombie Street.

(5) Traffic and Transport Study

This study addressed street layout within the site, connections to the surrounding network and recommended a car parking rate for the new development. It reviewed various possible development scenarios and found the surrounding network could cope with the development, provided access was directed to major roads (the same access points as proposed).

Some variation to the internal street layout was included, mostly affecting the southern road alignment and that part of the CUB Site bounded by Broadway, Balfour Street, Irving Street, and Abercrombie Street. In terms of the car parking rate, a significantly reduced rate compared to the City's LEP rate was recommended (0.57 per dwelling, as opposed to 0.98). This was based on car ownership statistics in the area and public transport accessibility arguments.

This recommendation was not endorsed by the Council or CSPC, who confirmed the current parking rates in SLEP 2005 should apply until a comprehensive review of parking rates across the LGA was complete.

(6) Guiding Principles

While not a "study", the Council and CSPC endorsed 10 "Guiding Principles" for the site, which also followed community workshops. Those principles addressed issues of "sense of place", conservation, high quality design, diverse uses, sustainable transport, parks and open space, public places and streets, social diversity community services and environmental leadership.

By early 2006, Council had prepared amendments to SLEP 2005 and CSDCP 1996 that introduced site specific controls for the CUB Site. In relation to the amendment to SLEP 2005, the draft proposed:

- inserting provisions to control building height through sun access planes to ensure solar access to Brewery Yard and the major open space within the CUB Site,
- establishing heights of 9, 12, 15 and 30 metres along the perimeter with solar access planes to determine the heights in relation to Main Park and the Brewery Yard,
- identifying a floor space ratio range of 3.5:1 to 4:1,
- introducing provisions in relation to the Main Park that define the likely area and location as floating somewhere along the southern boundary and the permissibility of small scale uses within it,
- establishing a minimum 30% non-residential and residential use within the CUB Site,
- establishing a special area with objectives to be considered as part of future development proposals over that part of the CUB Site bounded by Broadway, Balfour Street, Irving Street, and Abercrombie Street,
- including the listing of 31 heritage items (including 2 heritage streetscapes, 2 archaeological / townscape / landscape items, and 1 building elements)

In relation to the CSDCP 1996, the draft DCP proposed controls in relation to:

- land use, with a focus on ground floor retailing and its preferred location,
- building design and form, with a focus on street alignment of buildings, design excellence, setbacks, and heritage,
- residential amenity, with a focus on sunlight access, ventilation, and visual privacy
- staging of development
- public open space, with a focus on the minimum area of the main park, its possible locations, and the amenity for park users
- pedestrian amenity, with provisions including awnings, public art, street lighting and paving,
- community services, relating to child care and community centres
- sustainability, in regards to residential and non-residential buildings (including ecologically sustainable buildings), open space, public facilities water usage, stormwater detention and stormwater pollutant loadings, and
- transport, traffic and access, with provisions relating to street network design, cycle routes and facilities, and transport plans.

Council had sought to exhibit these instruments and had requested that the Director-General issue a Section 65 Certification under Part 3 of the Act. The Director-General declined to offer the Certificate until the completion of Council's negotiations on the VPA with the Proponent including Redfern Waterloo Authority. Council's VPA was not finalised, although the final draft negotiated VPA between the parties was provided by the Council and forms the basis of the VPA with the Minister for Planning.

3 PROPOSED DEVELOPMENT

3.1 CUB Expert Advisory Panel

The owners of the CUB Site had concerns with the draft LEP and DCP amendments proposed by Council. These concerns were that the controls provided insufficient certainty.

In June 2006, the Minister established a non-statutory and independent EAP to review the built form and urban design parameters of the site, including the appropriateness of proposed FSR controls and heritage listings. The EAP members were:

- Professor Chris Johnson (Chair)
- Mr Neil Bird AM, a member of the Central Sydney Planning Committee
- Ms Lucy Turnbull, former Lord Mayor and board member of the Redfern Waterloo Authority, and
- Mr Michael Collins, Chair of the NSW Heritage Council.

The EAP had the following key terms of reference:

- to review development controls and determine appropriate built form and urban design outcomes for the site;
- to review heritage listings for the site to ensure there is appropriate consultation and cooperation between all stakeholders relevant; and
- to the investigations including communities, local government, and other business and industry interests.

The EAP included a Stakeholder Reference Panel, this included representatives from local residents, businesses, educational organisations, relevant public authorities and major land owners so as to ensure a range of community and stakeholder concerns informed the EAP considerations. The EAP undertook inspections of the site and surrounding areas. A public meeting was held 15 August 2006 and was attended by more than 100 people.

On 31 August 2006, the EAP provided a report to the Minister. The Report established 27 recommendations that future development of the Site should achieve (Appendix C).

The EAP Stakeholder Reference Panel meet on 24 November 2006 during the exhibition period to discuss the Concept Plan and SSS Study and how it satisfies the EAP recommendations.

3.2 Background

On 5 July 2006, the Proponents lodged a Preliminary Assessment Report.

The Preliminary Assessment Report provided information for the preparation of Director-General's Requirements. The Director-General's Requirements were prepared in accordance with Section 75F of the Act and were issued on 4 October 2006.

On 13 October 2006, the Proponents lodged a SSS Study proposing the redevelopment of the CUB Site and lodged an EA for the Concept Plan for the CUB Site.

The EA for the Concept Plan and SSS Study was exhibited and is detailed in Section 5.

3.3 State Significant Site Study

The SSS Study seeks to establish new land use zones and development controls across the CUB Site. These controls include land use zones, height, FSR, and heritage conservation to give effect to the Concept Plan. The proposed land use zones are shown in Figure 6.

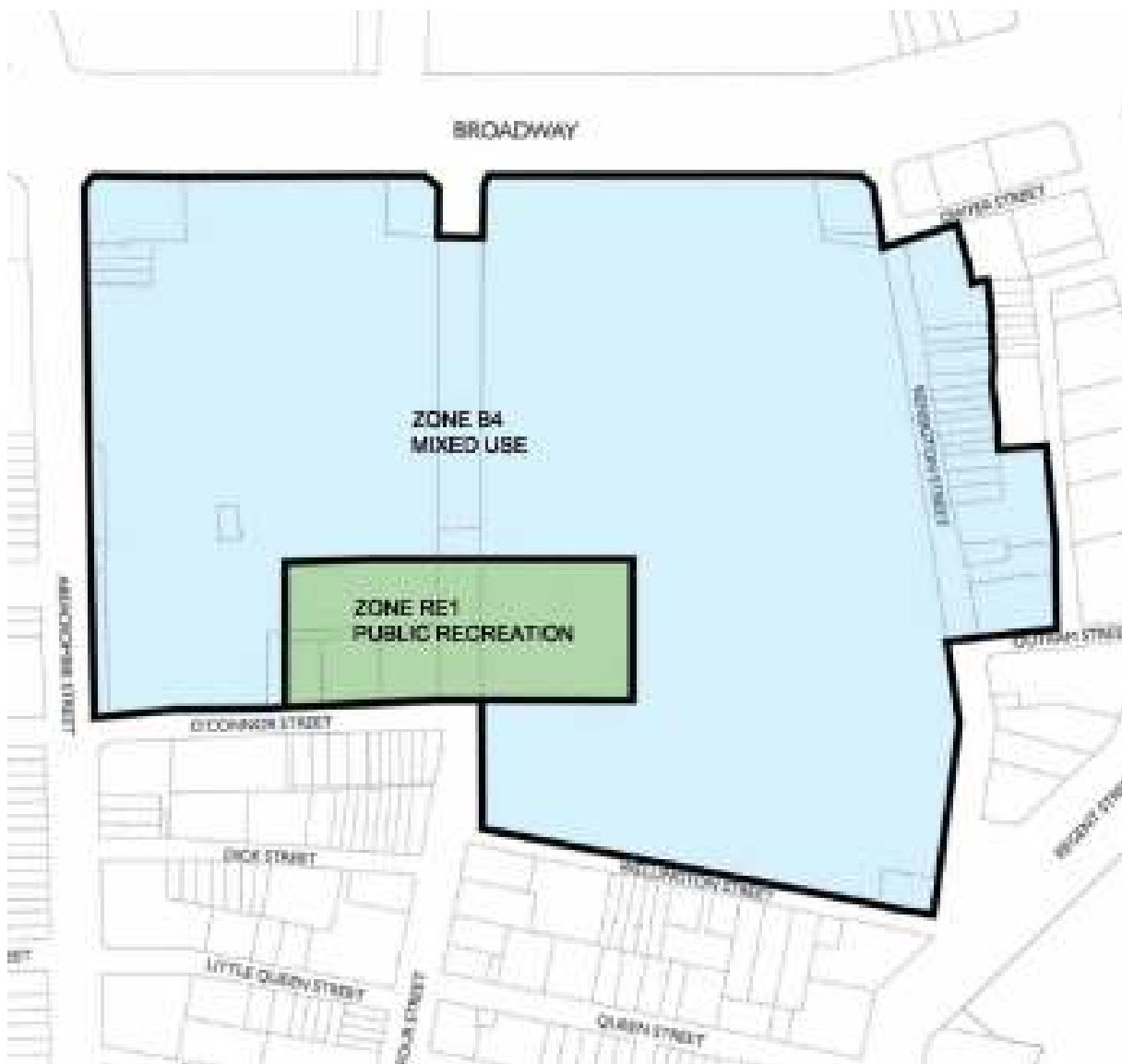


Figure 6 - Proposed land use zones identified in the SSS Study

The SSS Study has been prepared in accordance with clause 8 of the Major Projects SEPP. As part of the SSS Study, the Proponent has prepared a draft amendment that offers suggested provisions as they relate to the CUB Site. The provisions are generally consistent with the *Standard Instrument (Local Environmental Plan) Order 2006*.

Notwithstanding the lodgement of the SSS Study, it is intended that the rezoning of the CUB Site be pursued separately. It is envisaged that, in addition to identifying land use zones, the rezoning will establish GFA per block, the height of development, and heritage listing. It is considered appropriate that the any future rezoning of the CUB Site be consistent with the *Standard Instrument (Local Environmental Plan) Order 2006*.

3.4 Concept Plan

The Concept Plan lodged by the Proponents covers 5.795 hectare and is located on Broadway on the southern edge of the City owned by Carlton & United Breweries, Council and Energy Australia.

The Concept Plan seeks approval for:

- The layout of development into 11 development blocks, a major new park, and other areas of open space and street layout;



Figure 7 - Concept Plan for the CUB Site

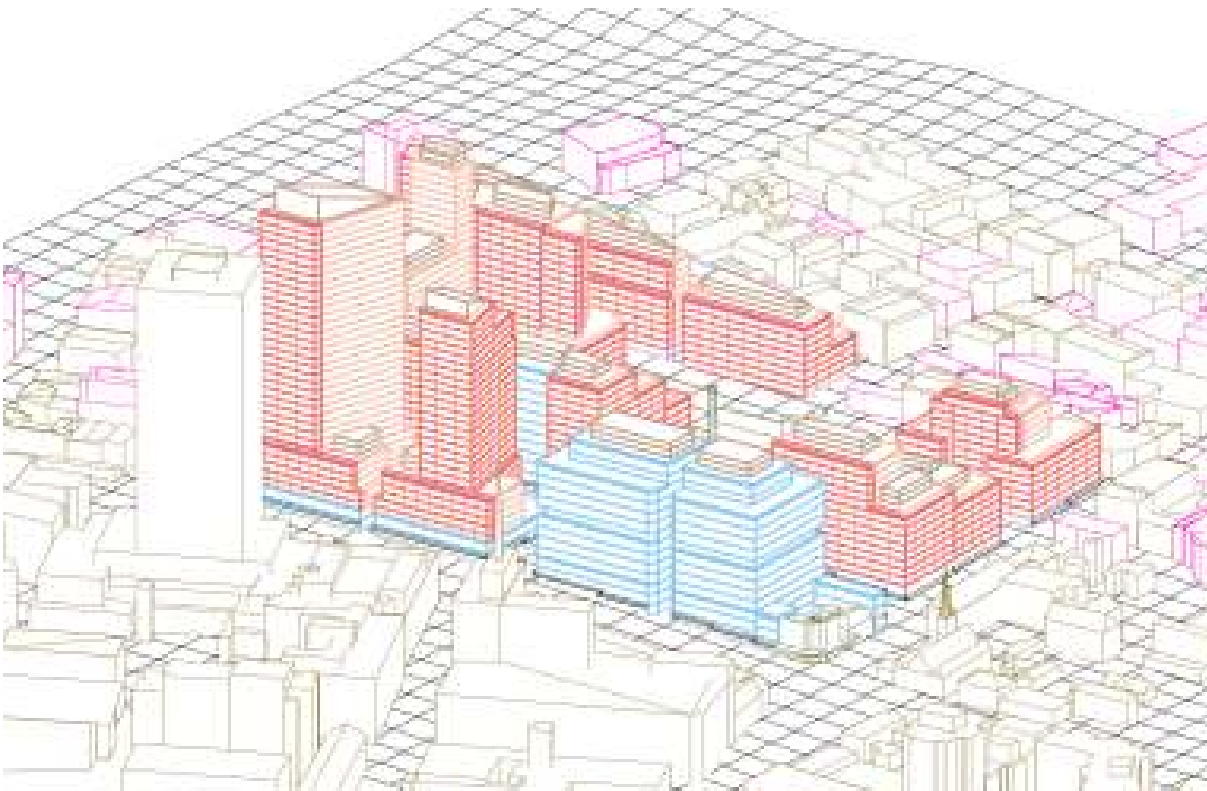


Figure 8 - Aerial view looking southeast of CUB Site and building envelopes proposed in the Concept Plan as lodged. The buildings are coloured red and blue to denote residential floor space and commercial floor space respectively within the proposed building envelopes.

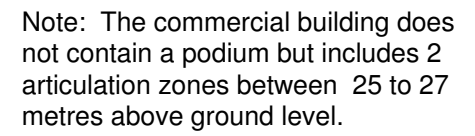


Figure 9 - Broadway elevation of CUB Site Concept Plan as lodged

- Land uses across the site and for specific blocks/floor levels where specified;
- Built envelopes including floor plates and maximum heights;
- Maximum floor space (GFA) within each development block totalling 245,250 square metres (an FSR of 4.26:1);
- Retention of a range of heritage items of significance;
- Street hierarchy for specific streets (including road and pavement widths and provision for bicycles);
- Landscaping concept;
- Access arrangements and car parking based on the recommended rate and the assumed dwelling mix;
- Retention of existing short term public park;
- Storm-water management concept;
- Utility services strategy; and
- A Voluntary Planning Agreement and Statement of Commitments.

A plan showing the layout of proposed development within the Concept Plan is shown in Figure 7. An aerial view of the building envelopes are shown in Figure 8.

3.5 Voluntary Planning Agreement

The Proponent is seeking to enter into two VPAs.

The first VPA is with the Redfern Waterloo Authority and seeks to make monetary contributions towards affordable housing within the Authority's area in accordance with Section 30 of the *Redfern Waterloo Authority Act 2004* which permits a VPA for affordable housing to be entered into if the CUB Site was subject to Part 3A.

The VPA between the Redfern Waterloo Authority and the Proponent, in summary, secures monetary contributions on a sliding scale based on the amount of GFA allowed within the CUB Site by the Concept Plan. The Proponent and Redfern Waterloo Authority signed this VPA in January 2007.

The second VPA is with the Minister for Planning to provide for public benefits. The VPA identifies two classes of benefits with the first class to be provided with the approval of a Concept Plan. These benefits include:

- demolition, drainage and remediation, as required for public recreation and dedication purposes including the provision of a Park totalling 5,381 square metres (Council has given land owners consent to the development of its land for inclusion in the park),
- embellishment of the Park totalling 5,381 square metres to a cost equivalent to a rate of \$560 / square metres (subject to indexation),
- dedication of that part of the park which is owned by the developer (4,862 sq metres) for open space for passive recreation purposes
- road and pedestrian works to the cost of \$500,000 for signalised pedestrian crossings across City Road at Myrtle Street and across Regent Street (subject to indexation),
- the construction and embellishment of a public park in Balfour Street of approximately 479 square metres to a cost equivalent to a rate of \$560 / square metres (subject to indexation), and
- provision of \$2.5 million for or towards a community facility within Chippendale (subject to indexation).

The second class of benefits in the VPA relates to other public benefits and works anticipated to be the subject of separate development approvals or consent. These second class of benefits include:

- demolition, drainage, remediation, embellishment (at a rate of \$560 per square metre subject to indexation) and then dedication (in stratum) of parks for passive recreation purposes being Wellington Street Park, Irving Street Park, and O'Connor Street Park,
- other embellishment and dedication of land within Block 7 (Brewery Yard) , Block 8, Block 11, Block 12, and the shared zones
- privately owned and operated child care facilities
- new roadways and intersections within, adjacent and external to the CUB Site.

The VPAs include provisions to allow for legal arrangements to be made for the Council to become a party to the agreements, without fettering Council's legal rights.

3.6 Legal Deed with Council

In January 2007, the Proponent and Council entered in to a legal deed of agreement as part of Council offering its land owner's consent.

Council advised the Department that it was pursuing the deed of agreement as part of the owner's consent to:

- ensure that it would have a more detailed involvement in the design process for assets proposed in the VPA to be transferred to the Council,
- establish a date for the provision for the Main Park, being 31 December 2010, and
- establishing legal certainty concerning the VPA's provisions for including Council as a party to the VPA.

In addition to establishing the delivery of the Main Park, the deed of agreement sought to confirm the following public benefits:

- ensure the Main Park was at least 5,000 square metres and in the location identified in the Concept Plan
- subject to RTA agreement, ensure signalised pedestrian crossing were provided at City Road at Myrtle Street to Victoria Park and Regent Street to Prince Alfred Park, and
- construct a public park in the section of Balfour Street between O'Connor Street and Wellington Street.

4 STATUTORY CONTEXT

4.1 Part 3A, *Environmental Planning and Assessment Act 1979*

Part 3A of the Act commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all major projects where the Minister was the consent or approval authority under Part 4 (Development Assessment) or Part 5 (Environmental Assessment).

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a SEPP or by order of the Minister published in the Government Gazette.

Section 75M of the Act permits a proponent to lodge a Concept Plan either upon their request to or at the request of the Minister. The purpose of the Concept Plan is to provide a broad overview of a proposed development and seeks to establish the framework for more detailed development of the proposal subject to future approvals.

On 21 July 2006, the Minister for Planning, Hon Frank Sartor MP, declared by order pursuant to Section 75B(1)(b) that Part 3A of the Act applied to the proposed development and, pursuant to Section 75M of the Act, authorised the Proponent to submit a Concept Plan for the CUB Site.

4.2 *State Environmental Planning Policy (Major Projects) 2005*

Clause 8 of the Major Projects SEPP includes provisions that allow the Minister to determine that a site is State significant and to add it to the list of State significant sites that appear in Schedule 3 of the Major Project SEPP. Prior to listing a site, a SSS Study was required to assess the State or regional planning significance of the site and the suitability and implications of any proposed land use. When making a site a State significant site on Schedule 3 of the Major Projects SEPP, the Minister may establish the planning regime for the site, including any zoning changes.

On 21 July 2006, the Minister declared by order in the Government Gazette that the site was subject to Part 3A.

On 23 July 2006, the Minister also agreed to commence the process of investigating whether to add the site to Schedule 3 of the MP SEPP.

On 4 October 2006, the Proponents were advised to prepare a SSS Study on behalf of the Department that would address specific criteria.

4.3 Permissibility

The current zoning for the CUB Site in the SLEP 2005 is shown in Figure 10 and is as follows:

- City Edge Zoning

The current zoning applicable to the CUB Site allows with development consent proposed mixed use development for residential, commercial and retail uses. The proposed uses are permissible under the current zoning.

By virtue of Section 75O(3) under Part 3A, the Minister can approve development that is partly prohibited under an environmental planning instrument. Consequently, the Concept Plan can be approved by the Minister under Part 3A of the Act without needing to complete a rezoning beforehand.

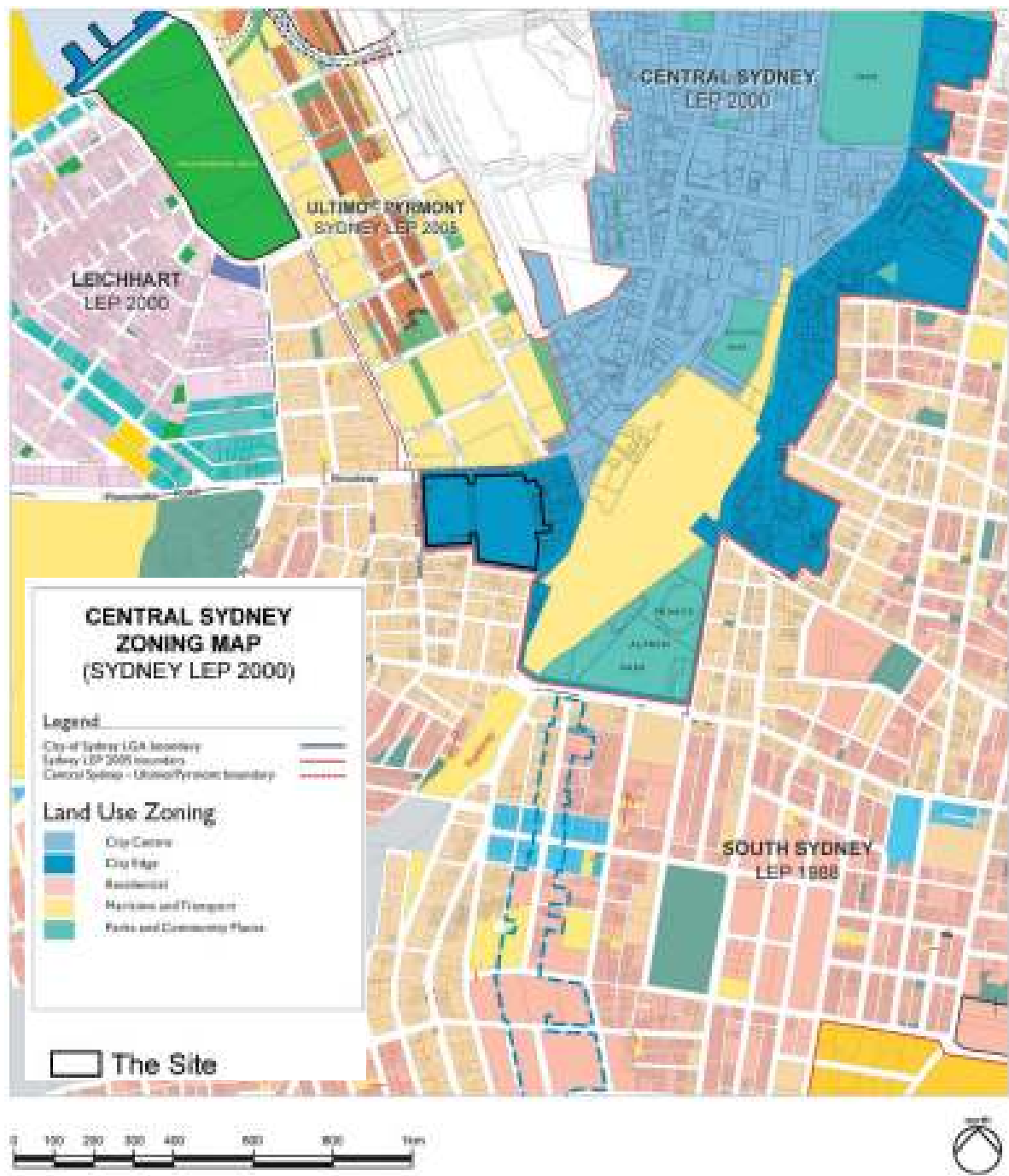


Figure 10 - Land use composite zoning in City of Sydney Council

Notwithstanding the Minister's powers to approve the development, the Proponent is seeking through Clause 8 of the Major Projects SEPP to rezone the CUB Site to ensure that the land uses identified in a Concept Plan approval are permissible.

Schedule 8 (Central Sydney heritage items) of SLEP 2005 identifies the following heritage items within the CUB Site:

- 8-12 Abercrombie Street (Terraces),
- Kensington Street (Administration Building),
- 46-48 Kensington Street (Terraces),
- 100-102 Broadway (Australia Hotel),
- 20-24 Broadway (County Clare Inn),

- 26-98 Broadway (Building Element – Chimney Stack), and
- 26-98 Broadway (Architectural / Townscape / Landscape item – No 1 Gate Portal to CUB Site).

The SLEP 2005 identifies the FSR for the site (based on FSA) as being a range from 3:1 to 5:1 depending on the uses proposed within the CUB Site. The maximum FSR of 5:1 would be available if the entire site was residential and the maximum 3:1 achieved if the CUB Site were wholly commercial. The determination of floor space with varied uses operates on a sliding scale between these two figures.

4.4 Director-General's Environmental Assessment Requirements

On 4 October 2006, the Director-General issued environmental assessment requirements pursuant to Section 75F of the Act. The key issues to be addressed in the DGRs issued related to the following:

- Urban design,
- Streetscape and public domain,
- Transport and access,
- Heritage,
- Utilities infrastructure and stormwater management,
- Staging of development,
- Ecological sustainable development, and
- Voluntary planning agreement.

4.5 Other Relevant Legislation and Environmental Planning Instruments

Section 6 and Appendix H set out the approval process, relevant consideration of legislation, environmental planning instruments and planning strategies as required under Part 3A of the Act.

In summary, the relevant EPIs for the EA and SSS Study are as follows:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy No. 11 – Traffic Generating Developments;
- State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy Building Sustainability Index 2004;
- Draft State Environmental Planning Policy No. 66 – Integration of Land and Transport;
- City of Sydney Local Environmental Plan 2005; and
- the Metropolitan Strategy for Sydney, City of Cities – A Plan for Sydney's Future.

5 CONSULTATION AND ISSUES RAISED

5.1 Lodgement

On 13 October 2006, the Proponents submitted an EA for the Concept Plan and a separate SSS Study. The lodgement of a separate EA and SSS Study was consistent with the DGRs request. A draft VPA was also submitted at this time.

5.2 Test of Adequacy

Section 75H of the Act specifies that, prior to exhibition, the Department is to conduct a "test of adequacy" to determine if the EA satisfies the DGRs.

On 13 October 2006, the Proponents submitted a final EA for the Concept Plan and the SSS Study.

On 20 October 2006, the Department advised the Proponents that the EA and SSS Study met the test of adequacy.

5.3 Exhibition

Section 75H(3) of the Act requires that after the EA has been accepted by the Director-General, the Director-General must, in accordance with any guidelines published in the Gazette, make the EA publicly available for at least 30 days. The Director-General has not published any specific guidelines in relation to the public exhibition of EA for projects or Concept Plans.

The EA was publicly exhibited in accordance with section 75H of the Act for 32 days from **26 October 2006 and 27 November 2006** at the following locations:

- **Department of Planning** (Head Office), Information Centre – 23-33 Bridge Street, Sydney.
- **City of Sydney Council** Town Hall House – 456 Kent Street, SYDNEY – 8.00am to 6.00pm, Monday to Friday.
- **City of Sydney Council, Redfern Service Centre** – Tower 2, 1 Lawson Square, REDFERN – 9.00am to 12.00pm Saturday.

During the course of the exhibition period, the EA was available via the Department's website.

5.4 Notification

Notification of the exhibition of the EA and SSS Study was conducted in accordance with the requirements of Section 75H(3). The notification process was conducted in a manner generally consistent with the City of Sydney's notification policy, although the notification area greatly exceeded Council's requirements in its policy.

On 25 October 2006, the Department sent letters to 21 public agencies advising them of the exhibition of the EA and SSS Study.

On 25 October 2006, the Department sent letters to 6,929 owners and occupiers of land surrounding the CUB Site informing them of the exhibition of the EA and SSS Study, as well as the VPA. These letters included details on the proposed development and how to make a submission.

The Department placed a notice in the public notices section of the Sydney Morning Herald on 25 October 2006 and the public notices section of the Daily Telegraph on 25 October 2006 as well as the Central Courier on 25 October 2006.

The advertisement and letters provided details of the proposal, the exhibition locations and dates of exhibition (that is, 26 October 2006 to 27 November 2006), and how interested parties could make a submission. Given community interest and concerns that 32 days was insufficient for people to review the documentation, the Department accepted late submissions on the proposal.

5.5 Submissions Received and Issues Raised

In response to the exhibition period, the Department received:

- a total of 12 submissions from public agencies including Council, RTA, DEC, MoT, and RailCorp, and
- a total of 54 submissions from the public, of which 6 generally supported the proposed development and the remainder being objections.

The significant issues arising from submissions are assessed as part of Section 6.3. These significant issues have been broadly categorised as follows:

- Density (FSR),
- Height of buildings,
- Overshadowing,
- Building envelopes,
- Tooth Avenue,
- Heritage buildings,
- Open space,
- Brewery Yard,
- Site remediation ,
- Staging of development,
- SEPP 65 and solar access,
- SEPP 11 - Transport and traffic,
- Affordable housing,
- Excessive number of parking spaces proposed, and
- Public car parking.

5.6 Response to Submissions and Preferred Project Report

The Proponent was provided with copies of all agency submissions and a summary of private submissions. In certain cases where the information contained within the submission was too detailed to provide an accurate summary the Proponent was provided with a full copy of private submissions.

The Proponent was requested to respond to submissions in accordance with Section 75H of the Act. The Proponent were requested that, if necessary and as a result of the response to submissions, they may submit a revised Statement of Commitments and preferred project report.

Between 18 and 21 December 2006, the Proponents provided a Response to Submissions. This is attached as a single document at Appendix E.

The exhibited concept plan has been amended in a number of respects in response to issues raised in submissions received during the exhibition period and following review by the Department. These changes are included as part of the Preferred Project Report (Appendix D).

Changes to the Project include significant issues raised by the Department in its letter dated 18 December 2006. The amendments to the proposed concept plan are as follows:

(1) Design changes to building envelopes of Block 9

The upper part of the envelope that is approximately between 25 metres and 60 metres in height has been reduced by setting it back further from the park to the west. This part of the envelope, when compared to the original, is now setback 18 metres from the Chippen Lane frontage with a 3 metre articulation zone.

The revision is proposed to reduce the 'wall like' visual impact to the Main park.

(2) Design changes to building envelope of Block 11

Approximately at the mid point between Chippen Lane and Kent Road a 6 metre wide full height slice of the building has been deleted. This breaks the building volume into two shorter parts each of different height.

The revision to Block 11 is proposed to reduce the excessive bulk and scale and visual impact to areas of Chippendale south.

(3) Building façade changes and articulation to Kent Road buildings envelopes

Additional horizontal and vertical articulation elements have been introduced to make a more congruent scale relationship between the eastern and western sides of Kent Road on Block 5 and Block 9. In particular, opposite the administration building and its southern extension a horizontal articulation has been introduced at the height of its parapet.

A copy of the Preferred Project Report is provided at, the response to submissions is provided at Appendix E and the revised Statement of Commitments is provided at Appendix B

5.7 Amendments to the Proposal

In addition to the amendments identified by the Proponent, the proposal is recommended to be further amended by the Department. These changes have arisen from issues raised during the exhibition period and during the Department's analysis of the project after the exhibition period. These amendments are discussed in the relevant subsections in Section 6.2 below and are as follows:

- Reducing the maximum permissible amount of GFA on the CUB Site;
- Urban design changes to reduce the built form and bulk of Blocks 9 and 11,
- Clarification on the need for design excellence and the role of design review panels,
- Introducing upper level setbacks to Block 9 and Block 11 to improve the street frontages along Kent Road,
- Introducing upper level setbacks to the commercial office buildings on Broadway,
- In regards to Main Park,
 - ▶ allowing provision of a community facility within the Main Park, if needed,
 - ▶ identifying measures to ensure that Main Park is designed to provide integration with the rest of Chippendale and
 - ▶ limiting a kiosk within the park to no more than 80 square metres,
- Reordering retailing and ground floor activation along key street within the CUB Site,
- Ensuring that residential and non-residential land uses occupy no less than 30% of the CUB Site,
- Ensure that unrestricted public access is achieved over the Main Park and Balfour Street Park,
- Ensuring that car parking rates are consistent with Council's policy
- Removing the public car parking component, and
- Ensuring that future road designs accommodate Council bicycle strategy.

The net effect of the amendments by the Department is to establish the GFA for the CUB Site to be 235,000 square metres and represents an FSR of 4.05:1.

6 ASSESSMENT

Section 75I(2) criteria	Response
Copy of the proponent's environmental assessment and any preferred project report	The Proponent's EA is included at Appendix G while the Proponent's Preferred Project Report is set out for the Minister's consideration at Appendix D along with the Statement of Commitments at Appendix B.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project for the Minister's consideration is set out at Appendix E
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially govern the carrying out of the project is identified in Section 4 above. A brief assessment of the impact of the SEPP on the development proposal is provided in Appendix H.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to the prevailing environmental planning instrument is provided in Appendix H
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.

Table 1 - Section 75I(2) requirements for Director-General's Report

6.1 Director-General's Report

The Director-General is required under Part 3A to provide a report to the Minister for the purposes of deciding whether or not to grant approval of the concept plan pursuant to Section 75O(2)(a) of the Act. Section 75N of the Act provides that the scope of the Director-General's Report for a concept plan is the same as with respect to approvals to carry out a project pursuant to Section 75I(2) under Part 3A of the Act. The Act further stipulates that matters that the Director-General's Report is to address.

The Director-General's Report as it relates to the CUB Site has been prepared to satisfy these requirements. It has been prepared after reviewing the EA, SSS Study, Response to Submissions, and the preferred project report, and additional information provided by the Proponents in conjunction with advice from public authorities and the issues raised in public submissions. Table 1 identifies how this Director-General's Report satisfies the criteria set out in Section 75I(2) of the Act.

Consideration of the advice and issues as they relate to the concept plan and SSS Study are provided in Section 6.2 of this report. Each relevant issue is identified along with who raised the issue. Consideration is then given to how the Proponents sought to address the issue. Each subsection concludes with a statement on whether the issue is resolved or whether amendments are necessary by either modifying the Concept Plan or introducing new planning provisions in an environmental planning instrument.

Unless noted to the contrary, the Department is satisfied that the responses provided by the Proponent in their EA and the additional response to issues raised in submissions are reasonable.

6.2 Key Issues

6.2.1 Urban Design – Density & Height

Raised By

Council and public submissions

Consideration

Public submissions during the exhibition period raised concerns with the density and height of the building envelopes identified in the proposed concept plan. In general, comments received were that the building heights and densities were greater than currently existed in Chippendale and were out of context with the area.

Council's submissions on the proposal raised concern that the density was in excess of the recommendations by the design jury and the density recommended by an independent consultant. In relation to height, Council raised the following concerns:

- The height of a number of buildings envelopes within the concept plan are up to 110 metres, which exceeds the maximum permissible height limits and the 70-100 metres proposed in Council's draft Planning Package (draft LEP and draft DCP).
- The taller buildings are located around the park in a 'stadium effect' due to height being solely determined by solar access to open space and Wellington Street rather than including other considerations such as solar amenity to the new Tooth Avenue, the height of existing heritage buildings and views across the site from east Chippendale.
- The proposed heights of the buildings are out of context with local character of Chippendale and are not sympathetic to the bulk and scale of the adjoining terraces in Abercrombie Street and Blackfriars Street. The height of the proposed buildings will block local vistas and create overshadowing and reduce local amenity and liveability.

An analysis of the CUB Site concludes that it has attributes that support a higher density of development, within acceptable environmental constraints. These attributes are:

- its location close to Central Railway Station, which is a major transport interchange for public transport services to the wider metropolitan network for the bus network in Sydney
- its location along Broadway, which is a major arterial road that is serviced well by public buses, and
- its access to significant existing water and energy infrastructure.

In addition to these attributes, a number of factors contribute to this argument for a higher development of density on the CUB Site. These are:

- the CUB Site's location within the City Edge Zone under SLEP and which suggests a stronger association with commercial offices of the Sydney CBD,
- the limited availability of development sites within the existing Sydney CBD for commercial offices, and
- the existing high density of development in Chippendale east of Abercrombie Street.

It is noted that existing planning controls allow for higher densities than proposed (up to 5:1). In terms of height other surrounding buildings include the following:

- the University of Technology Sydney tower to the north,
- the former Sydney Morning Herald Fairfax building on Broadway,
- the residential apartments in the former Dairy Farmers building at the corner of Regent Street and Harris Street,
- the Mercure Hotel at Railway Square,
- the Quadrant development between Mountain Street and Wattle Street.

The Department concludes that these attributes and factors support the density and height proposed by the concept plan, subject to modification. The resultant GFA is comparable to the maximum identified in the Council's draft controls and will be below the existing maximum permitted density.

Resolution

The density and height proposed by the Concept Plan is appropriate to the Site.

6.2.2 Urban Design – Building envelopes (Block 1, Block 5, Block 9, Block 11, Kent Road and Broadway)

Raised By

The Department

Consideration

The Department raised concern that the building envelopes for Block 9 and Block 11 did not appropriately respond to their context due to their excessive bulk and scale. The Department advised that a revised scheme was needed to address the “wall like” visual impact that these blocks had on the proposed large park and those areas of Chippendale to the south. The Department also raised concern with the Kent Road building envelopes as they appeared to be incongruous in their relationship with the surrounding building envelopes and built form constraints of heritage buildings.

In their Response to Submissions, the Proponent addressed the above issues as follows:

(1) Block 9

- Reduce upper part of the building envelope that is between approximately 25 metres and 60 metres in height by setting it back further from the park. This part of the envelope is setback 18 metres from the Chippen Lane frontage with a 3 metre articulation zone projecting forward of this.
- To ensure that at least 60% of these apartments maintain effective sun access for two hours in mid winter a small additional form has been introduced, 10 metres high, with a narrow frontage to the park side, setback from Kent Road within the 45° plane recommended by the Expert Advisory Panel and setback obliquely to the south within the sun access to plane from Wellington Street.

(2) Block 11

- At the mid point between Chippen Lane and Kent Road a 6 metre wide full height slice of the building envelope has been deleted. This breaks the building volume into two shorter parts each of a different height.
- To maintain the level of sun access and to reduce the ‘ziggurat’ effect, the building to the east of the new ‘break’ has been simplified to eliminate the 25 metre part by increasing a small part at the south end of Kent Road from 25 metres to 35 metres. This addition is above the sun access plane projected from Wellington Street but does not produce additional midwinter overshadowing to any residential properties or public open space. Given the proximity of this part of the building envelope to Regent Street, the height fits into its immediate context to the east and north and the adjoining 15 metre building envelope provides an appropriate transition to the south.
- When viewed from the park and from areas of Chippendale to the south where it is visible this revision reduces the “wall like” visual impact.

(3) Kent Road

- Additional horizontal and vertical articulation elements have been introduced to the façade of the Blocks facing Kent Road. The articulation elements have been established to make a more congruent scale and relationship between the eastern and western side of the road. Opposite the administration building and its southern extension a horizontal articulation element has been introduced at the height of the parapet.

The Department’s review of the Proponent’s modification has improved Block 9 in its relationship with the Park and Block 11. There are remaining issues with Block 9 and Block 11 and further modification is required to reduce apparent bulk and:

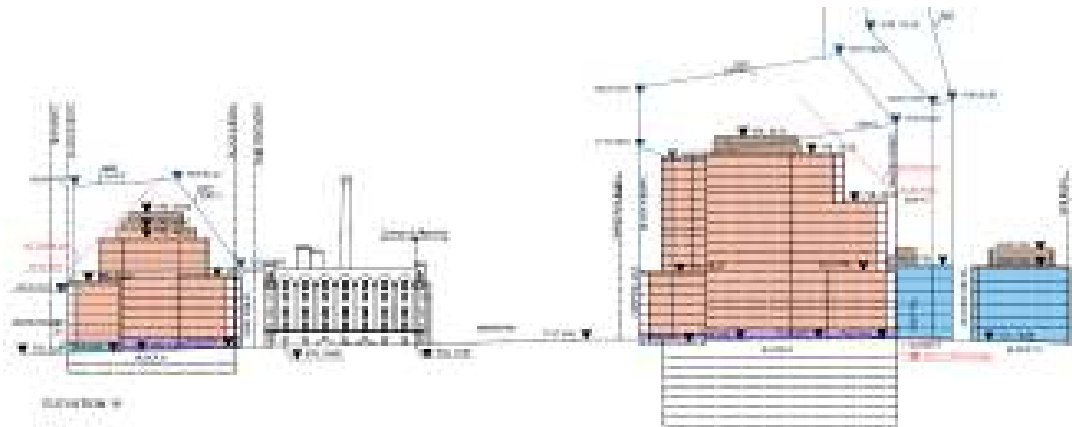


Figure 11 - O'Connor Street northern elevation and relationship of Block 9 to Main Park as submitted

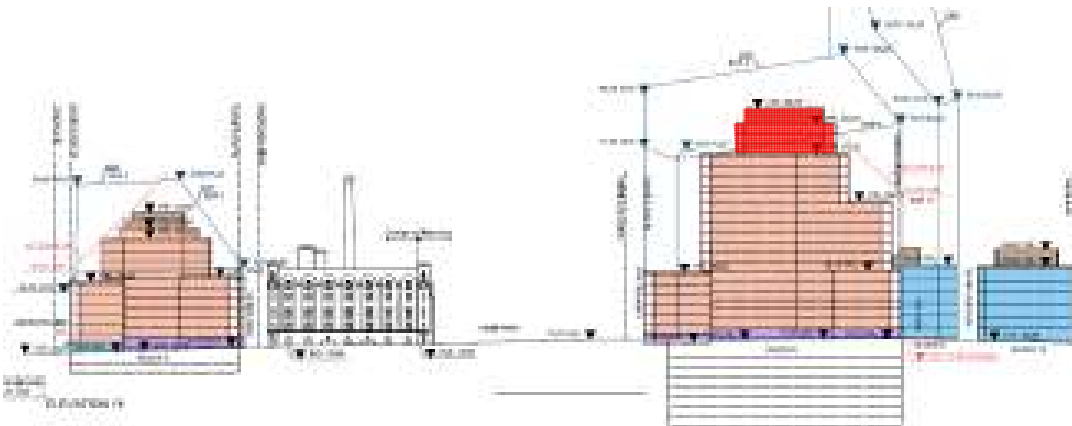


Figure 12 - Modification to O'Connor Street northern elevation and relationship of Block 9 to Main Park (red area recommended for deletion)

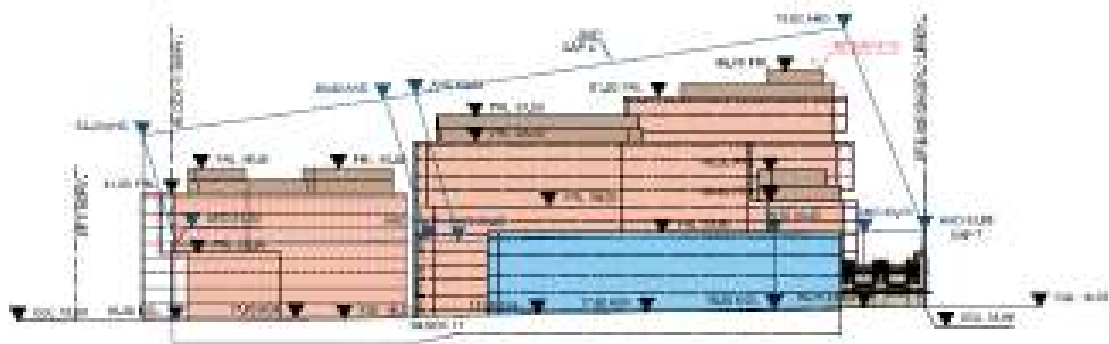


Figure 13 - Block 11 Wellington Street northern elevation as submitted

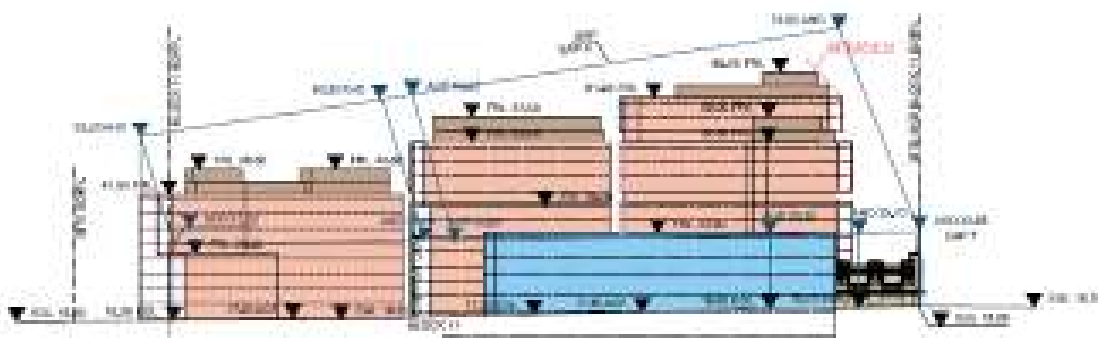


Figure 14 - Modifications to Block 11 Wellington Street Elevation

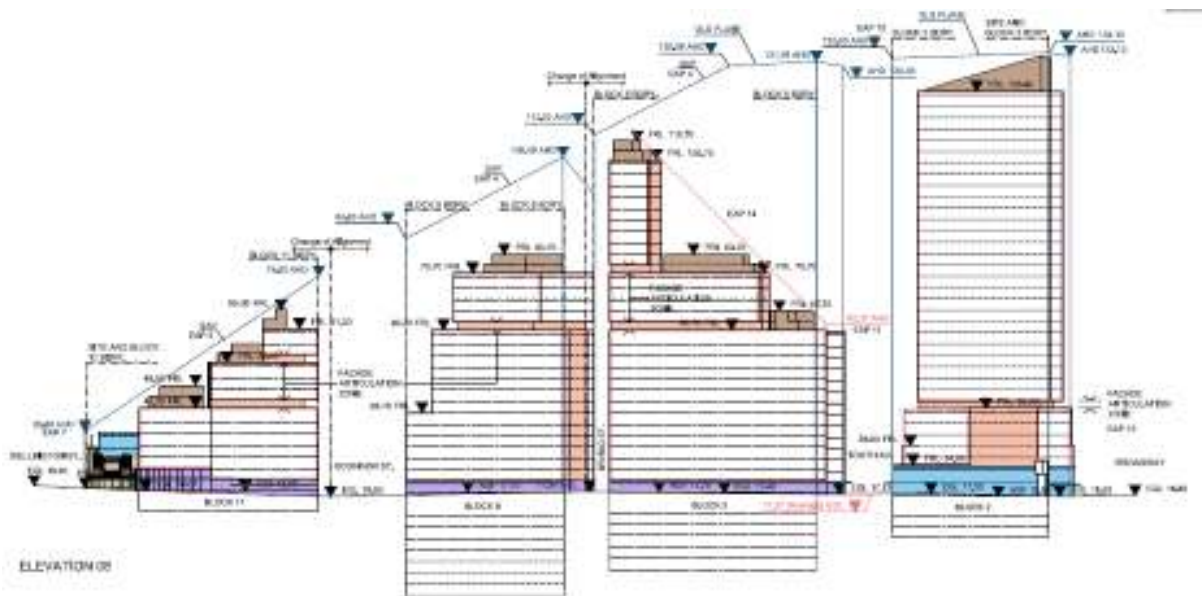


Figure 15 - Kent Road western elevation as submitted

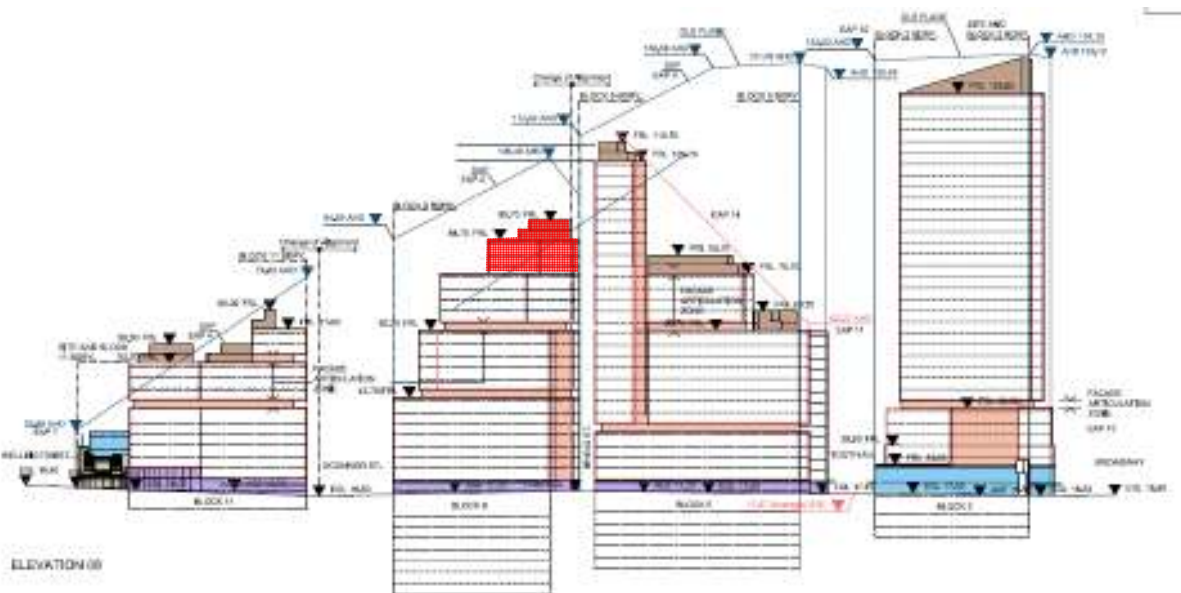


Figure 16 - Modification to Kent Road western elevation (red area recommended for deletion)

- with Block 9, the removal of the additional levels proposed in the modification as they detract from the slender tower envelope on Block 5 (Figure 15 and Figure 16), increase its apparent bulk, and do not contribute any further positive outcomes to the setback of Main Park (Figure 11 and Figure 12), and
- with Block 11, it is considered appropriate to reinforce the 15 metre frontage to Wellington Street (Figure 13 and Figure 13).

While the elevation plan show a definite improvement between the articulated and non-articulated parts of the building, the Proponent's modifications to the western edge of Kent Road do not resolve the issue of scale. The elevation plan's colouring of the non-articulated parts of the building obscure the fact that the depth and height of the non-articulated areas are too fine (Figure 16). Consequently, the architectural strength of the non-articulated areas (especially the horizontal areas) shown in the elevation is unlikely to eventuate when viewed as a pedestrian along Kent Road. Indeed, the visibility of the non-articulated parts of the building would invariably decrease as the views to the western elevation of Kent Road became more distant.

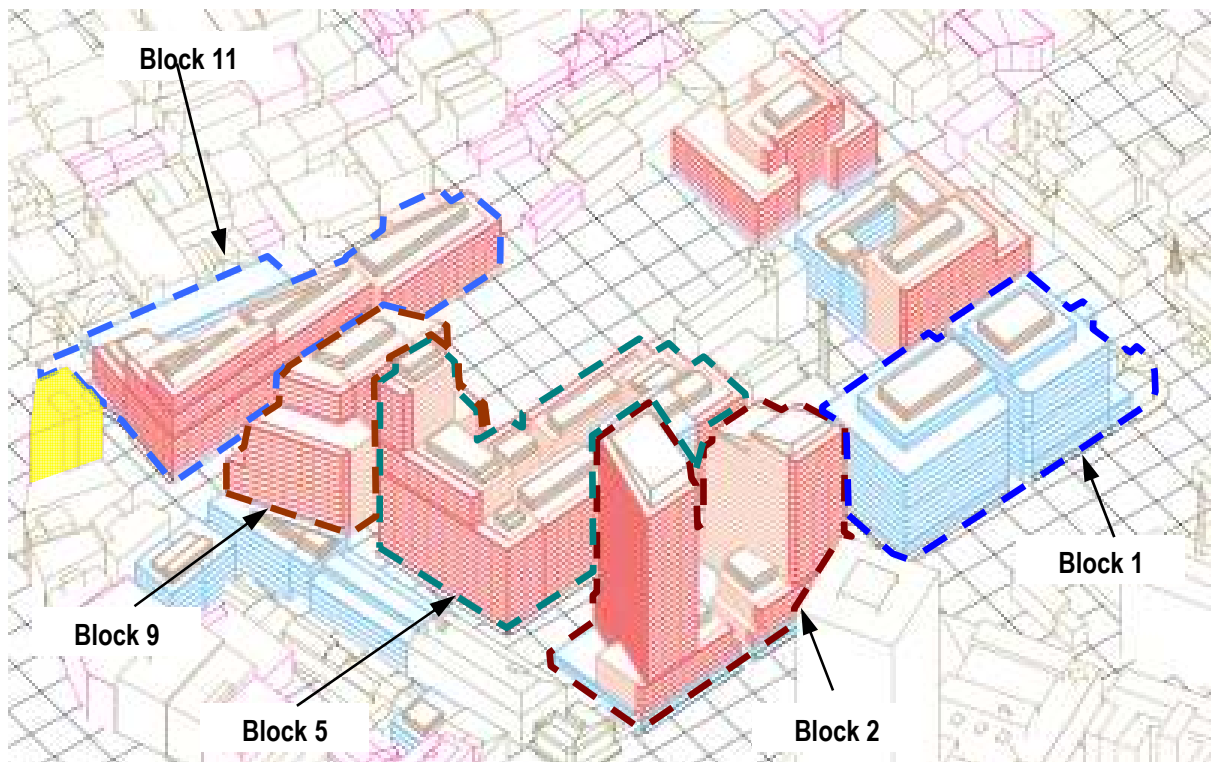


Figure 17 - Aerial View showing western frontage of Kent Road and southern frontage of Broadway in the Concept Plan (as lodged)

The solution to the scale relationship along Kent Road and Broadway is to use upper level building setbacks in conjunction with the proposed articulation zones. The Proponent already demonstrates their effectiveness on Block 2's Kent Road and Broadway frontages in the Concept Plan as lodged (

Figure 17) and with Block 11 responding to scale of the apartments at the corner of Kent Road and Regent Street (highlighted yellow in

Figure 17). Therefore, it would be appropriate to introduce upper level setbacks to Block 5 and Block 9 along Kent Road and to Block 1 along Broadway.

The Proponent identifies that their changes to Block 9 and Block 11 have reduced the GFA from 245,250 square metres (an approximate FSR of 4.23:1) to 243,604 square metres (an approximate FSR of 4.20:1). The Department's recommended amendments to Block 9, along with the deletion of the public car parking component, would further reduce the GFA for the CUB Site to 235,000. This GFA would result in an FSR across the CUB Site of approximately 4.05:1.

Resolution

The Department therefore recommends that the concept plan be modified:

- to ensure that Block 9 is to be modified to show the height of the building envelope reduced from FRL 89.70 to plant height FRL 80.70 and habitable room height to FRL 75.70,
- to require further setbacks above an appropriate podium on Block 1, Block 5, and Block 9;
- to establish a maximum GFA for Block 9 of 22,053 square metres, and
- to establish a maximum GFA across the CUB Site of 235,000 square metres.

6.2.3 Urban Design – Design Excellence

Raised by

The Department

Consideration

The Proponent proposes as part of the draft SEPP Amendment to introduce design excellence provisions for development within the CUB Site.

The design excellence provisions reflect those currently in operation over the Redfern Waterloo Authority sites in Schedule 3 of the Major Projects SEPP. The draft Statement of Commitments involves the Minister waiving the requirements for a design competition to permit 2 development parcels to be designed by the architects of the Concept Plan. It is understood that this is an attempt to reflect the process of Council which allows exemptions to design excellence provisions in certain circumstances for Stage 1 DA / Master plans.

The Chair of the EAP advised the Department that certain recommendations had not been fully incorporated. This were:

- Recommendation 16, which recommended establishing a design review panel that would provide advice to the Approval Authority concerning competitions and ensuring design quality through to the completion of works; and
- Recommendation 17, which recommended that a variety of architects and urban designers should be used across the site to ensure visual diversity.

The Department's analysis is that the proposed design excellence provisions in the Concept Plan and future zoning of the site need to better reflect the EAP recommendations in regards to the role of a CUB design review panel (Recommendation 16) and ensure that appropriate design diversity is realised on the Site (Recommendation 17). The Department also considers that the draft Statement of Commitments reference to a waiving compliance with the design excellence provisions is preemptive. However, appropriate for the Concept Plan to be modified to make clear that a decision on whether to initiate a design excellence competition will be made on the individual merits of each case.

Resolution

The Department recommends the Concept Plan be modified and future rezoning of the CUB Site include design excellence provisions that permit the consent authority to determine whether a design excellence competition is necessary on the individual merits of each case.

6.2.4 Land Use Mix

Raised By

Council and the Department

Consideration

The Concept Plan, as lodged, sought a land use mix of 58.9% residential to 41.1% non-residential uses. The Concept Plan, as lodged, specifically identified that the non-residential uses comprised 88.7% commercial office space and 12% retail floor space.

The amendments to the Concept Plan by the Proponent and the changes recommended by the Department would alter the land use mix to 60.5% residential uses and 39.5% non-residential uses. The lower residential to non-residential land use mix arises from the removal of the 250 space public car parking facility.

The EAP recommendations sought to ensure that non-residential land uses are not less than 30% and it is clear that the Concept Plan as amended by the Department would satisfy this recommendation. Nonetheless, it is considered appropriate that the Concept Plan be modified to include the recommendation of the EAP.

The Department identified the potential for serviced apartments to erode the proportion of non-residential uses provided on site. This would have an impact on future jobs growth and could present a means of securing residential apartments in unsuitable locations. The Department considers that the Concept Plan and future zoning of the site should not allow serviced apartments to account for non-residential uses.

Council in its submission raised concern with the location of commercial office space, arguing that the office space was awkwardly located and not logically placed within the site. Council particularly identified Block 4,

Block 5, and Block 11 and posited that the poor solar access had determined the placement of commercial office space in these locations.

The Department notes that the design for developing the CUB Site required consideration of two particular aspects. These were that the CUB Site needed to relieve pressure on the availability of commercial office space within the Sydney CBD and ensure the distribution of land uses integrated with the rest of Chippendale.

The Department concludes that the Concept Plan satisfies these aspects. In particular, the Department considers that the approach offered in the Concept Plan presents an acceptable outcome because it

- provides for an appropriate mix of uses throughout the CUB Site,
- produces a more organic distribution of uses in the CUB Site, where possible, which is consistent with the pattern of land use distribution in Chippendale and the Sydney CBD more generally, and
- provides a distribution of uses within the CUB Site that will assist in improving safety and security along roadways after normal business hours.

Resolution

The Department recommends that:

- the Concept Plan be modified and the rezoning for the CUB Site adopt the EAP Recommendations relating to not permitting less than 30% residential and non-residential uses
- the Concept Plan be modified and the rezoning for the CUB Site identify that serviced apartments are not to account for non-residential uses.

6.2.5 Tooth Avenue & High Street Retailing

Raised By

The Department, Council and public submissions

Consideration

Public submissions raised concern stating that Tooth Avenue is surrounded by tall buildings located to its north which will place Tooth Avenue in permanent shade for most of the year which will create a negative pedestrian environment.

The Department notes that Tooth Avenue will not receive sunlight for most parts of the day. This is common for east-west streets in the Sydney CBD. However, Tooth Avenue will receive some sunlight from the east in the morning.

Council and public submissions have raised concern about Tooth Avenue and its role as a 'High Street' because of its lack of connection with Chippendale. Council advised that it envisaged Balfour Street as the natural 'High Street' as it runs north to south and connections with the local pedestrian movement. Tooth Avenue at 20 metres is considered unnecessarily wide and out of keeping with the nature of the site and streets in Chippendale.

The Department agrees with the matter relating to lack of connectivity and notes that successful retailing streets with significant commercial offices are predominantly orientated north south in the Sydney CBD (such as Pitt Street Mall), not east to west as is the proposed Tooth Avenue. The Department comments that the ground floor land use plan suggests that options exist to achieve north to south retailing on Balfour Street and Kent Road and that Tooth Avenue's function may be more inline with the character of Martin Place, which provides work space/foyer for commercial offices.

The Proponent's justification for selecting Tooth Avenue as the 'High Street' arose as a result of the ground floors of the industrial heritage items in Balfour Street. The Proponent advises that as they are approximately one metre above the natural ground level making pedestrian access and disability requirements difficult. In addition, the industrial character of the Balfour Street frontage was not possible to provide glass shopfronts or shop awnings.

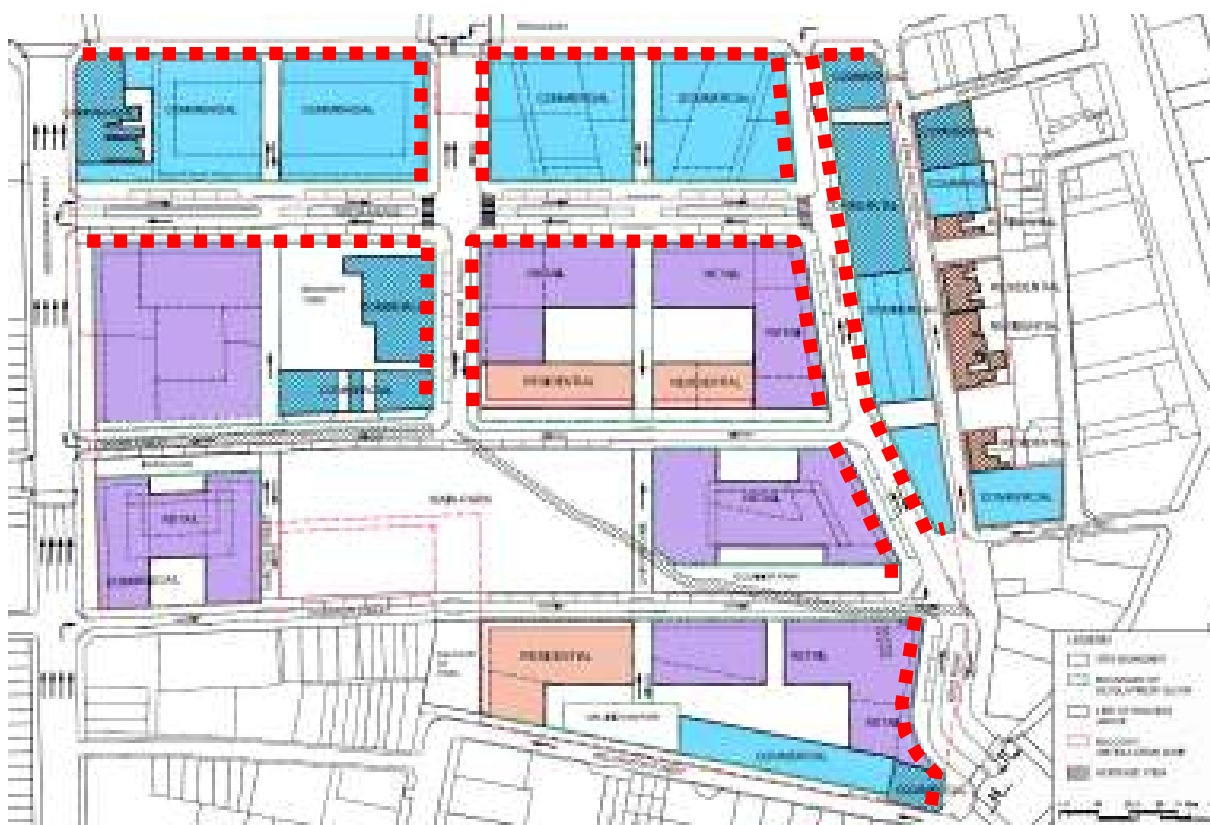


Figure 18 – Proposed street uses and Department recommended street activation zones (dashed red)

The Department considers that opportunities to achieve successful high streets are important. The site should ensure retailing and ground floor uses could ensure good connectivity to surrounding areas and are successful. Consequently the concept plan should not preclude the opportunity to allow retail uses to occur along Broadway provided the maximum retail component does not exceed the maximum GFA for retail uses within the CUB Site.

Resolution

The Department recommends the concept plan be modified to allow retail uses along Broadway, Balfour Street and Kent Road to provide street activation and ensure active uses are encouraged.

6.2.6 Loss of heritage buildings

Raised By

Council, public submissions, NSW Heritage Council

Consideration

Council and public submissions raised concern regarding the loss of 'heritage items' on the subject site.

The SLEP 2005 currently lists 7 items within the CUB Site. These are as follows:

- 8-12 Abercrombie Street (Terraces),
- Kensington Street (Administration Building),
- 46-48 Kensington Street (Terraces),
- 100-102 Broadway (Australia Hotel),
- 20-24 Broadway (County Clare Inn),
- 26-98 Broadway (Building Element – Chimney Stack), and
- 26-98 Broadway (Architectural / Townscape / Landscape item – No 1 Gate Portal to CUB Site).

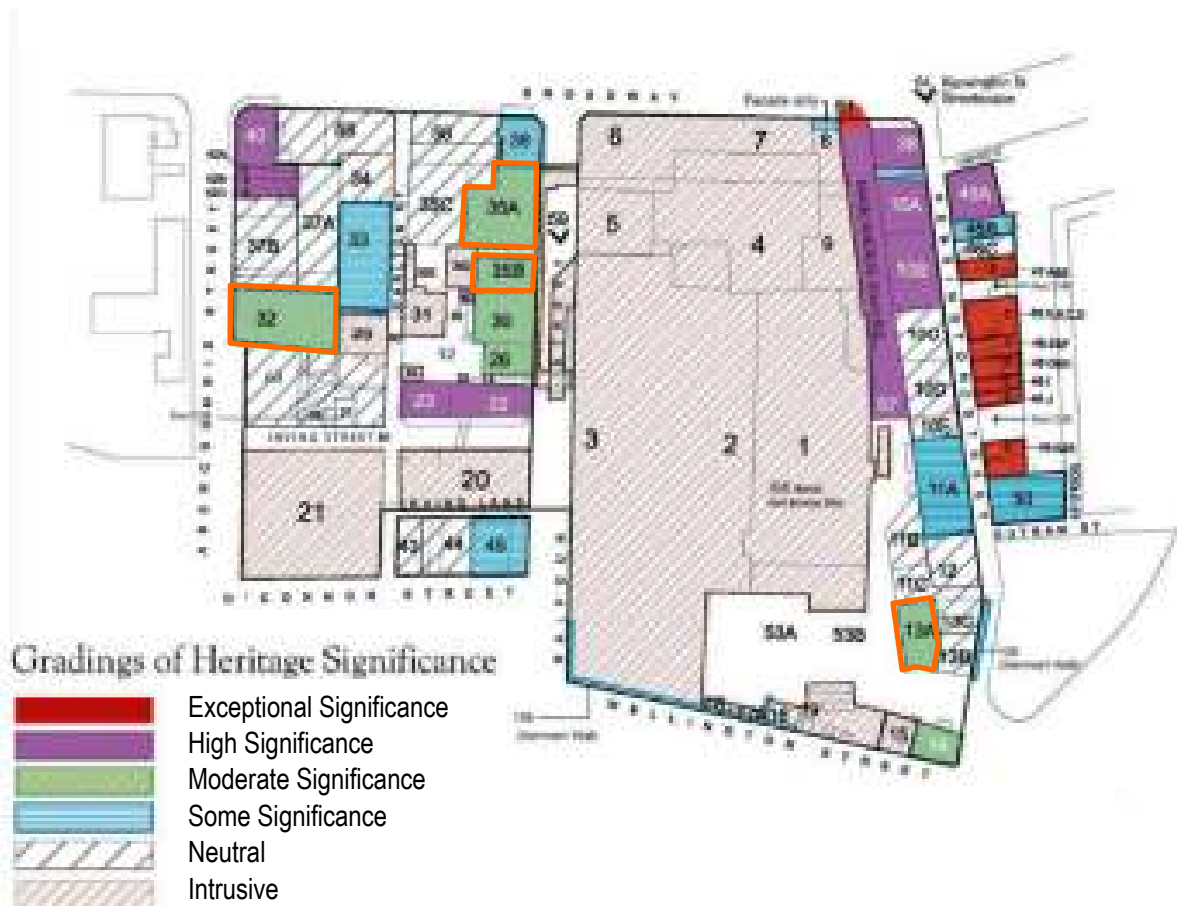


Figure 19 - Grading of heritage significant buildings within CUB Site. Buildings of moderate significance proposed for demolition outlined in orange (Source: JBA Urban Planning Consultants & Godden Mackay Logan)

In 2005 a CMP was completed. This followed reviews by the Council's heritage consultants and an independent review by the Proponents. The CMP was endorsed by the NSW Heritage Council in mid 2005. This recommended the retention of many buildings, which Council accepted. However, Council was of the view that Building 35A should also be listed as a heritage item and retained.

Council and public submissions considered the concept plan to be inconsistent with the CMP in that constructing Tooth Avenue required Building 35A to be demolished. The Council proposed this building and the Brewery Yard as a 'Special Area' in recognition of its rareness as a surviving early Twentieth Century inner city industrial precinct. Council raised concern that the concept plan not provide sufficient controls to preserve and enhance the unique character and industrial history of the site.

A number of submissions received by the Department referred to Building 35A, which forms the north east corner of the Irving Street Brewery complex as the "Sunburst Building". The correct name for this building is the Bright Beer Plant.

A total number of 33 specific site elements, including buildings, roads, yards, historic sites, boundaries and archaeological features are identified on the site. These are shown coloured red, purple and green in Figure 19. The following items identified in the CMP as being of moderate significance (coloured green and outlined orange in Figure 19) are to be demolished:

- Building 13A – Carpenter's Workshop
- Building 32 – Barley Store
- Building 35A – Bright Beer Plant
- Building 35B – Refrigeration Block

None of these buildings are currently identified as heritage items within CSLEP 2005.

The NSW Heritage Council acknowledges that the concept plan proposes to demolish buildings identified in the CMP as having 'moderate', 'some' or 'neutral' significance to allow for the construction of Tooth Avenue. The subject land and/or buildings identified on the CUB Site are not listed on the State Heritage Register. The NSW Heritage Council provides general support for the proposal providing that further feasible improvements can be made to achieve further heritage outcomes for the site. The Department considers that this can be achieved through as part of the detailed design of future applications.

Resolution

The Department considers this issue has been adequately resolved.

6.2.7 Overshadowing

Raised By

Council and public submissions

Consideration

A large number of public submissions received raised concern with the overshadowing impact of the proposal on proposed and existing development. In summary the main concerns were:

- Overshadowing of the proposed towers will cause significant loss of sunlight, daylight and outlook for existing future residents of Chippendale.
- Loss of afternoon sun is of concern to the residents of Goold Street, Kensington Street, and (east) Regent Street.
- The sun access plane is not considered to provide sun access protection to the park in mid-winter.
- Sun access is not maximised as it is lower than under Council's draft planning package requirements.
- Further the increase in potential height for many proposed buildings means that overshadowing will increase across the whole site.

The EAP established before the proposed concept plan was lodged examined the issue of overshadowing and solar access to developments within the site and outside the site. The EAP had regard to SEPP 65 and Council's controls, both existing and draft. The recommendations of the EAP in regards to overshadowing were:

- maximise solar access to the park between 12.00pm and 2.00pm on Midwinter's Day (Recommendation 3);
- maintain an appropriate sun access plane in order to minimise overshadowing of the surrounding Chippendale buildings between 12.00 noon and 2.00pm (Recommendation 4), and
- achieve 70% compliance with SEPP 65 requirements for the entire site and ensure no block achieves less than 60% of SEPP 65 requirements (Recommendation 24).

The Proponent advised in the EA that they satisfy the recommendations of the EAP. The Proponent amended the design of the Concept Plan further in light of submissions by the Public and Department and claims that they have improved solar access or further reduced overshadowing. These amendments to the building envelope were in relation to:

- the Goold Street, Kensington Street and (east) Regent Street where the Proponent held separate discussions with local residents, and
- Block 9 following the Department's concerns with the presence of the building envelope to the main park.

The Department's review of the EA and the amended building envelopes concludes that the proposed Concept Plan satisfies the EAP's Recommendations 3 and 4. In particular, the Department notes that it considers the proposed sun access planes do not vary substantially from those Council had proposed in its draft planning controls.

The Department did, though, seek clarification in regards to Recommendation 24 as the Proponent calculated solar access as being between 7.30am and 4.00pm on Midwinter's Day instead of the commonly used hours of 9.00am and 3.00pm. The Department requested details on solar access between 9.00am and 3.00pm in

accordance with SEPP 65, as well as an understanding of how the proposal's solar access compared against the Council's existing controls in CSDCP 1996.

The Proponent advises that, on Midwinter's Day, 58% of all apartments estimated will achieve solar access between 9.00am and 3.00pm and, in accordance with Council's controls, 90% will achieve solar access on the equinoxes.

The Proponent argues that little evidence exists to support the reasons for solar access hours being between 9.00am and 3.00pm. The Proponent provided consultant reports and technical data that:

- indicated that the level of heat gain from solar access was unchanged regardless of the solar access hours used, and
- glazing complicated solar penetration as at certain angles, light will not penetrate windows even though they have sunlight falling across them, and
- sunlight is effective with the horizontal sun angle is greater than 22.5° to the plane of the window, and the vertical sun angle is greater than 5° and this coincides with the hours being 7.30am and 4.30pm on Midwinter's Day.

The Department notes the argument of the Proponent but also notes that, according to a worst case scenario, solar access will be achieved by no more than 58% of residential units. While this does not technically meet the EAP recommendations, it is worth recalling that solar access is a component of residential amenity and that other components, particularly views and other internal comfort factors, suggest that the proposed Concept Plan will achieve better than average residential amenity for future occupants. In this context, solar access does not provide sufficient grounds to refuse the development and is considered adequate, noting development within the Sydney CBD can provide less solar access than the current proposal.

Resolution

The Department is satisfied with overshadowing arrangements in regards to other areas of Chippendale and the Main Park and considers that solar access for individual units to be adequate when considering other components of residential amenity.

6.2.8 Transport – Car parking and traffic

Raised By

The Department, RTA, Council, RailCorp, MoT and public submissions

Consideration

The proposed Concept Plan seeks a maximum of 1,632 car parking spaces for residents, 436 spaces for tenants of non residential uses and a 250 space short term public car park. Table 2 provides a comparison of car parking as proposed in the Concept Plan and the controls in SLEP 2005.

Private submissions received raised concern with the amount of car parking spaces (principally residential car parking spaces) on the basis that the CUB Site was close to Sydney CBD and Central Station. Council, RailCorp, and MoT raised particular concern with the short stay public car park facility and this is discussed in detail at Section 6.2.9.

The Proponent's EA indicates that the amount of residential parking spaces did not exceed the maximum parking permitted by SLEP 2005 and that the modal choice was likely to be high for the CUB Site. The current modal choice to the City is 20% private vehicle to 80% other and the Proponent argued that changing the car parking amount would not affect the modal choice. The Proponent stated that the reason for this was that the availability of public transport and the ability to walk or cycle to work was a key determinant in journey to work, not car availability or ownership.

The RTA is understood to have previously accepted the argument concerning modal choice. The Department engaged an independent traffic consultant to review the Proponent's traffic reports and advised that they concur with the modal choice arguments in the traffic report. The Department therefore considers that reducing

Land Use	SLEP 2005	Concept Plan	Department Recommendation
Residential units	1635	1,632	1,632
Commercial Office & Retail	424	380	380
Retail	55.7	56	56
Public Car Park	0	250	0

Table 2 - Comparison of car parking controls for CUB Site and Departmental recommendation

residential car parking numbers below the maximum permitted by the restrictive parking policy would have a negligible impact.

The Proponent's traffic report included Paramics modelling which the RTA had conducted before the lodgement of the EA. The results of the modelling indicated that:

- Traffic impact of the development will cause minimal impact on the arterial road network in the local area in either peak.
- The worst time is the PM peak where travel times increase 10% over the study network area.
- The model indicates proposed intersections (including the proposed traffic signal at the Broadway/Balfour Street) would operate at an acceptable level with minimal queuing (provided the existing main configuration along Broadway is maintained).
- Bus travel times on Broadway in the morning peak are predicted to remain substantially unchanged. Some additional delays occur for westbound buses on Broadway in the PM peak due to less green time at the Broadway/Balfour Street intersection.

The Department's independent consultant report advised that the Proponent's report underestimated the trip generation of uses contained within the CUB Site. Despite this, the Department's consultant did not consider this distorted the Paramics modelling which showed a reduced level of service through each major intersection surrounding the CUB Site. This reduced level of service was not significant and remained adequate.

The Concept Plan was referred to the Sydney Regional Development Advisory Committee and RTA for consideration of the regional traffic implications of the Project. The response from the Committee and RTA were as follows:

- in principle support for traffic signals at Broadway / Balfour Street, Regent Street / Kensington Street, and Abercrombie Street and Blackfriars Street subject to:
 - ▶ future assessment of signalised intersections as part of a future detailed design
 - ▶ a safety audit for the intersection at Regent Street / Kensington Street given road safety concerns,
 - ▶ a potential banning of right turn traffic movements from Regent Street into Kensington Street,
 - ▶ the right hand turn from Broadway into Jones Street being closed and buses moved to a right hand turn from Broadway to Wattle Street
 - ▶ the installation of all traffic signals to be at the full cost of the developer along with a requirement to pay a 10-year operational fee before the release of detailed signal design plans
- consideration should be given to a grade separate pedestrian crossing over Broadway
- agreement to a request to lower speeds along Abercrombie Street from 60km/h to 50km/h by early 2007
- the local traffic committee of Council should be consulted with regard to the design and layout of the internal road system
- agree to the restrict car parking policy being pursued on site, and
- consideration be given by the Department of Planning to consult with the Ministry of Transport concerning improving bus services or facilities to encourage increased use of public transport services.

The Department believes that the responses should be adopted except in relation to the grade separated pedestrian crossing and the right hand turn movement from Regent Street into Kensington Street. The reasons for this is that:

- grade separated pedestrian crossings have both safety and security implications and would adversely affect the gateway into the Sydney CBD; and
- a right hand turn movement from Regent Street into Kensington Street should be banned following the recommendations of the Department's traffic consultant.

In addition to banning right hand turn movements from Regent Street into Kensington Street, the Department's consultant report made the following recommendations:

- Provision of a staging programme with corresponding required infrastructure.
- Provision of a signalised access at Broadway from Balfour Street prior to commencement of major construction activities on site.
- A construction traffic management plan shall be prepared and submitted for approval by Council in consultation with the Local Traffic Committee prior to the commencement of construction. This would set out details of access, type and number of vehicles associated with construction and the duration of construction.
- Provision of 250 public car parking spaces. In order to retain the trip generation of the public parking facility at its lowest, Council's charge rates for public car parks should be imposed for parking in this facility.
- The geometry of all internal streets should comply with Council's requirements.
- Traffic signals shall be installed at the following locations:
 - ▶ Intersection of Broadway with Balfour Street with the provision of a right turning lane from Broadway into Balfour Street, and the closure of Jones Street.
 - ▶ Intersection of Abercrombie Street with Irving Street and Blackfriars Street with pedestrian facilities.
- Prohibit the right turning movement from Tooth Avenue into Abercrombie Street during the afternoon peak period.
- The geometry and layout of all internal streets should comply with Council's requirements. Council's Local Traffic Committee should also be consulted in this regard.
- Provision of a grade separated pedestrian crossing across Broadway.
- The access route and service facilities for these vehicles should comply with Council's requirements.
- Only large rigid trucks (maximum 12.5 metres in length) shall service the proposed Supermarket loading dock; no articulated (semi-trailers) shall be used.

The Department considers the recommendations of the consultant's report to be generally acceptable, except in regard to the public car parking spaces for the reasons discussed below and a grade separated pedestrian crossing. Further to this, the Department believes that it should be made clear that the Proponent is responsible to construct and make available the internal roads and that, with the exception of the shared zones, dedicate these to Council. Consequently, the Department considers that the advice of the traffic consultant, Committee and RTA be included as modifications to the Concept Plan.

The Department, in addition to this, considers that the Concept Plan should make clear that all new internal roads are to be provided at the cost of the future Proponent.

The Department notes that the modifications to the Concept Plan by the Proponent and the Department have resulted in the GFA of 245,250 square metres being reduced by 10,250 square metres to 235,000 square metres.

The reduction in GFA does not appear to have been translated to reducing the Concept Plan's car parking numbers of 1,632 for residents and 436 spaces for non-residential uses. Approving the Concept Plan with these numbers would offer relief to the Proponent from a long established policy of restricting car parking within inner Sydney. It is possible that a further relief of this policy might occur where the Proponent is unable to realise the GFA for each development Block because of site circumstances or environmental issues.

The Department does not consider it reasonable to permit the relaxation of this policy and considers that the restrictive parking rates be included in the Concept Plan and rezoning of the CUB Site.

Resolution

The Department considers that:

- the issue of traffic is adequately resolved subject to certain recommendations of the RTA, Sydney Regional Development Advisory Committee, and consultant advice being included as modifications to the Concept Plan, and
- Council's restrictive parking policy rates in SLEP 2005 should be included as modifications to the Concept Plan and within any future rezoning of the CUB Site, and
- that all ancillary road works are to be fully funded by the Proponent.

6.2.9 Transport – Public car parking

Raised By

The Department, RailCorp, MoT, Council and public submissions

Consideration

Public submissions and Council raised concern that the proposed public car park will generate additional and unnecessary traffic along the 6 metre wide share-ways throughout the site. Council also stated that it does not support the provision of public car parks in new developments and considers planning for such high levels of car usage near the public transport hub of railway square and central station to be out-of-date. RailCorp and MoT have raised similar concerns with the provision of a public car park at this location.

During the exhibition of the concept plan, Council commenced Class 4 proceedings in the Land & Environment Court in relation to the existing public car park operating on the CUB Site. The Proponent had claimed existing use rights for the car park but chose to voluntarily close the public car park and amend the concept plan to seek concept approval for a car park on the basis of a merit assessment.

Notwithstanding Council's opposition to car parking, the public car park contradicts the objectives of Priority S6 of the NSW Government State Plan: *A New Direction for NSW* which establishes a government objective of increasing the proportion of public transport trips during peak hours. The Department considers it is not credible to sustain a merit argument for a public car parking facility that is close to a major bus route and significant public transport hub.

Aside from satisfying objectives in the State Plan, the removal of the car park will improve local amenity and this is because the removal of the public car park will result in the reduction of traffic and vehicle movement on the 6 metre wide share-ways and will create an improved and safe entry and exit into the residential car parking component of the buildings.

Resolution

The Department recommends that the concept plan be modified to delete the proposed public car parking.

6.2.10 Transport – Cycleways

Raised By

Council and public submissions

Consideration

Submissions raised concern that the Concept Plan did not take into account a recently exhibited bike plan prepared by Council.

The draft bike strategy produced by Council proposes a bicycle route (Route 20) that runs from Pyrmont to the Sydney Cricket Ground via the CUB Site. The strategy proposed that the bicycle route traverse Balfour Street

and the Wellington Street. The strategy indicated that Route 20 would intersect with other proposed cycle routes and that the design of Route 20 through the CUB Site would be a shared path.

While the bike strategy status remains a draft and the likelihood of Route 20 being endorsed, the Concept Plan should not preclude the potential for part of the CUB Site to accommodate a bicycle route. The Department considers that this would assist in the integration of the CUB Site with Chippendale and surrounding suburbs.

Resolution

The Department recommends that the Concept Plan should be modified to ensure that future applications involving road designs can accommodate a potential bicycle route through the CUB Site in accordance with Council's relevant bike plan.

6.2.11 Brewery Yard Amenity

Raised By

The Department, public submissions

Consideration

Brewery Yard is public open space which is privately owned and is part of the public domain. Brewery Yard will be in shadow during late autumn/early spring and winter. The Department and public submissions raised concerns at the amenity of this space given the overshadowing constraints. The Department was particularly concerned at the effect this may have on the enjoyment of this space for future users.

The Proponent's response to Brewery Yard solar access issues states that Brewery Yard has been assessed in relation to the extent of solar access. The proposed configuration of Brewery Yard will result in a net increase in solar access compared to the existing condition as a result of opening the existing enclosed space and providing space clear of buildings on the northern side of the space.

An analysis of the impact of the proposed development on surrounding premises has been undertaken by the Proponent. The extent of overshadowing is generally within the guidelines outlined in SLEP 2005, SSDCP 1998 and CSDCP 1996.

The environmental quality and comfort conditions of Brewery Yard are determined by the temperature level, solar access and wind conditions. The Proponent has provided the Department with a supplementary Heggies Report dated November 2006, which has provided additional information and clarification in relation to wind conditions.

The Heggies Report states that wind conditions in Brewery Yard are not considered to be problematic as a result of westerly winds, but appears to be affected by some southerly winds as a result of proposed building Block 1. The Proponents consultants have advised the Department that wind break treatments will be further investigated at the detailed design phase of the project to reduce the impact of wind to the Brewery Yard.

Resolution

The Department is satisfied that the Proponent's have adequately addressed this issue.

6.2.12 Open space

Raised By

Council and public submissions

Consideration

Public submissions raised the concerns with open space in the CUB Site, with a particular focus being the Main Park located either side of Balfour Street and in the southern portion of the site (Figure 20). These concerns are summarised as follows:

- The Main Park's integration with other areas of Chippendale or its linkages with other parks;



Figure 20 - Public domain plan showing open space areas within CUB Site (Source: JBA UrbanPlanning Consultants)

- The scale of surrounding development will create a perception that the Main Park is isolated from the broader community; and
- The Main Park will be overshadowed.

The EA identifies that the Main Park location within the CUB Site was determined by consideration of traffic noise, wind, pollution, and the location of heritage buildings and structures through the site. The current location was the preferred location as the alternative park location adjacent to Abercrombie Street would have produced a park providing poorer amenity. The location of Main Park was also considered by the EAP who recommended that it be placed in its current location (Recommendation 1). It provides good access to the existing Chippendale community via access from Balfour Street to the south.

The Department considers that the CUB Site remains as the last significant location in Chippendale where a significant open space could be accommodated. The Department is satisfied with the amount of open space provided by the Concept Plan noting that Main Park has an area of 5,342 square metres and, along with other small open space networks, would provide over 6,500 square metres within the CUB Site. This represents more than 11% of the total CUB Site area and exceeds the minimum 5,000 square metres for a single main park proposed by Council in its proposed planning package. The Department is also satisfied that the Main Park will receive suitable solar access, noting that more than half of the Main Park will have sunlight between 12.00pm and 2.00pm on Midwinter's Day.

Notwithstanding this, the Department acknowledges that integration with other areas of Chippendale is a problem for the Main Park. This is due to the barrier posed by Abercrombie Street resulting from its one way traffic flow. The effect is that it divides Chippendale in two, comprising a western half and eastern half of Chippendale.

The Proponent does attempt to counteract the physical barrier of Abercrombie Street by introducing both a signalised pedestrian intersection on Abercrombie Street and a strip park adjacent to Block 8 on its northern frontage. The purpose of the strip park is to provide a sightline along Blackfriars Street to the Park that would attract people into the open space from those parts of western Chippendale into the Main Park.

It is conceivable that both the traffic and urban design measure could succeed in attracting the western Chippendale community. The attractiveness of Main Park to western Chippendale community members, though, will rely significantly on the character of Main Park and the facilities it might contain (if any) when compared against Victoria Park and its facilities. Although the design of Main Park and its facilities will be dealt with in more detail in a future application, it is conceivable that Victoria Park will satisfy the needs of the western Chippendale community despite east-west improvements across Abercrombie Street or the problems of existing barriers between western Chippendale and Victoria Park.

Consequently, the Department considers that, in determining whether the Main Park integrates with the Chippendale community, the key factors are:

- what urban design and traffic measures are included to attract residents west of the CUB Site, and
- whether the street and open space network provide opportunities for access to residents south and east of the CUB Site.

The conclusion of the Department is that the proposed Concept Plan as it relates to Main Park addresses these factors satisfactorily. Indeed, it is considered superior to Abercrombie Street.

The Department submission sought further information on a 150 square metre GFA kiosk anticipated by the Proponent in the Main Park. This was identified in the draft SEPP amendment accompanying the SSS Study, and the Department asked for comparative data on similar facilities located in parks within the City of Sydney LGA.

The Proponent provided comparative data on the cafes in Hyde Park adjacent to St James Station and Museum Station and identified the size of these cafes as 187 and 140 square metres, respectively. This area, though, comprises enclosed floor areas and external, unenclosed floor area used by the cafes.

The data provided by the Proponent does not accord with the definition of GFA, which represents only enclosed floor area. In the case of these two cafes, the enclosed floor area (GFA) is 87 square metres for St James Station cafe and 50 square metres for Museum Station cafe. Consequently, the Department that any kiosk within the Main Park should be less than 150 square metres and proportionate to the GFA of the Hyde Park cafes.

It should also be noted that the VPA would provide \$500,000 towards landscaping of the Balfour Street closure and better connections to Victoria Park and Prince Alfred Park.

Resolution

The Department considers that:

- the issues associated with open space and the Main Park are adequately addressed,
- in regards to Main Park, the Concept Plan and rezoning of the CUB Site must include consideration of whether the Main Park integrates with the Chippendale community more broadly, and
- the rezoning of the CUB Site should restrict the GFA of the Kiosk within the Main Park to no more than 80 square metres.

6.2.13 Public Access

Raised By

Council and the Department

Consideration

Council raised concern that the Concept Plan:

- did not establish that key open space areas (such as the Main Park or Balfour Street Park) have covenants requiring them to be publicly accessible, and
- potentially allowed the Proponent to dedicate land to Council that would be located above basements or other types of structures.

It is understood that stratum ownership of roads, parks, and the like have created very complex land management issues and problems for Council in the past. The Department defers to Council's experience on this matter and considers that it would be appropriate to clarify that, unless otherwise agreed by Council, stratum ownership should not be offered for dedication.

In relation to public access, the Department agrees with Council that the Main Park and Balfour Street Park should be publicly accessible at all times. The Department considers that the same provisions should apply to the land the Proponent is offering as public open space within the Concept Plan, such as Wellington Street Park and Irving Street Park. Given the concerns with future ownership and management of these "parks", the land owner (including Owner's Corporation) should be entailed with their responsibility or until Council agrees (if at all) to accept the land in stratum.

Resolution

The Department considers the Concept Plan be modified to require that:

- the Main Park, Balfour Street Park and non-stratum roadways be dedicated to Council,
- a public authority may decline the stratum ownership of land above basements, and
- provisions be included to require positive covenant in favour of unrestricted public access across all land identified as open space.

6.2.14 Community Facility

Raised by

The Department

Consideration

The Department notes that the Concept Plan and SSS Study allow for the possibility of community facilities within the CUB Site and that the Proponent in the Statement of Commitments commits to providing childcare facilities at the rate in Council's relevant DCP. The VPA provides details on the provision of monies for a Community Facility that may or may not be within the CUB Site.

The provision of community facilities within the CUB Site may involve Council leasing or purchasing GFA within any of the Blocks 1 through to 11.

Council's draft VPA it had been negotiating with the Proponent allowed for a monetary contribution for a \$2.5 million community facility. It is understood that this was favoured by Council and the VPA with the Minister allows for this mechanism.

The Concept Plan may act to fetter Council's ability to pursue a community facility within Main Park (if that is pursued) as no GFA is attributed to Main Park other than for the purposes of a kiosk. The impact of this is that Council, in order to pursue a community facility within Main Park, would have to negotiate with a developer or series of developers to redistribute GFA towards a community facility. This presents problem insofar as

- Council may not be able to secure the necessary amount of GFA needed to construct a viable community facility, or
- the owner or owners burdened by the loss of GFA may seek benefits to offset this loss that may not be in the public interest.

The Department considers that removing Council's options in providing community facilities is not in the public interest. In this regard, it is considered appropriate to grant Council an unspecified GFA for the purposes of a community facility in Main Park and allow that GFA to be excluded from the maximum GFA permitted within the CUB Site.

Resolution

The Department recommends that:

- an unspecified GFA for the purposes of a community facility in Main Park be permitted and

- this GFA not be calculated towards the maximum GFA permitted within the CUB Site.

6.2.15 Site Remediation

Raised By

DEC, Council and public submissions

Consideration

The past industrial activity of the site subjected it to contaminating activities. These were industrial activities associated with storage and handling, vehicle maintenance and fuel storage, electrical substations, historical industrial uses, use of lead based paints, asbestos from historic building demolition and fill from unknown origins.

DEC has reviewed the 'Remediation Strategy for Concept Plan Application Kent Street Brewery' dated 3 October 2006 by URS. DEC advises that a tetrachloroethene (PCE) contamination plume that originates off site in the proximity of the south eastern corner is migrating on-site. DEC advises that the significance of the levels of PCE contamination warrants a more detailed assessment with respect to its potential impact to human health and to the environment.

Council does not support the Proponent's remediation strategy submitted with the concept plan. The Council's concerns are that the long term responsibility rests with the future Owners' Corporation of each building to maintain and replace both groundwater collection and odour control equipment for the life of the development.

The Department has reviewed the strategy report by URS and considers the proposed remediation process to be satisfactory. The Department recommends that all remediation work will be performed in accordance with the regulatory requirements of DEC and subject to review by an EPA Accredited site auditor.

DEC requires the method of remediation must be sufficient to ensure minimal residual PCE contamination at the site as well as on Wellington Street is found. Particular focus must be given to the prevention of impacts in the proposed car park basements.

Resolution

Further investigation into site remediation and approval is required prior to any development taking place.

6.2.16 Staging of Development

Raised By

The Department, Council and public submissions

Consideration

The Department raised concern that orderly development may not be served by the "indicative nature" of the staging plan submitted with the concept plan. The concept plan needed to clearly define how the provision of expanded or new facilities as detailed in the VPA would be co-ordinated to ensure that the development on-site is undertaken in a staged and timely manner.

Public submissions raised concerns regarding the timely construction of the 'Main Park' and the pocket parks in terms of the staging of the CUB development site. Council and the submissions indicated that previous negotiations would have delivered the Main Park at the earliest possible stage in the site's redevelopment.

The Department considers it desirable to provide these benefits and other infrastructure (including roads) as early as possible. In this regard, the Department considers that the Concept Plan should include requirements that each future project application demonstrate that it achieves orderly and coordinated development in terms of infrastructure and road provision. It is understood that the legal deed the Proponent has signed with the City will require the delivery of the Main Park by 31 December 2010 and establishes the timing of Balfour Street Park to be as soon as reasonably practicable.

Resolution

The Department recommends the concept plan be modified to ensure that future applications demonstrate that they represent orderly and coordinated development.

6.2.17 Affordable housing**Raised By**

Council and public submissions

Consideration

Concern has been raised by the public and the Council regarding the impact the *Redfern Waterloo Authority Act 2004* has had on the CUB Site in relation to affordable housing.

The current provisions within SLEP 2005 do not permit contributions being made for affordable housing purposes. Section 30 of the *Redfern Waterloo Authority Act* includes provisions to secure a contribution for affordable housing.

It is understood that the Proponent and Redfern Waterloo Authority are finalising execution of a VPA for affordable housing at the time of writing this report.

While affordable housing will not be available within the CUB Site, the Department considers that securing of funds for affordable housing within the Redfern-Waterloo area will achieve a positive outcome in social planning.

Resolution

The Department is satisfied that this issue has been adequately addressed.

6.2.18 Ecologically Sustainable Development**Raised By**

The Department

Consideration

While this report generally represents an assessment of ecologically sustainable development, it is considered appropriate to consider the Concept Plan in light of the DGRs requirements that the EA should demonstrate that the Concept Plan for the CUB Site address issues of sustainable development, drainage and stormwater issues (inclusive of WSUDs).

The Proponent in the EA proposes that the Concept Plan will achieve the following sustainable development principles and has made commitments to this effect in the Statement of Commitments

(1) For residential development:

- Meeting the 40% reduction on the BASIX energy consumption benchmark.
- A 4.5 average star comfort rating using NatHERS or equivalent as well as each apartment being required to achieve specified load maximums and whole building average maximum heating and cooling loads.

(2) For commercial development:

- A minimum 4.5 stars ABGR energy performance (in line with PCA 2006 Grade A building guidelines and Sydney City Council requirements for any commercial building design)
- Buildings should achieve 4 star Green Star Rating.
- Buildings should achieve a 4 star NatHERS rating.

(3) For retail development,

- compliance with any future compulsory rating tool provided by the Australian Building Greenhouse Rating Scheme.

(4) All development:

- All refrigerants and insulation should be specified to have an Ozone Depletion Potential (ODP) of zero.
- Any external lighting should not be directed beyond the site boundary upwards.

The Proponent includes a WSUD for the CUB Site that seeks to integrate the management of the three urban water streams of potable water, wastewater and stormwater. It is based on the following principles as outlined in the EA:

- Demand for potable mains water will be reduced within the development through water efficient fixtures and appliances, and using alternative sources or water based on matching water quality to uses on a "fit-for-purpose" basis.
- Wastewater disposal minimised through a combination of potable mains water demand management initiatives, water efficient processes and wastewater reuse.
- Urban stormwater will be treated to meet national stormwater quality objectives for reuse and/or discharge to the harbour.
- Stormwater will be used within in the urban landscape to maximise visual and recreational amenity of developments, and where appropriate influence the micro-climate of the area.
- On-site stormwater detention standards will be developed for the site and further consultation with Sydney Water will be required prior to final design of the detention systems.

The Department has considered these points and notes that the Proponent has made commitments to ensuring that these targets and measures are implemented on the CUB Site. The Department also notes that the high modal split away from private vehicles will mean that the CUB Site will help assist in reducing greenhouse gas emissions and is a positive contribution.

Consequently, the Department is satisfied that the proposal is consistent with ESD principles and WSUD objectives.

Resolution

The Department considers the concept plan has adequately addressed ecologically sustainable development principles.

7 CONCLUSION

The Department has reviewed the environmental assessment and the preferred project report. It has duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75(2) of the Act. All the relevant environmental issues associated with the proposal have been assessed.

In balancing the State significant planning outcomes with the issues raised in the body of this report, the Department is of the view that the Proponent has satisfactorily mitigated the environmental impacts arising from the redevelopment of the CUB Site to achieve a number of positives. These include;

- the adaptive reuse of most heritage significant buildings on site,
- the provision of new commercial office space within the City of Sydney LGA,
- enliven activity and diversity of uses for the CUB Site,
- a layout that maximises pedestrian permeability and connection to Chippendale whilst rationally distributing traffic within the CUB Site and minimising through traffic into the surrounding area
- assisting to enliven the Broadway and the gateway into the Haymarket and Sydney CBD,
- providing a significant amount of open space in the form of the Main Park and a series of other pocket parks, well connected to the adjoining neighbourhood, and
- various public benefits delivered through parallel VPAs

In assessing the development of CUB Site, the Department has considered and identified solutions to resolve outstanding environmental issues with the Concept Plan raised by the Department, community and government agencies. The Department recommends modifications to the Concept Plan or will recommended changes to the planning provisions in the proposed SEPP amendment or both.

Some environmental issues remain outstanding with the development of CUB Site and relate to detailed matters concerning the future projects or stages of the project. The Department considers that these outstanding issues are not impediments to a determination of the Concept Plan and can be addressed in detail as part of the further development approvals.

The Proponent has committed via Statements of Commitments to a number of measures to ensure the redevelopment proceeds smoothly and does not adversely impact on local amenity and landscapes adjacent to the CUB Site. Those statements are required to be met in the approval. The Department is recommending further modifications as part of the approval to augment commitments made by the Proponent and ensure their consistency with the findings of this Report.

Recommended modifications to the Concept Plan are provided at Appendix A. The reasons for the imposition of conditions are to ensure:

- good urban design,
- ensure the protection of heritage buildings,
- maintain the amenity of the surrounding area,
- ensure the adequacy of local and regional infrastructure, and
- reduce any potential environmental impact on the development.

The Department's modifications to the Concept Plan may require changes to the planning provisions governing CUB Site. Any such changes are warranted to ensure the Objects of the Act are achieved for this Concept Plan and the future development of the CUB Site more generally.

The Department in considering future development roles at CUB Site considers that major future development should generally be retained within Part 3A. All other types of future development can therefore be dealt with by Council as consent authority under Part 4 or Part 5 of the Act.

8 RECOMMENDATION

It is recommended that the Minister for Planning:

- (A) **consider** the assessment findings and recommendations of this report in regards to the Concept Plan.
- (B) **grant approval** for the Concept Plan under section 75O of the Act, subject to the proponent entering into the planning agreements referred to in the Statement of Commitments, by signing the Instrument of Approval at Appendix A.
- (C) **determine, under** section 75P(1)(b), that development with a capital investment value of less than \$5 million be subject to Part 4 or Part 5 of the Act, whichever is applicable.
- (D) **determine** under sections 75P(1)(a) and 75P(2)(c) that future development be subject to the requirements set out in Part B of Schedule 2 to the Instrument of Approval.
- (E) **sign** the draft planning agreement concerning the provision of public benefits submitted with the concept plan is subject to Planning Agreements being entered into.
- (F) **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 prior to an amendment to the Major Projects SEPP).

Endorsed by

Antony Pedroza
Senior Planner

Michael File
Team Leader, Strategic Assessments

Sam Haddad
Director-General

APPENDIX A. CONDITIONS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT MP 06_0171

(FILE NO. S06/00911)

CONCEPT PLAN FOR REDEVELOPMENT OF CARLTON & UNITED BREWERY SITE

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) under Section 75O, to approve the concept plan referred to in Schedule 1 subject to:
 - (i) the proponent entering into the planning agreements referred to in the Statement of Commitments dated 22 December 2006; and
 - (ii) the modifications in Schedule 2.
- (b) under section 75P(1)(b), that development with a capital investment value of less than \$5 million be subject to Part 4 or Part 5 of the Act, whichever is applicable.
- (c) under sections 75P(1)(a) and 75P(2)(c) that future development be subject to the requirements set out in Part B of Schedule 2.

The reason for the modifications are:

- (a) to manage and mitigate adverse environmental impacts;
- (b) to ensure an acceptable built form outcome for the site.

Frank Sartor MP
Minister for Planning

Sydney,

2007

SCHEDULE 1

PART A – APPROVAL

A1 *Operation and Commencement of Approval linked to VPAs*

The Approval of the CUB Concept Plan **does not** commence until such time as the Proponent enters into the VPAs

A2 *Table*

Proponent:	Carlton & United Breweries (NSW) Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	06_0171
On land comprising:	Lot 1 DP 76719 Lot 1 DP 709452 Lot 5 DP 33953 Lot 1 DP 228682 Lot 1 DP 191024 Lot 1 DP 189736 Lot 17 DP 192059 Lot 16 DP 192059 Lot PT 15 DP 192059 Lot 701 DP 752011 Lot 14 DP 192059 Lot 31 SEC 1 DP 739 Lot 33 SEC 1 DP 739 Lot 35 SEC 1 DP 739 Lot 2 DP 722227 Lot 1 DP 722227 Lot 16 SEC 1 DP 739 Lot 14 SEC 1 DP 739 Lot 27 SEC 1 DP 206 Lot 28 SEC 1 DP 206 Lot 30 SEC 1 DP 206 Lot 31 SEC 1 DP 206 Lot 11 DP 626951 Lot 15 DP 752011 Lot 14 DP 752011 Lot 13 DP 752011

	<p>Lot 12 DP 979183</p> <p>Lot 27 SEC 2 DP 206</p> <p>Lot 1 DP 101608</p> <p>Lot 26 DP 650913</p> <p>Lot 1 DP 101611</p> <p>Lot 1 DP 1095211</p> <p>Lot 24 SEC 2 DP 206</p> <p>Lot 1 DP 511051</p> <p>Lot 1 DP 128618</p> <p>Lot 22 SEC 2 DP 206</p> <p>Lot 21 SEC 2 DP 206</p> <p>Lot 20 SEC 2 DP 206</p> <p>Lot 1 DP 795561</p> <p>Pt 10 SEC 1 DP 739</p> <p>PT 8 SEC 1 DP 739</p> <p>*Irving Lane, Chippendale between Carlton and Balfour Streets and the section of Balfour Street, Chippendale between O'Connor Street and the southern boundary of Lot 1 DO 43731.</p> <p>*Balfour Street, Chippendale between O'Connor Street and Wellington Streets.</p> <p>*Kensington Street, Chippendale between Outram and Regent Streets.</p> <p>*Substation Premises No. 102, Irving Street, Chippendale</p>
Local Government Area:	City of Sydney Council
Approval in summary for:	<p>A Concept Plan involving:</p> <ul style="list-style-type: none"> ▪ The layout of development into 11 blocks, a new park and street layout, ▪ Building envelopes including maximum heights, ▪ Maximum floor space (GFA) within each development block.
Capital Investment Value:	\$800 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

A3 *Approval in detail*

Concept approval is only to the following development:

- (c) The layout of development into 11 development blocks, a major new park, and other areas of open space and street layout.
- (d) Land uses across the site and for specific blocks/floor levels where specified.
- (e) Built envelopes including floor plates and maximum heights.
- (f) Maximum floor space (GFA) within each development block and a total 235,000 GFA across the site.
- (g) Retention of a range of heritage items of significance.
- (h) Street hierarchy for specific streets (including road and pavement widths and provision for bicycles).
- (i) Landscaping concept.
- (j) Access arrangements and car parking based on the recommended rate and the assumed dwelling mix.
- (k) Storm-water management concept.
- (l) Voluntary Planning Agreements and Statement of Commitments.

A4 *Development in Accordance with Plans and Documentation*

- (2) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Volume 1 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (b) *Appendices - Volume 2 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (c) *Appendices - Volume 3: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (d) *Appendices - Volume 4: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
- (3) The following Preferred Project Report and revised Statements of Commitment are approved and shall be complied with:
 - (a) *Preferred Project Report* prepared by JBA Urban Planning Consultants dated 21 December 2006; and
 - (b) *Preferred Project Drawings* prepared by COX/ATA dated October 2006.
 - (i) Rev CP_04_A-01-02_07
 - (ii) Rev CP_04_A-05-01_07
 - (iii) Rev CP_04_A-09-01_06

- (iv) Rev CP_04_A-10-01_06
 - (v) Rev CP_04_A-11-06_06
 - (vi) Rev CP_04_A-11-07_06
 - (vii) Rev CP_04_A-11-14_07
 - (viii) Rev CP_04_A-11-15_06
 - (ix) Rev CP_05_A-07-05_01A
 - (x) Rev CP_07_A-07-01A
 - (xi) Rev CP_04_A-05-01_08
- (c) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants dated 21 December 2006.
- (4) In the event of any inconsistencies,
- (a) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1), and
 - (b) the modifications of the Concept Plan approval identified in Schedule 2 prevail over the documentation listed in (1) and (2) above

PART B – NOTES RELATING TO THE APPROVAL

Responsibility for other approvals / agreements.

The Applicant is solely responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Notes

Notes included in this approval do not form part of this approval.

PART C — DEFINITIONS

In this approval the following definitions apply:

Act means the Environmental Planning and Assessment Act, 1979 (as amended).

Council means City of Sydney Council.

CUB Concept Plan means the project and the accompanying plans and documentation described in Part A, Schedule 1 as modified by Schedule 2.

Department means the Department of Planning or its successors.

Design review panel means a design review panel constituted by the Minister to assess the design excellence of development within the Subject Site.

Director-General means the Director-General of the Department

GFA means the gross floor area and has the same meaning as contained within the *Standard Instrument (Local Environmental Plan) Order 2006*

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponents means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule to which the Concept Plan applies.

VPAs means Voluntary Planning Agreements, namely the agreement with the Redfern Waterloo Authority that seeks to make monetary contributions towards affordable housing in the Redfern Waterloo Authority area and the agreement with the Minister for Planning to provide for public benefits within the Subject Site.

SCHEDULE 2 – MODIFICATIONS TO THE CARLTON & UNITED BREWERY CONCEPT PLAN (MP 06_0171)

PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS

Gross Floor Area

A1 Gross Floor Area Controls

The Concept Plan is modified with regards to GFA as described by the provisions below

- (a) The Maximum GFA available for development across the Subject Site is 235,000 square metres
- (b) The maximum GFA for the land uses and the development parcels approved as part of the Concept Plan are described below:

Block	Commercial / Retail GFA (sq metres)	Residential GFA (sq metres)	Total (sq metres)
Block 1	41,315	0	41,315
Block 2	6,709	38,385	45,094
Block 3	9,953	0	9,953
Block 4	11,754	13,841	25,595
Block 5	8,850	35,123	43,973
Block 6	1,754	138	1,892
Block 7	0	787	787
Block 8	1,722	10,630	12,352
Block 9	2,003	20,050	22,053
Block 10	2,790	208	2,998
Block 11	5,808	23,100	28,908
Main Park	80	0	80
Subject Site Total	92,738	142,262	235,000

- (c) Notwithstanding the above, any GFA that occurs from the development for the purposes of community facilities within Main Park that Council will own and operate shall not be calculated towards the maximum GFA referred to in (a) above.
- (d) Any future land subdivision shall ensure covenants are placed on the title to limit the GFA for each block in accordance with (b).
- (e) The maximum GFA identified above is subject to satisfying as part of future applications:
 - (i) the requirements of this approval,
 - (ii) all design excellence provisions, and
 - (iii) environmental considerations.

A2 Gross Floor Area calculations

The Proponent is to provide A3 polyline drawings with each future application that provide the following detailed information:

- (a) Show and number the included and excluded floor area for each level
- (b) Show the breakdown and cumulative total for each level of gross floor areas,

- (c) Show each drawing is signed off by a Registered Architect, and
- (d) Demonstrate the project is contained within the approved building envelopes, and
- (e) Demonstrate that the design does not exceed the maximum GFA permitted for each development parcel.

Built Form and Urban Design

A3 *Design excellence*

- (1) This provision applies to the following development:
 - (a) any development comprising the erection of a building exceeding 55 metres in height,
 - (b) any development of land exceeding 1,500 square metres in area,
 - (c) for each “block” where this is not covered by (a) or (b) above, or
 - (d) building(s) not counted by (a) to (c) where considered critical for the precinct.
- (2) The Proponent shall hold a design excellence competition for all development identified at (1) above.
- (3) The design competition brief(s) shall be approved by the Director-General or his delegate.
- (4) The Director-General shall establish a design review panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
- (5) The design review panel shall also be utilised for any significant changes to the concept plan and be involved through construction to ensure design integrity is maintained.
- (6) Approval of future applications may not be granted until such time as the relevant authority has obtained and taken into consideration the advice of the design review panel concerning the design quality of development on the site.

A4 *Building Heights*

The Concept Plan is modified to clarify that the building height shown in the building envelopes does not include communication devices and architectural roof features approved in subsequent applications.

A5 *Block 9*

The Concept Plan is modified in regards to the height of Block 9 such that:

- (a) the building is reduced in height by 3 habitable levels,
- (b) the height of the building envelope (including plant height) does not exceed RL 80.70;
- (c) the height of the building envelope for habitable areas do not exceed RL 75.70; and

- (d) the GFA is reduced accordingly in accordance with modification A1 in this schedule.

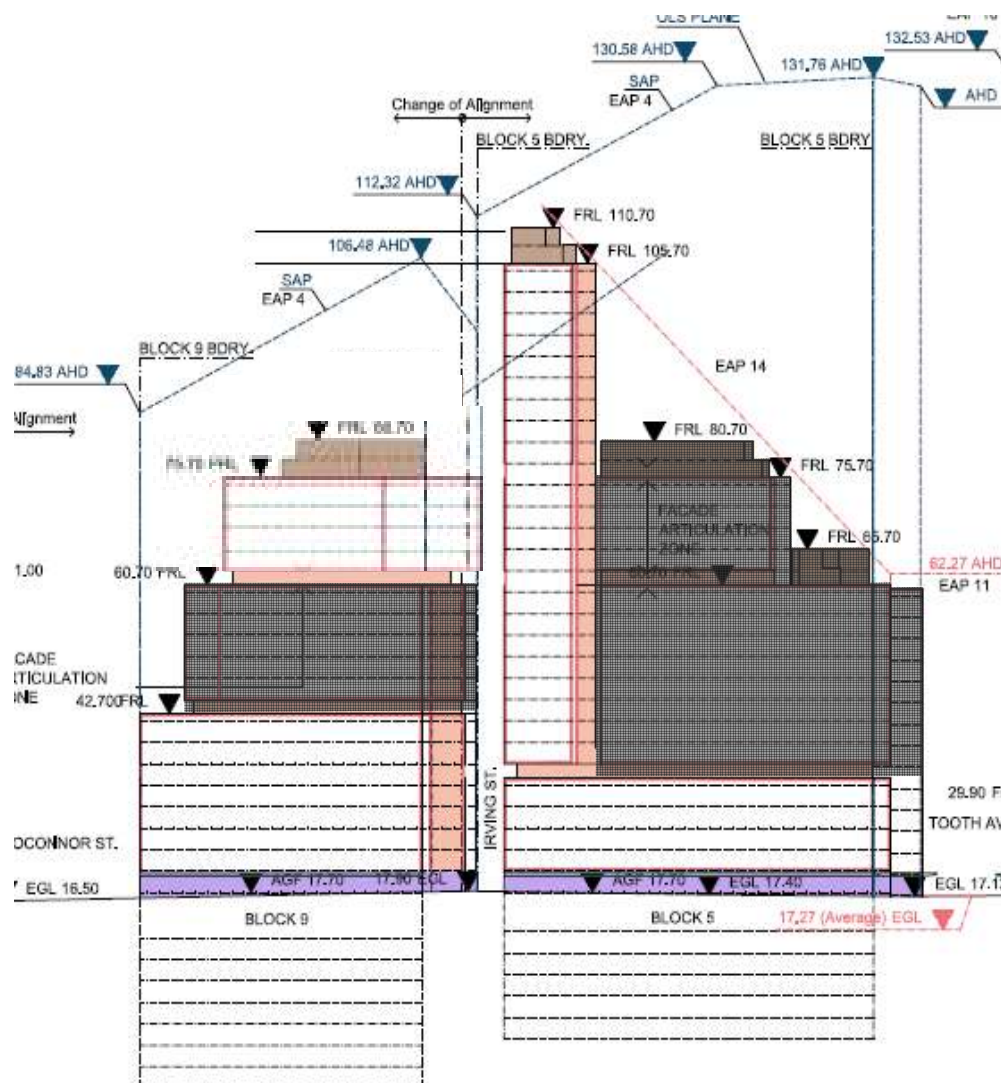
A6 *Block 11*

The Concept Plan is modified such that the building massing to Wellington Street shall ensure that the height at the street frontage is no more than 15 metres and is maintained for a depth of at least 6 metres

A7 *Upper level setbacks to Kent Road and Broadway*

- (1) The Concept plan is modified such that upper level setbacks are provided for to Block 5 and Block 9 along the Kent Road and Block 1 along Broadway.
- (2) In regards to Block 1, the upper level setback shall be approximately RL 38.90;
- (3) In regards to Block 5, the upper level setback shall:
 - (a) be at approximately RL 32.30 (but established to be consistent with the street wall height of Block 3),
 - (b) be restricted to the area north of the vertical articulation zone shown hatched grey on the Kent Road Frontage Plan,
 - (c) be setback at least 6 metres from the Kent Road alignment of Block 5.
- (4) In regards to Block 9, the upper level setback shall:
 - (a) be restricted to RL 42.7 and RL 60.7,
 - (b) at approximately RL 37, (but established to be consistent with the street wall height of Block 3 opposite),
 - (c) restricted to the area shown hatched grey on the Kent Road Frontage Plan, and
 - (d) be no less than 6 metres setback to the Kent Road alignment of Block 9.
- (5) The final depth of upper level setbacks within the constraints above will be determined as part of a future applications subject to the design excellence provisions:
 - (a) will not contribute to a wall like visual appearance or result in a bulk and scale that dominate its setting,
 - (b) will produce a design that strengthens the distinction between the articulated and non-articulated parts of the building;
 - (c) will contribute to the existing and future character of the relevant street,
 - (d) will not adversely impact on the amenity of pedestrians, and
 - (e) in regards to Block 5 and 9,
 - (i) does not adversely impact on the scale relationship with the buildings or building envelopes located on Block 3,
 - (ii) will not adversely impact on the heritage significance of buildings within Block 3, and
 - (iii) will not adversely impact on views to the tower element on Block 5.

(6) For the purposes of this condition, **Kent Road Frontage Plan** is the following map:



Land uses

A8 Street activation

- (1) The Concept Plan is modified to require that street activation is maximised along the following roads:
 - (a) Broadway,
 - (b) Balfour Street,
 - (c) Tooth Avenue adjacent to Block 4 and Block 5
 - (d) Kent Road,
- (2) For the purposes of maximising street activation, this shall involve
 - (a) providing access into retail shops directly from the pedestrian footpaths,
 - (b) locating services and fire exits such that they are located predominantly on streets other than those nominated in (1) above to the extent possible in meeting BCA requirements,
 - (c) commercial offices, entry lobbies to commercial offices or residential apartments only where they are not the predominant use along the frontage of a building or buildings contained within each

Block facing the nominated street, and

- (d) minimising the number of driveways and their widths and providing basement car access and servicing,
- (e) in the case of heritage buildings, providing uses that assist in casual surveillance of the street and positively contribute to the retail character of the nominated street.

A9 *Mix of uses*

The Concept Plan is modified such that:

- (a) it is approved with residential uses comprising approximately 60% of the GFA whilst non-residential uses account for the remainder,
- (b) serviced apartments shall not account for non-residential uses, and
- (c) any subsequent amendments shall not increase residential uses above 70% of the total GFA.

Open space, public domain, and public benefits

A10 *Main Park*

- (1) This provision applies to applications involving:
 - (a) the design of Main Park,
 - (b) the design layout for roads,
 - (c) the design for a building occupying Block 8
- (2) The Proponent shall demonstrate with the application that
 - (a) urban design and traffic measures will contribute to attracting residents west of the CUB Site to the Main Park, and
 - (b) the street and open space network will provide opportunities for access by residents south and east of the CUB Site into the Main Park.

A11 *Publicly accessible land*

- (1) The Concept Plan is modified such that:
 - (a) it does not permit the dedication of land to a public authority that is immediately above basement car parking, and
 - (b) land that might reasonably be dedicated to a public authority, including (but not limited to) through site links, shared ways, and open space immediately above a part of a building contained below ground level, shall be the subject of covenant(s) on title to ensure public access.
- (2) The Concept Plan permits a public authority to decline to accept land for dedication that, in its opinion, it considers to be through site links or ancillary spaces of a building.

A12 *Additional public benefits*

The Concept Plan is modified to make clear that the Proponent is responsible for providing additional public benefits limited to the following:

- (a) the construction of a roadway as part of Carlton Street and which is owned by Council,

- (b) the construction of all internal roads including kerbs and guttering, pavement treatments, light, power and other utilities, planting and street furniture,
- (c) the creation of part of the site for widening Wellington Street to construct a footpath
- (d) external footpaths and ancillary road works (including the upgrade of O'Connor Street and Kensington Street).

Car parking

A13 Public Car Park

The Concept Plan is modified such that the proposed public car parking facility is not approved and shall be deleted and not included in any subsequent future project application or development application.

A14 Parking Rates

The Proponent shall demonstrate with each application that the proposed development provides on-site parking consistent with Part 5, Chapter 2 of *Sydney Local Environmental Plan 2005*.

Infrastructure

A15 Staging of Development

The Proponent shall demonstrate with each application that the proposed development represents orderly and coordinated development in that:

- (a) It may be serviced by existing infrastructure or is capable of being serviced;
- (b) Access for vehicles and pedestrians is available and can be made available;
- (c) Adequate community benefits exist to serve future occupiers/residents of the Subject Site; and
- (d) Obligations for the provision of public benefits are provided.

A16 Infrastructure – Road

Future applications lodged by the Proponent for development on the Subject Site shall, where relevant:

- (a) demonstrate that the geometry of all internal streets comply with Council requirements
- (b) demonstrate that the design of roads shall include signalised intersections at the following locations:
 - (i) Intersection of Broadway with Balfour Street with the provision of a right turning lane from Broadway into Balfour Street, and the closure of Jones Street.
 - (ii) Intersection of Abercrombie Street with Irving Street and Blackfriars Street with pedestrian facilities.
 - (iii) Intersection of Kent Road (or Kensington St if not closed) with Regent Street together with the banning of the right turning movement from Regent Street to Kent Road (Kensington Street).
- (c) identify whether satisfactory arrangements will be or have been made with the RTA in regards to the funding of signalised intersections,
- (d) provide a safety audit for the intersection at Regent Street / Kensington Street given road safety concerns,

- (e) prohibit the right turning movement from Tooth Avenue into Abercrombie Street during the afternoon peak period.
- (f) demonstrate that the access route and service facilities for vehicles comply with Council's requirements,
- (g) demonstrate that only large rigid trucks with a maximum length of 12.5 metres shall service the proposed Supermarket loading dock and prohibit the use of large articulated vehicles.
- (h) demonstrate that the road design is capable of accommodating a bicycle route identified in Council's current existing or draft strategy.

A17 *Infrastructure – Rail*

Future applications lodged by the Proponent for development on the Subject Site shall:

- (a) Demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for noise and vibration impacts, regardless of whether they are interim or draft.
- (b) Submit an electrolysis risk assessment prepared by a suitably qualified professional that identifies risk to the development from stray currents and measures that will be undertaken to control that risk.
- (c) Demonstrate that they have a Deed with RailCorp, or are in the process of seeking to enter into a Deed with RailCorp, concerning access to the rail corridor for any works, where relevant.
- (d) Demonstrate that a suitable level of consultation with RailCorp has been undertaken.

Planning instruments

A18 *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

Future applications lodged by the Proponent for development on the subject site shall be in accordance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council.

A19 *State Environmental Planning Policy No.55 –Remediation of Land*

Future applications lodged by the Proponent for development on the subject site shall demonstrate that the provisions of SEPP 55 have been met.

General requirements

A20 *Further approvals and the carrying out of works / activities*

- (1) This Concept Plan Approval does not permit or allow the Proponent to carry out or commence any work or activity described in this schedule except as required by Modification (2) below.
- (2) The consent authority must only grant consent to future applications for development where it is generally consistent with the terms of approval of Concept Plan No. 06_0171 as described in Part A of Schedule 1 and subject to the modifications of approval set out in this schedule.
- (3) Notwithstanding (2) above, the relevant authority must, when determining a development application for the project or that stage of the project under Part 4 must be satisfied that it is generally consistent with the terms of the approval of the CUB Site.

ADVISORY NOTES

AN1 *Energy Australia*

- (1) Energy Australia will require appropriate lease and easements for its proposed infrastructure.
- (2) Energy Australia requires unimpeded access to all proposed assets within the Subject Site.
- (3) A determination will need to be made concerning the type of 11kV network CBD triplex pit and duct type of system or the suburban type reticulation system.
- (4) Close co-operation with various authorities will need to be made concerning the construction and installation of respective infrastructures.
- (5) Energy Australia presently holds a free hold title on its existing substation and arrangements will be required to negotiate its sale or its corporation into the proposed development.

APPENDIX B. STATEMENT OF COMMITMENTS

Subject	Commitments	Timing
1. Design Excellence	<p>The draft SEPP amendment provides that the Consent Authority may require a competitive design process to achieve design excellence in the architecture of any development involving the erection of a building of over 25 metres in height. The 25 metre height limit will capture development for the majority of the buildings on the site.</p> <p>Design excellence guidelines will be issued by the Department of Planning and approved by the Minister and will include specific design excellence matters to be addresses including any details regarding the conduct of design competitions and guidelines for the competitive selection of design proposals.</p> <p>The Minister will waive the requirement for a design competition for 2 buildings (or one block) if the landowner engages the highest ranked entrant in the 2004 "Balfour Park" design competition to design and document, with continuity during the documentation and construction phases, through to the completion of the project, to ensure that design continuity and excellence of the highest ranked scheme are maintained for those buildings (or that block) and full project design and documentation for the site's public domain. This waiver will not apply to Block 2 in the northeast corner of the site or either of the two tower buildings proposed for that block.</p>	
2. Public Open Space	<p><i>a. Main Public Park</i></p> <p>The land owner will provide a public park of approximately 5381 sq.m. comprising Sites 1, 2 and 14 (Site 14 owned by Council with an area of 519 sq.m.) as shown on the Public Domain Plan drawing CP 04 A-02 -01 05 dated 18/10/06.</p> <p>The land will be remediated (if required) to achieve the issue of a Site Audit Statement and will be constructed and embellished at a cost of not less than \$560.00 per sq.m.,. The cost of construction and</p>	<p>The park will be completed and dedicated at a time as set out in the draft Voluntary Planning Agreement.</p> <p>The Land Owner must use all reasonable endeavours to ensure that, by no later than 31 December 2010, the Land Owner has completed</p>

Subject	Commitments	Timing
	<p>embellishment includes all internal and external cost for surface works including approvals, certification, design, documentation, supervision and construction. It does not include remediation, levelling or sub-surface infrastructure. In the event that the City Council as the owner of land identified as Site 14 declines to grant owners consent then this area will be excluded and there shall be no obligation to carry out any works to that land.</p> <p>Land comprising Sites 1 and 2 will be subdivided into separate parcels in sufficient time to ensure that the land can be dedicated as public open space upon practical completion of the works.</p>	<p>the Main Park Works and opened that park to the public for use, primarily as passive open space.</p>
	<p><i>b. Connecting Parks (Sites 3 and 4 on the Public Domain drawing CP 04 A-02-01 05)</i></p> <p>Site 3 (Irving Park) will be landscaped as part of the development of Block 8 (CP 04 A-01-01 05) and dedicated as public open space. The land will be embellished to a standard not exceeding the standard required for the Main Park. Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area.</p>	<p>Detailed design for this public open space will be submitted with the project application for the development of Block 8.</p>
	<p>Site 4 (O'Connor Park) will be landscaped as part of the development of Block 9 (CP 04 A-01-01 05) and dedicated as public open space. The land will be embellished to a standard not exceeding the standard required for the Main Park. Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area.</p>	<p>Detailed design for this public open space will be submitted with the project application for the development of Block 9.</p>
	<p><i>c. Balfour Street Park</i></p> <p>Subject to the City Council providing owners consent, the area indicated on the Public Domain plan CP 04A-02-01 05 as Site 15 will be remediated (if required), constructed and embellished as a public park at no cost to the City of Sydney Council to a value not less than \$560.00 per sq.m., indexed. This amount excludes the cost of any remediation.</p>	<p>The park will be completed at a time as set out in the draft Voluntary Planning Agreement.</p>

Subject	Commitments	Timing
	<p><i>d. Wellington Street Park</i></p> <p>A public park with a minimum area of 650 sq.m will be designed and constructed within Block 11, located adjacent to Wellington Street generally in accordance with the Public Domain Plan CP 04 A 02-01 05. This park will be constructed and embellished to a value not less than \$560.00 per sq.m and dedicated in stratum. Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area.</p>	<p>Detailed design for this public open space will be submitted as part of the project application for Block 11.</p>
	<p><i>e. Landscaping</i></p> <p>The design process for the public open space will incorporate a community & stakeholder process. The City of Sydney is a key stakeholder where it is the owner of land to be embellished or has agreed to accept dedication of embellished land. The final designs will be subject to a final CPTED review, to be undertaken to future owner's satisfaction prior to lodgement.</p>	<p>The land will be remediated and embellished to practical completion such that it is capable of being used as public open space and dedicated prior to an occupation certificate being issued for any new building within the Block.</p>
<p>3. Privately owned publicly accessible open space</p>	<p><i>Brewery Yard and Brewery Forecourt (Sites 7 and 8 on the Public Domain Plan)</i></p> <p>As part of the development of Block 4 a privately owned but publicly accessible square shall be provided generally in accordance with Sites 7 and 8 shown on the Public Domain Plan CP 04 A-02-01 05. Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for these areas.</p>	<p>Details of the design of the Brewery Square will be submitted with the Project Application for Block 4.</p>
<p>4. Community Benefits</p>	<p><i>Pedestrian Crossings</i></p> <p>Subject to the approval of the RTA and any other public authorities, the landowner will provide signalised pedestrian crossings of City Rd at Myrtle Street to Victoria Park and at Regent Street to facilitate access to Price Alfred Park.</p>	<p>These pedestrian crossings will be constructed at a time as set out in the draft Voluntary Planning Agreement.</p>

Subject	Commitments	Timing
5. Community Facility Payment	The landowner will make a payment of \$2.5 million, indexed, towards the provision of, or upgrade to, a community centre or other similar community facility in the suburb of Chippendale.	The payment will be made at a time as set out in the draft Voluntary Planning Agreement.
6. Affordable Housing	<p>The land owner offers to enter into a Voluntary Planning Agreement with the Redfern Waterloo Authority that will provide for a contribution to be paid to the RWA prior to the issue of any Construction Certificate, for development which is consistent with approval of this Concept Plan or any amendment to it.</p> <p>The VPA will operate from the grant of the first project approval and it is intended that it be registered upon the title of the privately owned lands that form the Concept Application. The VPA may be removed from the title of any lands where a construction certificate has been issued for those lands in accordance with the Concept Approval and subsequent Project Approval and the obligations of the VPA fulfilled.</p> <p>In the event that a condition is imposed upon a Project Approval requiring the payment of an affordable housing contribution outside the terms of the Planning Agreement then such contribution will be reimbursed to the person required to make the payment.</p>	Payment of contribution will be made upon the issue of the relevant Construction Certificate.
7. Community Engagement	In addition to the statutory consultation requirements, during the Concept Plan exhibition process the proponent will prepare a community newsletter to advise residents of the key features of the proposed CUB Concept Plan and the planning approval process. After the first two weeks of the four week exhibition period, a community information session will be hosted to discuss the proposal and facilitate any community comment. Nearby institutional stakeholders will be also identified and briefed during this period. The proponent will also set up and maintain a website through this process.	Completed during public exhibition of the Concept Plan application

Subject	Commitments	Timing
8. Heritage	<p>The landowner will ensure that any project applications or other applications will have regard to the Heritage Council endorsed Conservation Management Plan, prepared by Noel Bell Ridley Smith and Partners with Executive Report and Heritage Impact Statements by Godden Mackay Logan and the Expert Advisory Panels Report released on the 30 August 2006.</p> <p>Prior to demolition the existing buildings will be recorded in accordance with NSW Heritage Council Guidelines.</p>	To be addresses by the proponent at the Project Application Stage.
9. Archaeology	<p>Any impacts on items or places of archaeological significance will be managed under the relevant legislation and the Archaeological Assessment and Research Design prepared by Golden MacKay Logan.</p> <p>If any archaeological relics are discovered during construction, the proponent will cease work on that part of the site and the Heritage Council will be notified in accordance with section 146 of the Heritage Act. If required by the Heritage Council, the remains will be recorded by a suitable qualified archaeologist prior to the recommencement of works.</p>	To be addresses by the proponent at the Project Application Stage
10. Land Use Integration	<p>The land owner will promote development of the site in a manner that encourages a vibrant mixed use community that integrates with the City and the community of Chippendale by providing, through an amendment to the SEPP (Major Projects) 2005, a land use mix that will ensure the minimum proportion of both commercial or residential development within the site will be 30%.</p>	Addressed as part of the SEPP amendment and Subsequent Project Applications.

Subject	Commitments	Timing
11. Environmentally Sustainable Development	<p><i>a. Residential</i></p> <p>Residential development will need to meet the following targets:</p> <ul style="list-style-type: none"> the BASIX energy consumption benchmark. A 4.5 average star comfort rating using NatHERS or equivalent. 	<p>Addressed as part of the relevant Project Applications.</p>
	<p><i>b. Commercial</i></p> <p>Commercial development will be capable of achieving the following targets:</p> <ul style="list-style-type: none"> The relevant commitments of the Department of Energy, Utilities and Sustainability's 3 CBD Greenhouse Initiative and 5 star greenhouse level. Buildings should achieve 4 star Green Star rating. Buildings should achieve a four stars NatHERS rating. 	<p>Addressed as part of the relevant Project Applications.</p>
	<p><i>c. Retail</i></p> <p>Retail development will comply with any reasonable future rating tool provided by the Australian Building Greenhouse Rating Scheme.</p>	<p>Addressed as part of the relevant Project Applications.</p>
	<p><i>d. Urban Development</i></p> <ul style="list-style-type: none"> All refrigerants and insulation should be specified to have an ODP of zero. <p>Any external lighting should not be directed beyond the site boundary or upwards without falling on a surface with a clear purpose of illuminating that surface.</p>	<p>Addressed as part of the relevant Project Applications.</p>

Subject	Commitments	Timing
12. Crime Prevention through Environmental Design (CPTED)	<p>A Safety Management Strategy will be prepared and provide guidelines for the application of CPTED principles and Safer by Design best practice models.</p> <p>For individual project applications, Safety Management Plans will address issues relating to building design and parking structures design, vandal proof finishes and graffiti proof finishes, lighting, conveniences location and other design considerations. Safety Management Plans will also incorporate the performance criteria and compliance checklist addressing the guidelines outlined in the Department of Urban Affairs and Planning (now the Department of Planning DoP) Crime Prevention and the Assessment of Development Applications Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979.) The NSW Police will be consulted throughout the CPTED assessments of all applications for the CUB site.</p>	<p>Addressed as part of each Project Applications.</p>
13. Water Sensitive Urban Design	<p><i>a. Stormwater Detention and Retention System</i></p> <p>The land owner will construct a stormwater retention and detention system to serve the public domain (identified in the Public Domain Plan CP 04 A-02-01 05). The design, construction and harvested water detention and re use system will be in accordance with <i>Managing Urban Stormwater; Harvesting and Reuse</i> DEC April 2006 and water quality standards for the system will be at levels stipulated in table 6.4 of the document. The retention and detention of storm water may include the provision of underground tanks in the Main Park. If so, and if the City of Sydney has agreed to accept dedication of the Main Park, the City will be a key stakeholder in the design process.</p>	<p>Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first block.</p>

Subject	Commitments	Timing
	<p><i>b. Water Conservation Targets</i></p> <p>Residential development is to be consistent with the BASIX Scheme in providing a 40% reduction of potable mains water used.</p> <p>Commercial developments will be fitted with water efficient fittings and appliances that achieve at least a 3 star rating.</p> <p>80% of the irrigation demand of public open space be made up from on-site collection and reuse.</p>	<p>Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first block.</p>
	<p><i>c. Stormwater Quality</i></p> <p>There will be a 45% reduction in the mean annual load of Total Nitrogen (TN) in stormwater leaving the site.</p> <p>There will be a 45% reduction in the mean annual load of Total Phosphorus (TP) in stormwater leaving the site.</p> <p>There will be a 80% reduction in the mean annual load of Total Suspended Solids (TSS) in stormwater leaving the site.</p> <p>For flows up to the 3 month ARI peak flow, litter greater than 50 mm in size will be extracted from stormwater leaving the site.</p> <p>For flows up to the 3 month ARI peak flow, no visible oils or grease will be present in stormwater leaving the site.</p>	<p>Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first block.</p>

Subject	Commitments	Timing
	<p><i>d. On-site detention</i></p> <p>Provide detention volume advised by Sydney Water - 20 m3 for every 1,000 m2 of developed site area. Consultation with Sydney Water prior to the final design of the detention system will be required.</p>	<p>Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first block.</p>
14. Public Art	<p><i>a. Public Art Strategy</i></p> <p>A public art strategy for the whole site will be prepared by a public art consultant with reference to the <i>City of Sydney Public Art Policy</i> and <i>Public Art Developer Guidelines</i> and may form part of the Heritage Interpretive Strategy.</p>	<p>The strategy will be submitted with the first project application.</p>
	<p><i>b. Public Art Plan</i></p> <p>A Public Art Plan shall be prepared by a public art consultant having regard to the Public Art Strategy and may form part of the Heritage Interpretive Strategy.</p>	<p>A Public Art Plan will be submitted with each relevant project application.</p>
15. Child Care Facilities	<p>Child Care will be provided at the current rate consistent with the <i>City of Sydney Child Care DCP</i>.</p>	<p>The issue will be addressed in each Project Application involving new building(s)</p>
16. Transport and Traffic	<p><i>a. The Public Domain</i></p> <p>Abercrombie Street Footpath dedication (Site 12 public domain plan)</p> <p>The area adjacent to Abercrombie Street as generally shown on the Public Domain Plan as Site 12 will be remediated, if required, embellished and dedicated as an additional footpath area.</p>	<p>Details of the design will be submitted with the project application for Block 4 and the works executed as part of that stage. Site 12 will be dedicated upon practical completion and prior to the issue of the final occupation certificate for any buildings fronting Site 12.</p>

Subject	Commitments	Timing
	<p><u>Abercrombie Street Footpath embellishment (Site 11 – public domain plan)</u></p> <p>The adjoining land owner will embellish the area shown on the Public Domain Plan as Site 11 as an enhanced footpath and landscaped strip subject to the consent of Sydney City Council as owner of that land.</p>	<p>Details of the design will be submitted with the project applications for the respective Blocks 4 and 8 and the works executed as part of that stage. The works will be completed prior to the issue of the final occupation certificate for any buildings fronting Site 12.</p>
	<p><u>Wellington Street Footpath dedication (Site 6 – public domain plan)</u></p> <p>A new footpath shall be constructed and land dedicated as Public Road in Wellington Street generally in accordance with the Public Domain Plan CP 04 A-02 01 05.</p>	<p>Details of the design will be submitted with the project application for Block 11 and works executed as part of that stage.</p>
	<p><u>Privately owned, publicly accessible throughways</u></p> <p>Privately owned, publicly accessible throughways will be constructed, as indicated as items 9 and 10 on the Public Domain Plan CP 04 A 02 01 05. Upon completion of construction, a covenant that ensures public accessibility will be registered for these areas.</p>	<p>Details of the design of these throughways will be submitted with the project application for the respective blocks.</p>
	<p><u>Public Roads</u></p> <p>The Land Owner will remediate (if necessary)) and construct and dedicate as public roads , including kerb, guttering, pavement treatment, light, power, and other utilities, planting and street furniture those roads identified by the colour grey on the Public Domain Plan CP 04 A-02-01 05. If the City of Sydney agrees to accept dedication of the roads, provision will be made for :</p> <ul style="list-style-type: none"> • City approval of design prior to construction; • City approval of completed works; and • The City to have the benefit of reasonable warranties and security following completion. 	<p>These roads will be constructed and dedicated progressively as identified in subsequent project applications</p>

Subject	Commitments	Timing
	<p><u>Publicly Owned (in stratum) Shared Zones</u></p> <p>The Land Owner will remediate (if necessary)) and construct and dedicate as publicly owned (in stratum) shared zones , including kerb, guttering, pavement treatment, light, power, and other utilities, planting and street furniture , where appropriate, those areas identified by the colour purple on the Public Domain Plan CP 04 A-02-01 05. If the City of Sydney agrees to accept dedication of the shared ways, provision will be made for :</p> <ul style="list-style-type: none"> • City approval of design prior to construction; • City approval of completed works; and • The City to have the benefit of reasonable warranties and security following completion. 	<p>These shared zones will be constructed and dedicated progressively as identified in subsequent project applications</p>
17. Accessibility	<p>An Access Strategy will be prepared for the site and will provide guidelines for future development. Project Applications will be subject to design review by an accredited Access Consultant for compliance with the approved Access Strategy. Access throughout the site must be provided in accordance with:</p> <ul style="list-style-type: none"> • Disability Discrimination Act 1992 (DDA) and DDA Advisory Notes on Access to Premises – HREOC, June 1997. • Sydney City of Sydney Access Development Control Plan (2004) • Building Code of Australia BCA 2006 	<p>Addressed as part of the relevant Project Applications.</p>

Subject	Commitments	Timing
18. Infrastructure and Services	<p>Where required service infrastructure will be updated to meet the demands of the maximum projected use of the site. All infrastructure planning and design will be undertaken in consultation with the relevant authorities.</p> <p>Permission must be obtained before building over any Sydney Water or other authority services, regardless of whether or not the services are contained within easements.</p>	<p>Addressed as part of relevant Project Applications.</p>
	<p>a. Stormwater</p> <p>A stormwater management plan will be prepared prior to construction. The plan will include the following measures:</p> <ul style="list-style-type: none"> • All new drain lines within the site will be designed to capture and convey the runoff from the peak 20 year ARI storm; • Within the site, all stormwater connections from buildings to sewers will be terminated. • Drainage swales will be provided in appropriate locations and will have the capacity to incorporate filtration systems for water treatment • A Gross Pollutant Tap incorporating the capability to remove oil and medium to coarse particles sedimentation to be provided at the downstream end of the interceptor drain in Abercrombie Street. 	<p>Addressed as part of relevant Project Applications.</p>
	<p>b. Potable Water</p> <p>In accordance with the requirements of Sydney Water and the Fire Brigade, hydrants will be installed at intervals along the mains.</p>	<p>Addressed as part of relevant Project Applications.</p>

Subject	Commitments	Timing
	All buildings within the site will be provided with a water connection in the street frontage.	
	<i>c. Electricity</i> All overhead power through the site will be removed and replaced with underground cabling.	Addressed as part of relevant Project Applications.
	<i>d. Waste</i> A Waste Management Plan will be prepared prior to construction. The Waste Management Plan will set a target of at least 80% (by weight) recycling or reuse of waste materials. A feasibility study on the possibility of using co-generation/tri-generation (organic waste) to heat, cool or provide electricity will be carried out prior to any application proposing the erection of new building(s).	Addressed as part of relevant Project Applications.
19. Construction Management	A Construction Management Plan will be prepared prior to any project application that proposes works.	Addresses as part of each relevant Project Application.
	The following criteria are will be used to guide the orderly staging of the development of the site: <ul style="list-style-type: none"> • Consideration shall be given to the timing of delivery of public benefits, specifically the requirements of Schedule 4 and Schedule 5 of the Voluntary Planning Agreement with the Minister for Planning. • Consideration shall be given to the requirements for remediation of contaminated soil and/or groundwater, particularly in relation to the timing for delivery of public benefits. • The first block to be developed should have a frontage to either Broadway, or Abercrombie Street or Wellington Street. The exceptions to this criterion are the blocks east of Kensington Street and 	

Subject	Commitments	Timing
	<p>north of Outram Street that can be commenced at any time.</p> <ul style="list-style-type: none"> • The street network shall be operational to the extent required to provide adequate access to a block under construction and access on completed streets to any block for which an occupation certificate has been issued. This may involve temporary roundabouts and changes in direction etc. • Consideration shall be given to the provision of services infrastructure to each block. Storm water drainage is required to ensure that all areas of the site are adequately drained at all times. • Consideration shall be given to pedestrian access through the site and access to the main park upon its completion. • Stages may be aggregated. • Stages may proceed concurrently. 	
20. Site Contamination	<p>A site audit statement(s) will be provided prior to final occupation certificate(s), certifying land suitable for the proposed purpose.</p>	
21. Planning Agreements	<p><i>a. Voluntary Planning Agreements</i></p> <p>The landowner proposes to enter into two Voluntary Planning Agreements; one with the Redfern Waterloo Authority (RWA) regarding the provision of a contribution towards affordable housing and one with the Minister for Planning to deliver the public benefits outlined in Sections 2, 4 and 5 of this document. The Voluntary Planning Agreement with the Minister also acknowledges that other public benefits and works are anticipated to be the subject of Concept Plan Approval, Project Approval, Project Approvals(s) or Development Consents(s).</p>	<p>The Voluntary Planning Agreement will be entered into at the time the Concept Plan Application is determined.</p>

Subject	Commitments	Timing
	<p><i>b. Indexing</i></p> <p>Where this Statement of Commitments makes provision for dollar amounts these amounts are to be indexed from the date of approval of the Concept Plan being the increase in the Building Price Index published by the NSW Department of Commerce, or such other index as replaces it, applied as a multiplier where the numerator is the number last published and the denominator is the number published at the date of approval of the Concept Plan.</p>	
<p>22. Landowners Consent</p>	<p>No work will be undertaken on any public land unless owners consent is provided to the Concept Plan application and subsequent project applications.</p>	

APPENDIX C. EXPERT ADVISORY PANEL REPORT

CARLTON UNITED BREWERY EXPERT ADVISORY PANEL
REPORT TO
HON. FRANK SARTOR
MINISTER FOR PLANNING

Minister,

We have pleasure in submitting our report on the important site between Broadway and Chippendale known as the Carlton & United Brewery. The Panel has met frequently to consider options for the site, including meetings with community representatives, stakeholders, the reference panel and the applicant.

As a result of these meetings we make the following 27 recommendations to you to give certainty to the site's potential development. In our view these will ensure an appropriate quality of development that responds to the surrounding communities and built form.

Chris Johnson
Panel Chair

Neil Bird

Michael Collins

Lucy Turnbull

CARLTON UNITED BREWERY EXPERT ADVISORY PANEL REPORT TO THE MINISTER FOR PLANNING

Introduction

The Carlton & United Brewery site is a 5.795 hectare parcel located at the south western entry to the City of Sydney. It represents the largest remaining brown field site within close proximity to the Sydney CBD.

The opportunity to re-develop the site has arisen after many years of industrial use, with the parameters for re-development being the subject of much discussion over the last four years. In June, 2006 the Minister for Planning appointed an expert advisory panel to consider such re-development from an urban design perspective and make recommendations to the Minister..

The panel has met on numerous occasions and considered the previous design competition submissions and jury report. A stakeholder reference panel was convened which included representatives from a wide range of interested parties including local residents, businesses, educational organisations, relevant public authorities and major land owners. The reference panel met twice, undertook tours of the site and surrounding area and raised issues of concern for the expert advisory panel's consideration. The applicant also made a presentation to the Reference panel. A public meeting attended by more than 100 people was also convened.

Over 30 written submissions have been received by the expert advisory panel during the process, which crystallised the issues of interest into the following general areas:

- Location of the park
- Heritage issues
- Building height and form
- Maximum density
- Street layout, traffic management and parking
- Proportion of land uses within the site
- Solar access
- Impact of the re-development both within and without the site.

Community Stakeholders

The Panel's investigations found that a number of community stakeholders surround the site and that all of these should be considered in the ultimate design solution. These include:

- The Chippendale residential community (3,240 people according to 2001 census), who live in a variety of housing and apartment types.
- The Chippendale working community who occupy mainly warehouse buildings and include a number of small businesses, design firms and artist's studios.
- The student community from nearby Universities and the TAFE College (58,250 students in Ultimo and a further 45,000 students at Sydney University), which when combined with teaching and other staff represent a substantial number of people. These tertiary institutions occupy the existing high rise tower of UTS as well as many medium rise buildings in the area. Student housing is also an important part of the local fabric.
- The mixed use business community located on Broadway adjacent to the site, including a number of small / large Hotels (including the Mercure). This business community extends from Railway Square to the Broadway Shopping Centre and includes a variety of retail and commercial activities.

As a result of this consultative process, presentations from and discussions with the applicant, the expert advisory panel has gained a strong understanding of the relevant issues. This report delineates the Panel's consideration of the opportunities and constraints of the site and provides its recommendations to the Minister.

Context

The site should act as a transitional precinct between the Central Business District and the inner city suburb of Chippendale which is characterised by terrace house and medium density early industrial architecture of the late nineteenth and early twentieth centuries. The objective of achieving a transition is reflected in the present City of Sydney planning controls which provide for a density of 5:1 for residential development (3:1 commercial). This density is, however too great to achieve an outcome of high quality and high amenity urban design which will complement and enhance the neighbourhood.

The buildings proposed on each of the site's four boundaries should have a contextual relationship with the adjacent urban form especially on the opposite sides of the streets, without necessarily being identical to them.

Much of the infill residential development of the past decade in the Chippendale precinct has had regard for and respects the dominant industrial medium density form. The panel believes that this relationship should be continued on the site.

Within the existing form and context of Chippendale there is fine grained architectural language with a great deal of diversity of form and this diversity should be reflected in the development. A wide mix of architectural languages and styles is desirable so the fine-grain can be maintained.

To the north and east of the site many large buildings have been constructed for hotels, apartments, universities and cultural uses. The tallest building is the UTS tower at 110 metres, which was originally planned as one of a group of towers. A number of these buildings are above 45 metres in height.

The location of the park & heritage precinct is a significant determinant of the built form.

Park Location, Use & Amenity

The panel has reviewed a number of locations for the proposed park. These include suggestions from the design competition schemes, the applicant and from the wider community.

The park is to have an area of approximately 5000m² and serve a number of functions inclusive of the needs of the residents and workers on site and the wider community of students and Chippendale residents. In looking at the location opportunities and constraints, the panel was mindful of traffic, safety of use, noise, pollution and wind impacts as well as the need to ensure access and integration to / with the wider community. The park also needs to achieve appropriate levels of solar access, particularly during winter and passive surveillance to ensure the maximisation of use.

Recommendations

1. The park should be located on the southern boundary central to the site with public streets on all sides.
2. Buildings around the park should match the heights of heritage buildings No. 22 & 23 resulting in heights to a maximum of 25 metres.
3. To maximise sun to the park between 12 & 2 pm in winter building heights throughout the site should maintain an appropriate sun access plane.

4. Development across the site should also maintain an appropriate sun access plane in order to minimise overshadowing of the surrounding Chippendale buildings between 12 & 2pm in winter.

Heritage Issues

The site contains buildings and structures of varying heritage significance. A substantial amount of investigative work has been undertaken by consultants both for the applicant and independently for various bodies, including the Heritage Council of NSW.

The panel has been provided with the opportunity to review this work including the Conservation Management Plan for the site that has recently been adopted by the Heritage Council. The panel generally supports the recommendations of that document and suggests that the following principles should be adhered to in the re-development of the site.

Recommendations

5. The Heritage focus should be on the brewery square with the retention and adaptive reuse of buildings numbered in the adopted Conservation Plan as 30, 26, 36, 22 & 23 and the brewery yard 52.
6. Other heritage buildings of moderate heritage significance which generally have a lack of integrity and intactness could be removed if they provide the opportunity to deliver better urban design outcomes for the site. These include those numbered 35A, 35B, 32 & 13A.

Building Height and Form

The site is important as an entry point to the Sydney CBD and forms a transition between the city centre and the lower scale of the suburb of Chippendale. It needs to respect the urban design of both and the scale and nature of each.

It provides a unique brown fields re-development opportunity adjacent to one of the busiest public transport hubs in the State and can achieve employment and residential outcomes of great benefit to the wider community. Panel members have considered a range of options in terms of building height and separation as well as the site's spatial layout.

The built form of the ultimate re-development should be capable of delivering a sustainable outcome for both its occupants and those who will seek to use its facilities or simply pass through it. In this regard the panel believes that higher building form should be located in the north eastern corner of the site, with heights tapering downwards in a south westerly direction. The Panel believes there are strong urban design reasons for higher building form on Broadway as well as the benefit of removing development pressure from other parts of the site.

The following recommendations are suggested as a balanced approach to achieve these principles

Recommendations

7. Buildings on the southern boundary of the site should be a maximum of 15 metres to relate to the warehouses and related buildings in Chippendale.
8. Buildings on the western site boundary along Abercrombie Street should be 20 - 25 metres high at the property boundary, to act as a transitional form on this boundary. The actual height should have regard to the buildings on the western side of Abercrombie Street and the existing Brewery buildings.

9. Buildings on Broadway on the northern site boundary west of Balfour Street should be 45 metres high to relate to the 42 metre height limit on the other side of Broadway, and include an articulation at the 25 metre high level to complement the proposed podium height on the eastern side of Balfour Street.
10. Buildings on Broadway on the northern site boundary east of Balfour Street should have a 25 metre podium with a maximum of 2 towers above. The buildings should sit below the FAC height limit and be separated by a minimum distance of 25 metres. The towers will relate to the height of the UTS Tower, act as a gateway to the city and provide the benefit of removing development pressure from other parts of the site.
11. Buildings on the western side of Old Kent Road, south of the proposed towers on Broadway, should be restricted to a maximum of 45 metres.
12. Buildings on the eastern side of Old Kent Road, located adjacent to the south of the heritage listed Administration Buildings (numbered 10A and 10B in the Conservation Plan) should match the heights of those buildings.
13. New buildings on both the eastern and western sides of Kensington Street located between the buildings mentioned in recommendation 11 above and the northern side of Outram Street should be to a maximum height of 25 metres.
14. Additional height to the above recommendations may be possible if set back from the building within a 45 degree set back from the dominant street. Roof top developments as well as being set back should not be visually dominant from the adjoining street or increase shadows on parks or the Brewery Courtyard.

Design excellence

As the site is in such a significant location and its size is unique in terms of city development opportunities, design excellence is essential to achieve an outstanding built form outcome.

15. Architectural competitions should be held for all buildings over 25 metres in height. For the two towers on Broadway the competition should include international architects.
16. To ensure design quality across the whole site for all buildings and the public domain, a Design Review Panel should be established to be involved in the design development and to provide recommendations to the approval authority. The panel should also be involved in assessing the architectural competitions and in ensuring that design quality follows through to the completed works.
17. A variety of architects and urban designers should be used across the site to ensure visual diversity. The selection of architects should be endorsed by the Design Review Panel.

Street Layout

The street layout for the site has a number of functions and must be derived within a number of constraints. Firstly, it needs to relate to the wider road system in which it will be located, bearing in mind the volumes of traffic and importance of the surrounding road pattern.

The layout should reflect the historic patterns of use within the site and the spatial layout of the surrounding Chippendale area. It must provide for the safe and practical movement of people and vehicles within the site and meet the necessary statutory and design requirements. In view of these issues the panel makes the following recommendations.

Recommendations

18. The street layout should have two streets parallel to Broadway, spaced to relate to the heritage buildings, with a further street relating to the extension of O'Connor Street on the eastern sector of the site.
19. Streets perpendicular to Broadway should be based on Balfour Street with two narrow streets at block mid points east and west of Balfour. Care needs to be taken in the planning of the narrow streets to ensure safety.
20. Street edges should contain active uses particularly within the proposed narrow north south streets where issues of public amenity and safety may arise.
21. The street layout should relate to surrounding areas by maximising pedestrian linkages while avoiding short cuts for traffic.
22. The street layout should be designed to meet the necessary statutory and design requirements in relation to traffic management within and without the site.

General Issues

The panel has considered a number of general issues and principles that it believes should be incorporated into the regulatory framework to be applied to the re development of the site.

Recommendations

23. Car Parking should comply with the City Council's car parking code and the number of entry points to car parks from the street should be minimised.
24. The concept plan approved for the site should achieve the following SEPP 65 compliance levels for solar access within individual buildings within each proposed street block. The panel considers that achievement of 70% compliance for the overall site with no block below 60% would be acceptable in the consideration of the highly urbanised location of the site.
25. There should be a diversity of uses within the site to reflect the range of commercial, residential and educational activities in the nearby area including the opportunity for student housing. Commercial space should be concentrated on Broadway to create a buffer for the residential area.
26. To ensure a diversity of uses the minimum proportion of either commercial or residential development within the site should be 30%.
27. The concept plan approval for the site shall nominate the maximum gross floor area available within each street block to ensure that the maximum site FSR is not breached. The bulk, scale, height and density of buildings within each street block should conform to the design principles enumerated in the panel's recommendations.



The panel recommends that heritage buildings around the brewery yard be used to demonstrate the processes of the living Street brewery including the brew house, where the crushed malt was mixed with hot water, the malt silo and the coal fired boiler house.



The panel recommends that the community park be located in the centre of the site on the southern boundary to be close to the Chippendale community, with surrounding buildings matching the scale of the heritage buildings.

Clarification on solar access issues

August 31, 2006

As Chair of the Expert Advisory Panel, I would like to clarify the solar access controls recommendation within our report on the Carlton United Brewery site.

The panel's report is in line with the NSW Government's Residential Flat Design Code, which provides design guidelines for new unit buildings. This code says it is acceptable that 70 per cent of apartments in a new development in "dense urban areas" receive at least two hours direct sunlight in the middle of winter.

The Residential Flat Design Code supports the ten design quality principles identified in State Environmental Planning Policy No. 65.

We are proposing the same outcome for the Carlton United Brewery site, which is on the edge of the city centre.

Therefore the panel has not recommended a relaxation of the Statewide guideline.

Yours Sincerely,

Chris Johnson
Chair
Carlton United Brewery Expert Advisory Panel

APPENDIX D. PREFERRED PROJECT REPORT

APPENDIX E. RESPONSE TO SUBMISSIONS BY PROPONENT

20 December 2006

CUB Site – Agency Submissions in response to Concept Plan Application

	Agency Submissions	
	City of Sydney	
1	Character The proposed buildings in terms of height, bulk and scale do not relate positively to the scale character of Chippendale. The character of the sites industrial history heritage significance will be lost.	See previous comments in response to general submissions.
2	Environmental The proposed park location is not considered to integrate with the community of Chippendale. The new building towers proposed around the park will overshadow the park and do not provide appropriate scale for a neighbourhood park.	See previous comments in response to general submissions.
3	Site remediation The site remediation strategy is not supported by the City of Sydney. By opting not to fully enclose and tank basements, the concept plan will place an onerous responsibility on the future Owners' Corporations, requiring that they maintain and replace groundwater collection and odour control equipment for the life of the development.	The Geotechnical Investigations report by URS discusses basement drainage in general and notes that tanking of basements is an option but one that may not be warranted given the cost and complexity. Tanking is needed for certain hydro-geological conditions and is a matter for determination at the detailed design stage. In the case of Block 11, which is affected by PCE contamination migrating from across Wellington Street, the Remediation Strategy proposes a method of basement construction that is also discussed in the Geotechnical Investigations report. Tanking is an alternative option for Block 11 but, again, this should be determined at the detailed design stage. Tanking alone will not address the issue of further migration of contaminants from off-site.

4	Amenity Height Buildings along the majority of the southern boundary reach 17 metres height and quickly rise to approximately 48m. This does not relate to the scale of Chippendale buildings and does not achieve a sense of transition.	The height proposed is generally consistent with the SLEP 2005 controls, the draft controls prepared by the city and consistent with the recommendations of the EAP.
5	The proposed podium has an insufficient set back of 3m from Broadway frontage, this is inconsistent with surrounding set backs along Broadway.	The podium setback to Broadway is 3m at its closest point. However, the tower footprint occupies only approximately 50% of the podium. Therefore, in terms of mitigating adverse wind effects the setback is considered to be satisfactory and in terms of consistency with the prevailing setback in Broadway, the building pattern in Broadway is sufficiently disparate to absorb the proposed tower form orientation and setback above podium level.
6	The proposed towers do not meet the separation standard.	The towers meet separation standards contained in CSDCP 1996 and SEPP 65.
7	The proposed maximum height will be shut off views from Chippendale and will lead to a confronting lack of human scale in the development.	See previous comments in response to general submissions.
8	The proposed development does not provides a sensible transition in height from the CBD to Chippendale.	The proposed maximum height is generally consistent with that the height proposed by the city its draft LEP for the site.
9	Buildings on the western side of Kent Road, south of the proposed towers on Broadway are rising over the recommended height of 45m.	The height of the building envelopes are consistent with EAP recommendation 14.
10	Density The concept Plan has increased the FSR from 4:1 to 4.23:1. The proposed FSR based on GFA is excessive and will result in poor urban form and amenity.	See previous comments in response to general submissions.

11	<p>Traffic</p> <p>Tooth Avenue</p> <p>Tooth Ave is extremely wide and surrounded by tall buildings which will place it in permanent shade. Its scale and location is not considered to integrate with the street layout of Chippendale or its role as a high street for the proposal.</p>	<p>The internal road network has been developed through a process of developing a suitable road hierarchy within the site. Tooth Avenue would provide a boulevard treatment with on street parking and wide pedestrian footpaths.</p>
12	<p>Balfour Street</p> <p>The Draft package prepared by the Council envisaged Balfour Street as the High Street. It has potential to provide strong connection with Chippendale Street layout.</p> <p>The planning of narrow streets does not allow for sufficient footpaths, signage and vehicle turning.</p> <p>The proposed north south streets may not be suitable for high activity uses.</p> <p>The street layout will allow for high of external vehicles through the site from Regent Street to Broadway.</p> <p>No analysis of design requirements for roads has been submitted.</p>	<p>Balfour Street is considered the main pedestrian spine through the site linking south Chippendale with Broadway and areas to the north. This connection is reinforced by the recent request by the University of Technology to close Jones Street between Thomas Street and Broadway</p> <p>All footpaths proposed throughout the site exceed standard minimum footpath widths. Some streets will have wide pedestrian pathways to promote outdoor dining.</p> <p>Sydney City Council has recently announced plans to better use laneways for active uses.</p> <p>The north south streets or shared laneways are identified as low volume 'shared zones'. It is envisage adjacent uses would reflect this proposed road environment.</p> <p>The potential rat run between Broadway and Regent Street has been identified and appropriate turning restrictions during peak periods at Regent Street / Kent Road will be put in place if excessive rat running did occur.</p>

13	<p>Poor standard of bicycle and walking accessibility through out the site.</p> <p>The concept plan does not reflect the City of Sydney's Cycling Strategy</p> <p>The concept plan does not take into consideration provision for cyclists and safety.</p>	<p>The proposed provision for cyclists reflects the City of Sydney' Bike Plan.</p> <p>Pedestrian pathways are provided on both sides of every street within the developments site. Shared zone laneways would be low speed environments with equal priority between pedestrians and vehicles. The desire to provide separate pedestrian and bicycle pathways needs to be balanced against providing adequate on street parking and maintain a number of heritage buildings on site.</p>
14	<p>Economic</p> <p>Current planning controls prohibit public car park.</p> <p>Number of buildings.</p> <p>The number of tower buildings proposed and the increase in height limit will overshadow open space and apartment buildings. Under the City of Sydney's Draft Package, tower buildings are limited to two structures between 70m and 100m. The proximity of so many tall buildings adjacent to the low rise area of Chippendale is not supported.</p>	<p>Clause 66 of SLEP 2005 does not prohibit public parking stations but it deems them permissible in certain circumstances.</p>
15	<p>Infrastructure</p> <p>Tooth Ave</p> <p>The city is not supportive of Tooth Ave in its current form. The construction of Tooth Ave requires the removal of two significant heritage buildings</p> <p>Design issues relating to Tooth Ave include:</p> <p>The proposed street runs east west unlike the majority of shopping streets in Sydney that run north south to take advantage winter sunlight. The number of tall buildings proposed along the length of Tooth Ave is likely to suffer from poor solar amenity.</p> <p>Respecting the site's heritage, a scaled version of Tooth Avenue should be considered.</p>	<p>See previous comments in response to general submissions.</p>

16	Social Heritage <p>The demolition of heritage buildings and character of the CUB site history make way for Tooth Ave and proposed new buildings is not considered a positive urban outcome. The concept plan is not consistent with the CMP prepared by the proponent and endorsed by the Council. The demolition of buildings 35A and 35b is not supported as both buildings are an integral part of the Irving Street complex. Buildings 35A and 35B should be considered to reuses.</p>	See previous comments in response to general submissions.
17	Public Benefits <p>The City is unclear as to what public benefits are proposed and quality of benefits proposed. No additional public benefits have been proposed as a result in the increase in the FSR. There should be a commensurate increase in public benefits.</p>	The public benefits set out in the draft Statement of Commitments and voluntary planning agreements are over and above those normally required for development in Central Sydney. The benefits proposed are outlined in the draft Statement of Commitments in a more concise form and the attached schedule for responses to the City's recommendations in relation to the draft VPA addresses the question of standards.
18	Cumulative <p>Wind impacts, residential amenity, loss of significant views, overshadowing, lack of human scale, small areas of open space, basements under the public domain.</p>	<p>Each item identified other than 'basement under public domain' and small areas of open space are already commented on above.</p> <p>The basement under the public domain offer the advantage of reducing the number of vehicular access points to basement car parks. There is no requirement that land dedicated should be unlimited above and below ground although the City's concerns about dedication in stratum are noted.</p>

19	Technical procedural There is no proposed development control plan or regulatory document for the site to support concept plan and to ensure consistency of outcome.	The Concept Plan is the control document for the site to guide future development. The SEPP amendment includes specific development standards. The site specific DCP proposed by city was generally repeating and including existing provisions contained in CSDCP 1996.
20	Concept Plan Process and exhibition State Significant Sites planning process for this site has not been transparent and does not seek meaningful input from the community and stakeholders. Short period of exhibition time, amount of technical material provided and inconsistent notification of the proponent's information sessions in the community.	Noted
21	Other VPA Further negotiations and clarification is required. The City has made recommendations to amend the draft voluntary planning agreement to achieve the same public benefits as proposed in the City VPA.	The draft VPA and Statement of Commitments offer a package of development contributions that is at least equal to those previously discussed with the City. It also acknowledges that further documentation will be needed to provide for the City to take ownership of some of these benefits. It is not considered necessary to amend the VPA at this stage as the further documentation can address specific issues. In the meantime, some matters raised by the City have been addressed through changes to the draft Statement of Commitments. See the attached schedule for responses to the City's recommendations in relation to the draft VPA.
Railcorp		
22	Noise and Vibration Rail noise and vibration should be addressed early in the development process. Railcorp has published the following documents aimed at managing noise and vibration impacts associated with planning and development.	This is a project application assessment matter, to be dealt with at subsequent stage of development process.

23	Interim Guidelines for Councils – consideration of rail noise and vibration in the planning process and 2 Interim Guidelines for applicant's consideration of the rail noise and vibration in the planning process Stray Currents and electrolysis from Rail Operations An expert consultant should be engaged when designing buildings in close proximity to rail way lines.	This is a project application assessment matter, to be dealt with at subsequent stage of development process.
24	Railcorp requests that electrolysis risk reports be submitted for Blocks 9, 10, 11 at the development application stage.	Noted. This is a project application assessment matter, to be dealt with at subsequent stage of development process.
25	Car parking 2754 Car spaces proposed for the site is considered excessive given close proximity to Sydney' man public transport services node.	See previous comments in response to general submissions.
26	Accessibility Railcorp suggests that a second pedestrian route be considered along Regent Street/Outram Street and Lee Street where the distance to Central Station and Railway Square bus interchange is shorter than via Broadway.	Kensington Street and a portion of Outram Street would be subject to pedestrian path improvements with the redevelopment of adjacent sites as part of this project. We would expect improvements on the remaining pathways would occur through redevelopment of adjacent sites. We are aware Council is looking at key pedestrian routes through the surrounding areas and this site and would recommend this request be forwarded to Council for consideration.
Energy Australia		
27	Site falls within SEPP 69 Major Electricity Supply Projects.	Noted. Advice previously forwarded to DOP in response to Energy Australia's advice

	Heritage Office	
28	The Heritage Office consistent with the findings of the HIS recognises that the proposal will have positive and negative impacts on the specific items and on the site as a whole. The Heritage Council notes that a number of the adverse impacts are based on the need to achieve improved urban design objectives. The heritage Council would therefore be supportive of any further feasible improvements that can be made to achieve further heritage outcomes.	Noted
	Sydney Buses	
29	An analysis of traffic volumes is required to compare total delay on Broadway for bus passengers, in each direction, for current situation and future intersection arrangements.	Traffic volumes should be sourced from the RTA model.
30	The existing Route 449 stop on Broadway east of Jones Street will not be able to be used and new stop will be required in Thomas Street.	Noted
31	The existing Route 501 stop in Jones Street will have to be closed and a new stop will be required in Thomas Street.	Noted and subject to the closure of Jones Street.
32	A combined stop for routes 449 and 501 will be required in Thomas Street east of Jones Street.	Noted
33	A right turn bay from Broadway westbound into Wattle Street northbound will be required to replace the existing turn bay at Jones Street.	Noted
34	It appears from documentation that the provision of the right turn bay has not been taken into account when calculating the level of service at the intersection of Broadway and Wattle Street.	The proposal to close Jones Street was submitted by the university after the modelling by the proponent had been completed. However, we can confirm that a right turn bay from Broadway into Wattle Street for buses was included in the RTA modelling.

35	The intersection control at the intersection of Wattle Street and Thomas Street needs to be reviewed in consultation with State Transit.	Noted
RTA		
36	The road network is conducive to through trips as it facilitates shorter rat runs between Wattle Street and Broadway, Abercrombie Street and Regent Street.	The potential rat run between Broadway and Regent Street has been identified and appropriate turning restrictions during peak periods at Regent Street / Kent Road will be put in place if excessive rat running did occur.
37	The Regent Street /Kensington Street intersection may have geometric constraints and road safety issues and should be subject to a formal safety audit before concurrence. It is likely that the right turn from Regent Street will be banned.	See Comments above
38	Consideration should be given to grade separated pedestrian crossing at Broadway.	There does not appear to be any justification for grade separation at this stage.
39	The no right turn buses excepted on Broadway headed west to north will move from Jones Street to Wattle Street	Noted
40	Gateway treatments by the City of Sydney are incompatible with the proposed traffic arrangements.	Noted
41	Speed on Abercrombie between Cleveland Street and Broadway will be reduced to 50km/h in early 2007.	Noted
DEC		
42	The level of PCE contamination warrant's DEC's more detailed assessment with respect to its potential impact to human health and to the environment. Depending on the outcome of further assessment, this may recommend the remediation of the PCE plume be managed under the DOP's planning process.	Noted. The proponent will continue working with DEC on this matter.

43	Regardless of the administrative process. Particular focus must be given to the prevention of impacts in the basement car parks. This is best dealt with through site remediation. Concur on the likelihood for the need of long term ground water collection and proper disposal. The proposed remediation should not result in further migration of the PCE plume particularly along Wellington Street.	Noted
Ministry of Transport		
44	Funding for an additional 3 buses and their associated kilometres (120 000km/pa). This will amount to approximately \$2.1M for a 5 year period.	<p>Before we can make comment on this request, we require clarification and more information on the matter covering items such as:</p> <ul style="list-style-type: none"> ▪ What is the basis of this request? ▪ How were the costs calculated? ▪ What is the approval process? Will it be subject to IPART approval / determination? ▪ What happens to the revenue from these new buses (both fare base and advertising)? ▪ How does the proponent know these new buses would be provided?
45	Provision of bus priority measures, including: Proposed intersection of Broadway and Balfour Street. Given the potential impact of this intersection on Broadway bus services, it will be essential that any new traffic signals are coordinated with other nearby intersections to minimize any delays to buses, and that bus priority measures are installed as necessary. The Ministry would require assurance that there would be no detrimental affect to existing Broadway services.	<p>The operation of traffic signals is the responsibility of the RTA.</p> <p>All new traffic signals would be coordinated into the SCATS system.</p>

46	Proposed closure of Jones Street at Broadway to extend the pedestrian mall, with the existing right turn westbound in Broadway to be relocated to Wattle Street. This proposal will create an additional load at the Wattle Street intersection. It affects three route services and further consultation will need to occur with the Ministry, but the preference would be for Jones Street to be a transit mall with the existing right turn maintained. Pedestrian facilities are required.	The development of the CUB site is not predicated on this proposal. The closure of Jones Street is a matter for Council, the RTA, UTS and other relevant stakeholders. The proponent supports the closure of Jones Street for all traffic as it reinforces the pedestrian spine between Chippendale South and the TAFE.
47	Provision of roadside bus infrastructure including signage and shelters, along with wayfinding signage located within a 500 metre radius.	Clarification required of what this means. Coordination required between Council and the MOT.
48	Adequate footpath capacity to accommodate pedestrian movement to/from rail and bus. Concerns are raised on the impact of shared pedestrian/vehicle laneways on pedestrian perceptions of safety. Active street frontages would also appear to be problematic given provision of service areas at ground level. Lighting levels are also a significant issue in terms of pedestrian safety.	Pedestrian pathways are provided on both sides of every street within the developments site. Shared zone laneways would be low speed environments with equal priority between pedestrians and vehicles. Servicing of properties would occur at street level within off street loading docks. Lighting would be provided in accordance with relevant standards.
49	To help ensure a high degree of self containment, an audit of pedestrian and cycle links to major trip sites outside the development should be undertaken e.g. to the Australian Technology Park.	The pedestrian and bicycle routes within the site have been developed through consultation with Council. Internal pathways link with existing and proposed new pathways as recommended in Council's current Bicycle plan. New traffic signals are proposed on surrounding roads to provide safe crossing facilities to external trip attractors. An audit of pathways and cycleways outside the development site is a matter for Council.

50	Separation of pedestrians and bicycles wherever possible.	<p>The desire to provide separate pedestrian and bicycle pathways needs to be balanced against providing adequate on street parking and maintain a number of heritage buildings on site.</p> <p>Overall the site has been designed to be permeable for pedestrians and cyclists and a low speed traffic environment.</p>
Energy Australia		
	If there will be dedicated roads within the site. This will determine the type of tenure of Energy Australia assets.	Roads will be dedicated. Affect on tenure of Energy Australia noted.
	Energy Australia will require appropriate lease and easements for its proposed infrastructure.	Noted.
	Unimpeded access to all proposed assets within the site.	Noted
	A determination will need to be made concerning the type of 11kV network CBD triplex pit and duct type of system or the suburban type reticulation system.	Noted
	Close co-operation with various authorities will need to be made concerning the construction and installation of respective infrastructures.	Noted.
	Liaison and close co-operation will be required in the planning stages of the development to best co-ordinate works.	Noted.
	Energy Australia presently holds a free hold title on its existing substation and arrangements will be required to negotiate its sale or its incorporation into the proposed development.	Noted.

Response to City's Recommendations on Draft VPA Between CUB and Minister for Planning

The draft VPA anticipate that some of the development contributions will benefit the City. The draft VPA also acknowledges that further documentation will be needed to provide for the City to take these benefits. It is not considered necessary to amend the draft VPA at this stage as this further documentation can address specific issues.

ISSUE/CITY RECOMMENDATION	PROPONENT'S RESPONSE
Main Park	
Specify time for completion of park landscaping – proposed date is 31st December 2010.	<p>The draft VPA contains a series of four “milestones” for delivery of the park with which the Land Owner* must comply. The last of these milestones is transfer of the completed park. It is considered that the timing of these milestones is reasonable and adequate. It is not considered necessary to amend the VPA.</p> <p>It is noted that the draft City VPA contained a “reasonable endeavours” provision, not a “best endeavours” provision.</p>
Include specific requirement for City approval in design process in light of the inclusion of City land within the area designated as park, and the proposal to transfer the park to City ownership (although no formal proposal/request has been made at this time).	<p>The draft Statement of Commitments acknowledges the need for stakeholder consultation although not specifically mentioning the City as a key stakeholder. The draft Statement of Commitments has been amended to make this clearer.</p> <p>It is expected that the City will have a role in the design process where land is owned by the City and/or the City agrees to accept dedication of land. Clause 2.25 of Schedule 4 and clause 1 of Schedule 5 of the draft VPA anticipate this and it can be accommodated in the further documentation. It is not necessary to amend the draft VPA.</p>
Remove the cost limit on design	<p>In the absence of a design standard for the park it is considered appropriate to have a cost standard to which the park must be designed. The indexed \$/m2 rate is considered to be generous given that it applies only to the design, approval and construction of the park embellishment and not to any earth works or subsurface infrastructure. The \$/m2 rate applies only until the design and specification are agreed. Schedule 4 of the draft VPA provides for the risk of delivering the park once the design and specifications are agreed to be borne solely by the Land Owner.</p>

Impose a requirement for a covenant to allow use only as public open space.	The draft Major Projects SEPP amendment zones the land for the main park RE1 – Public Recreation restricts the uses to which the land can be put. A covenant on the land is not necessary.
Balfour Street Park	
CUB NSW to reimburse the City of Sydney, if the City of Sydney (i.e. not CUB NSW) undertakes the Balfour Street Park works.	The proposal that the City undertakes the work and is reimbursed by the Land Owner is a matter for further discussion and agreement between the City and the Land Owner. The VPA can be amended at a later time to reflect this if an agreement is reached. For now, the Land Owners obligation under the draft VPA and Statement of Commitments to provide this park is dependent upon the City granting its consent as owner of that land.
Include a specific requirement for City approval in the design process, in light of the land being owned by the City of Sydney.	The draft Statement of Commitments acknowledges the need for stakeholder consultation although not specifically mentioning the City as a key stakeholder. The draft Statement of Commitments has been amended to make this clearer. If the Land Owner is to undertake the work then the City, as owner of the land, is expected to have a role in the design process. Clause 2.25 of Schedule 4 and clause 1 of Schedule 5 of the draft VPA anticipate this and it can be accommodated in the further documentation. It is not necessary to amend the draft VPA.
Remove the cost limit on design.	If the Land Owner is to undertake the work then, in the absence of a design standard for the park, it is considered appropriate to have a cost standard to which the park must be designed. The \$/m2 rate applies only until the design and specification are agreed. Schedule 4 of the draft VPA provides for the risk of delivering the park once the design and specifications are agreed to be borne solely by the Land Owner.
Irving Park, O'Connor Park and Wellington Street Park (in stratum)	
Minister's VPA should not oblige the City of Sydney to accept ownership of any land or works without the City's consent. No such request has been received to date.	The draft Statement of Commitments offers these open spaces for dedication and the draft VPA anticipates that the City may accept transfer. It is not the proponents intention to place an obligation on the City to accept.

Parks should be subject to a covenant requiring the land to allow use only as public open space.	As the draft Major Projects SEPP amendment does not zone the land for these open spaces RE1 – Public Recreation it is agreed that the land be subject to an appropriate covenant that limits its use to public open space. The draft Statement of Commitments has been amended to reflect this. It is not necessary to amend the draft VPA.
City does not generally support transfer to it of land which is limited in depth (stratum).	The City's preference to not accept transfer of land in stratum is noted. For clarity, it is only Wellington Street Park that is proposed for transfer in stratum. Irving and O'Connor Parks can be transferred in fee simple.
Community Facility Payment	
Payment must be used for a community facility in Chippendale.	It is the proponents intent that the payment be used within the suburb of Chippendale but the description in the VPA of the "Chippendale locality" is considered adequate.
Other Issues	
City's ability to impose Section 61 if City is consent authority should be reinstated.	The overall package of development contributions to be provided by this development is well in excess of what would have been provided under Section 61. The draft VPA recognises this and excludes the application of further contributions regardless of who the consent authority is.
Certain land is to be privately owned/publicly accessible. To ensure public access include requirement for a covenant in VPA or as condition of future approval.	It is agreed that certain privately owned/publicly accessible land be subject to an appropriate covenant that ensures public access upon completion of construction. The draft Statement of Commitments has been amended to reflect this. It is not necessary to amend the draft VPA.

<p>Roads proposed for transfer/dedication and works to City's roads. Amend Minister's VPA to include provisions for:</p> <ul style="list-style-type: none"> (a) City approval of detailed design prior to construction (b) City approval of completed works (c) City to have benefit of warranties/security following completion 	<p>Schedule 4 of the draft VPA acknowledges that the City's standards for construction of roads must be considered. If the City agrees to accept dedication it is reasonable that the City should have an approval role in the design process, approve the completed works and have the benefit of reasonable warranties and security following completion. Clause 2.25 of Schedule 4 of the draft VPA anticipates this and it can be accommodated in further documentation. The draft Statement of Commitments has been amended to reflect this. It is not necessary to amend the draft VPA.</p>
<p>Standard for public open space or public roads to be dedicated. Amend Minister's VPA to include City approval of design for land proposed to be dedicated.</p>	<p>Refer to responses above.</p>
<p>New intersection at Abercrombie and Irving Streets. Amend Minister's VPA to be consistent with City VPA, ie. right hand turn in and out of site.</p>	<p>Irving Street is proposed to be one-way travel to the west, therefore there cannot be a right turn into it from Abercrombie Street. There will be right turn into O'Connor Street, one block to the south of Irving Street, which is proposed to be one-way travel to the east.</p>
<p>Design of stormwater retention/detention system. Amend Minister's VPA to include City approval of works to be included on land proposed to be dedicated to City.</p>	<p>The draft Statement of Commitments has been amended to acknowledge City as a key stakeholder. If the City agrees to accept dedication of the park and the stormwater system it is expected to have a role in the design process. Clause 2.25 of Schedule 4 and cause 1 of Schedule 5 of the draft VPA anticipate this and it can be accommodated in the further documentation. It is not necessary to amend the draft VPA.</p>
<p>Consent by City Schedule 5, Clause 1 does not deal with works proposed which are not in "Contribution Works" definition. Drafting required.</p>	<p>Clause 1 of Schedule 5 is specifically intended to address the need for the Land Owner to obtain the necessary approvals and land owner's consent from the City for the defined "Contribution Works". This does not preclude the need for further documentation where the City's approval or consent is required for other works.</p>

Inclusion of other public works in future approvals – acknowledgement that certain works may be required by usual conditions of approval eg undergrounding electricity cables. Amend Minister's VPA to include acknowledgment that other works may be required by conditions of consents/approvals.	It is not necessary for the VPA to predict all works that might be required as conditions of consent/approval. A number of works are identified in the draft VPA and the draft Statement of Commitments (which gives an undertaking that power cables throughout the site will be underground). Further requirements can be identified and conditioned at project application stages.
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* Land Owner means the owner of the CUB site (ie, the land currently owned by Carlton & United Breweries (NSW) Pty Ltd)

18 December 2006

CUB Site – General Submissions in response to Concept Plan Application

No	Issue	Proponent's response
	Character	
1	Will gentrify area which is the gateway to the city.	The socio economic profile of the resident population will be determined by the nature of the ultimate development.
2	Creates a block of densely packed buildings that would be out of character with rest of Chippendale as well as comparable inner city areas.	The individual blocks are a generally of a similar density as development to the north in Pyrmont and Ultimo and southern edge of the CBD.
3	Buildings on southern boundary too large, uniform and high do not blend with Chippendale.	The built form is a building envelope and not a building. A fully resolved building/s will not appear uniform to the extent that the building envelopes that form the concept application maximum massing envelopes do. The permissible height of development under the provisions of SLEP 2005 is 15m on the southern boundary to a depth estimated to be 20-30 metres and then stepping up to 45m. The proposal applies the existing 15 metre height limit along the southern boundary to Wellington Street, increasing in height to the north set by a sloping solar access plane to limit overshadowing of the adjoining land to the south.

4	The development will be like others recent developments concrete walkways, between tall buildings, wind tunnels....rabbit warrens. Little more than dormitories – stark, desolate and soulless	<p>The majority of blocks will range in height from 20m to 50m. The tallest buildings are located on the north eastern effective perimeter of the site on Broadway and Kent Road. The height above ground of building envelopes including plant are Block 1 (60m), Block 2 (120m), Block 5 (100m), Block 9 (65m).</p> <p>The proposed development will introduce new laneways consistent with the City of Sydney's recently announced laneways revitalisation programme and will be shared pedestrian zones and include active uses such as cafes restaurants and bars and other businesses.</p>
5	Height out of character with area.	See above comments
6	High density takes away character of Chippendale.	See above comments
7	Density should be in line with surrounding area	<p>The maximum permissible height in the surrounding area immediately to the east is 25 metres and covers a small pocket between Kensington Street and Lee Street. The land beyond further to the east is affected by a maximum height of 50m. To the south as outlined above, the proposal applies the existing 15 metre height limit along the southern boundary to Wellington Street, increasing in height to the north set by a sloping solar access plane to limit overshadowing of the adjoining land to the south. Generally the proposed development reflects the street wall height of adjoining development, although the height achieved above the street wall height within sloping planes to the north, results does in scale and bulk result in a built form that is greater than that of the immediate adjoining areas, it is consistent with the recommendations of the EAP report.</p>
8	Four high rise buildings proposed is too many and as the site borders with Chinatown would seem visually intrusive.	It is estimated that the two towers proposed on Block 2 are most likely the built form that will be visible from Chinatown, with the existing UTS tower in the peripheral foreground.

9	Proposed buildings should be graduated in height towards Abercrombie Street.	There is a transition in height between Block 2 and Block 1. The Australian Hotel acts a mediating building form at approximately 20m between the proposed height of the building envelope west of Carlton Street at 60m and Abercrombie Street. The built form proposed in Block 4 is the height of existing development. Block 8 ranges from 25m at street frontage height and increases to 45m, back from Abercrombie Street
10	No consideration is given to the existing controls in the immediate surrounds, which limit development between 6 to 12m for the greater area. Nor is any consideration given to the height controls to the immediate north range from 9m to max of 42m with 50m applicable for the southern central business district.	See comments above
Environmental		
11	Overdevelopment leading to an excessive use of electricity	The proposed development will be capable of and will be required to meet Green Star and BASIX targets. In addition, the Draft Statement of Commitments includes an undertaking to investigate the feasibility of cogeneration.
12	Increased density in the city will ease development (pressure) in the suburbs	Noted
13	Park will be overshadowed and when considering the increase in population will not result in a net gain of green open space.	<p>The proposed controls protect sunlight during the same period as elsewhere in Central Sydney.</p> <p>On June 21, 30% of the park (approximately), will be in sunlight until 2pm.</p> <p>On April 14 the proportion of park in sunshine increases to 75% between 12 noon and 2 pm.</p> <p>At the Equinox, the proportion of the park in sunlight increases to 100% between 11am and 2pm. In addition at the Equinox, at 9am 50% of the park is in sunlight, at 10am, the proportion increases to 75% and at 3pm approximately 90% of the park is still in sunlight. This represents a high standard of solar access in an inner city environment.</p>

		The park will result in a net gain of approximately 5,000sqm for Chippendale.
14	Removing the sunlight and leaving what is left is tokenism.	See comments above.
15	Public green space is minimal when compared with GFA and area will be in shadow for much of the time.	The area of park provided is consistent with a general requirement of approximately 10% of site area for brown field sites. The City of Sydney proposed that one single area of public open space of a minimum area of 5,000sqm or approximately 10% of the site area be provided. No other site in the Central Sydney has been required to provide public open space, for development at much higher densities of residential population. In addition, the site is close to significant public parks including Prince Alfred Park and Victoria Park.
16	Proposed park is too small, lacks open space, is largely overshadowed and does not link with existing residential areas.	See comments above. The park adjoins the existing neighbourhood to the south and is proposed to be linked through a system of linear parks linking into the east and wets, facilitated by signalised pedestrian crossing at Abercrombie Street.
17	Wind tunnel resulting from scale of development	The proposed building envelopes and the configuration of the massing on the site will result in some conditions under westerly and southerly winds which may result in uncomfortable walking conditions e.g. Tooth Ave during easterly winds and westerly and southerly winds may cause discomfort and funnelling through internal and narrow passages on the site. Equally the towers proposed on Block 2 will ameliorate wind conditions on Broadway. The Heggies report makes conclusions and recommendations that indicate conditions can be managed and ameliorated by design intervention: Existing westerly wind conditions at various locations along Broadway already exceed the Sydney City Council (SCC) benchmark 16 m/sec walking comfort criterion. The highest

		<p>winds occur as westerly winds channelling along Broadway combine with the effects of downwash flow from taller developments along the roadway.</p> <p>With the proposed Concept Plan it is predicted that there will only be a marginal change to the westerly wind condition. For winds approaching the site from the south there will be a general reduction in wind intensity along Broadway, in particular at locations in the vicinity of the UTS tower.</p> <p>High wind velocities are likely to be experienced at localized ground level locations intermittently distributed throughout the proposed passageways internal to the site. Higher winds at these locations are the result of complex flow combinations of channelling and funnelling between gaps, flows accelerating around building corners and previously described downwash effects.</p> <p>Windbreak treatments at locations exceeding the SCC 16 m/sec walking comfort criterion will be investigated during the detailed design phase of the project. Such amelioration treatments will be refined utilizing more precise environmental wind tunnel test studies to accurately identify wind hot spots and quantify the impact of wind mitigation options. These would include judicious placement of street trees and building treatments such as footpath awnings.</p>
18	Dirt and noise from Construction	Management issue at the Project Application stage
19	Noise pollution from residents in high rise buildings	Noted. Noise mitigation measures through acoustic treatment of glazing will be required to keep noise from external sources affecting the amenity of incoming residents. It will therefore mitigate noise generated by incoming residents.

20	The proposed main park located to the south east of the towers will not receive adequate sunlight for the growth of soft landscaping. The proposed parks in the development will only be partially useable by the community due to the direct sunlight in the height of summer and little or no sunlight at other times.	The park will enjoy sunlight sufficient for healthy growth of landscaping. In those areas that will be affected by shadow shade tolerant plants can be introduced. Shade canopies and or trees will provide shade during the summer months. The details of the park design will be a matter for the public authority in consultation with residents.
21	Adequate parkland to be provided with adequate sunlight.	Noted. See comments above.
21	The main park will be largely in shadow.	See comments above.
22	<p>The city's independent review identified the need for a minimum of 9,000 to 12,000sqms of open space.</p> <p>The main park is in shadow and has inadequate solar access and bulk of the buildings.</p> <p>Tooth Ave is in shadow most of the year and does not have adequate light due to the wall and height of buildings to the north along Broadway... this is not in keeping with successful public domain outcomes.</p> <p>Concerns have been raised from the public community regarding soil remediation and pollutants.</p>	<p>The City of Sydney proposed one single area of public open space of a minimum area of 5,000sqm or approximately 10% of the site area. Additional areas of public open space are also proposed by the proponent. The total open space is equal to 5,381sqm.</p> <p>Tooth Avenue, consistent with the majority of east west streets in the city, with a podium tower configuration will be in shadow other than in the morning and afternoon. The CSDCP 1996 requires a podium height of between 25m to 45m. The podium height east of Balfour Street is 25m. The street wall height of development west of Balfour Street is 45m. This is also consistent with the EAPs recommended heights and contained within the DGRs requirements. The proposed width of Tooth Ave, consistent with the standard city street width, will facilitate solar access.</p> <p>Parts of the site will require remediation and this will need to be undertaken to the standards required by the Department of Environment and Conservation.</p>

	AMENITY ISSUES	
23	The height of the proposed residential towers is excessive and will cause overshadowing.	The towers will generate shadows. However, the building envelopes are contained within the height planes of the solar access planes. Therefore the extent of overshadowing resulting from the building envelopes is within a level considered to be acceptable in terms of amenity and environmental effect.
24	Residents themselves will not receive adequate sunlight.	Solar access of a minimum of two hours to 70% of residential apartments meets the requirements for medium to high density development under the provisions of SEPP 65. This will result in a higher standard of solar access than is normally achieved in central city under the requirements of CSDCP 1996.
25	Area is already over established.	The site is an obsolescent industrial site now underused and ready for redevelopment.
26	Tall buildings will block sunlight to existing housing.	A detailed analysis has been undertaken of the impact of the proposed development on surrounding premises. These are described in JM Modelling report included as Appendix A to submissions report . The extent of overshadowing with few exceptions will be within the requirements of the guidelines contained in SSDCP 1998 and CSDCP 1996. Areas where increased overshadowing has been identified include Wellington Street, O'Connor Street and the Blackfriars buildings in Abercrombie Street
27	Replaces current eyesore buildings, hides UTS tower, maintains heritage, proposed building heights will not impact existing residents.	Noted.

28	Overdevelopment, minimal open space in proportion to the increased population. Recommendations of Design Jury experts ignored, should include design excellence as a primary consideration.	See Comments above. Design Excellence provisions are included in the proposed SEPP amendment. The current scheme is generally the result of the City of Sydney's design excellence process. Future application above 25m will be subjected to a design excellence process. The views of the jury report have been considered and a further design development process of the concept plan has been undertaken in the 2-3 years since the competition.
29	FSR excessive. Increase open space areas and run park along Wellington Street to provide better access for existing residents and sunlight to park.	The maximum permissible FSR under SLEP 2005 is 4.18:1. The proposed FSR is 4.36:1(FSA) or 4.23:1(GFA). The maximum FSR is exceeded by 0.18:1 or 4.3% and is within the range of variation contemplated by the SLEP 2005 of up to 10%. This is equivalent to a GFA 10,431sqm.
30	Block 11 street facades too high	Block 11 adjoins Wellington Street. The street wall height is 15m. This is equivalent to 3-4 storey residential building and an appropriate transitional height. The SLEP 2005 maximum permissible height is 15m stepping up to 45m.
31	FSR Excessive	See Comments above
32	Overshadowing	The extent of overshadowing generally complies with provisions contained in SLEP 2005, CSDCP 1996 and SSDCP1998. Areas where increased overshadowing has been identified have been examined more closely, these include Wellington Street, O'Connor Street and the Blackfriars buildings in Abercrombie Street.
33	UTS should not be used as a reference point.	The EAP has formed the view that the UTS marks the south western gateway to the CBD from Parramatta Road and Broadway. A built form of similar scale on Block 2 will reinforce the gateway concept.

34	Residential amenity/ too many units will not have sun access/substandard accommodation/density excessive/slum/crime and safety	Residential amenity is predicted to generally comply with the provisions of SEPP 65 over the site as a whole and at a standard generally higher than can be achieved in the city. Where building orientation limits solar access building orientation will provide good outlook and aspect to open space where possible. The concept plan has been designed in accordance with CPTED Principles.
35	FSR should be reduced (to create) a buffer on Wellington Street between existing dwellings and new development.	See Comments above.
36	Blocking Views	The CUB land is an enclosed island site. With redevelopment views and vistas will be opened up to celebrate important heritage buildings previously hidden from public view. In addition the creation of new streets will open up new vistas. Some existing views may be lost or diminished but the overall visual permeability will increase.
37	<p>Density of the development is over development of the site and excessive. The impact on the community has not been considered.</p> <p>The proposed heights of the buildings are out of context with the terraces in Abercrombie St and Blackfriars St. Shadow impact on Abercrombie St and Blackfriars St is of a serious concern. The shadow diagrams provided are misleading.</p>	<p>A detailed analysis of overshadowing has been undertaken. See JM Modelling report included as Appendix A to submissions report.</p> <p>No 21 to 26 Abercrombie Street</p> <p>The analysis shows additional shadowing falling on 4 upper level windows at 9.30 to 10am on June 21. At the 10.30 the building will experience additional sun on the lower level windows and by 11am the shadows are of the building façade and solar access conditions improved by on average 15 minutes.</p> <p>Nos 41 to 67 Abercrombie Street</p> <p>Between 9am and noon on June 21 nos. 57 to 67 are affected by less solar access on average 10 to 15 minutes. Between 9.30am and noon on June 21 nos. 51 to 56 are affected for an average period of 30 mins (with 55 Abercrombie affected by -46 minutes).</p>

		<p>Between 10am and noon nos. 41 and 51 are affected for an average of 30mins.</p> <p>No new shadow is cast after noon.</p> <p>The shadow analysis indicates that the impact on Blackfriars is minimal.</p> <p>9 to 15 Blackfriars Street</p> <p>At 9am on June 21st, 6 westerly top floor windows, 4 westerly second floor windows would be unencumbered. By 9.20am on June 21st, shadow from the proposed development has passed the facades of this property. Solar access to windows would be as per the existing condition for the remainder of the day.</p> <p>17 Blackfriars Street</p> <p>All windows are overshadowed by existing development at 9am on June 21. By 9.25am the top floor windows would be unencumbered. By 9.40am the first floor windows would be unencumbered. Solar access would improve for the rest of the day.</p>
38	The proposal reneges standards for solar access hours per day. This will affect the quality of life for residents in the area.	See Comments above.
39	The height of the proposed buildings will block local vistas and create overshadowing and reduce local amenity and liveability.	See Comments above
40	<p>Height and overshadowing of the proposed towers will cause significant loss of sunlight, daylight and outlook for existing future residents of Chippendale. The heights of the buildings should be reviewed.</p> <p>Loss of afternoon sun is of concern to the residents of Goold, Kensington and (east) Regent Streets.</p>	<p>Discussions have been held with residents of Goold Street (7 and 9). The building envelope adjoining the terraces can be modified to overcome the concerns of these residents in terms of the immediate potential impact of adjoining building envelopes by setting the building back off the boundary and stepping back. See Attachment B to submissions report.</p>

41	Impacts raised concerning local residents include: high dominating towers, excessive overshadowing, excess carparking and high traffic, narrow laneways, density, size and scale of buildings along Chippendale's heritage and low-rise neighbourhood, excessive GFA, impact during construction phase and wind tunnelling effects.	See previous issue specific comments.
42	Significant sun access issues and concentration of development.	See Comments above.
43	Height and FSR is excessive. Units will have unacceptable access to sunlight.	See Comments above
44	Density is excessive and will create too much noise and brightness. Overdevelopment of the site. Heights proposed do not show a transition from the CBD to Chippendale. Overcrowding as a result of the development.	See Comments above
45	Given the height and density implications from the concept plan solar access is considered a critical issue. (The shadow diagrams provided in the report are difficult to read).	See comments above
HERITAGE ISSUES		
46	Loss of heritage buildings	The Concept Plan provides for the extensive retention and conservation of heritage buildings, structures and spaces within the proposed development, especially those associated with the history of brewing on this site. In terms of the extent of retained heritage items, it provides a very high degree of compliance with the significance assessments of the Heritage Council of NSW endorsed 2005 Conservation Management Plan (NBRS, August 2005). The number of buildings and other elements proposed for retention by the Concept Plan substantially exceeds the 8 items (some of these are groups of buildings) listed on the Sydney LEP 2005 (i.e. 5 heritage buildings, 1 building element, 1 archaeological /townscape/ landscape item and 1 heritage streetscape).

		<p>The Concept Plan proposes that the vast majority of buildings and other elements assessed in the Conservation Management Plan as being of Moderate or higher significance would be retained and re-used. The exceptions are Buildings 13A, 32, 35A and 35B, all of which were assessed as being of Moderate significance, and none of these are listed on Sydney LEP 2005 as individual heritage items. Moreover, Building 13A (Carpenters Workshop) was subsequently analysed in detail and assessed as being of less than Moderate significance.</p> <p>The Concept Plan also proposes that all of the roadways and other landscape elements listed in the 2005 Conservation Management Plan be retained and reopened for public access, and that a number of items of industrial heritage also be salvaged and reinstated (at least in part) on the site for interpretive purposes.</p> <p>Importantly, the redevelopment proposed under the Concept Plan has the potential to enhance the public understanding of the cultural significance of the site. The Heritage Impact Statement (GML, October 2006) proposes that groups of significant buildings with historic and/or functional relationships should be retained and conserved together so as to provide a basis for interpretation of the history and operation of the former CUB site. It further proposes that Specific Elements Conservation Policies should be prepared for all identified heritage buildings that the Concept Plan proposes to retain and conserve, and that these should provide policies for the physical conservation requirements of the buildings, and for their appropriate future uses and interpretation (refer to Section 9.6.1).</p> <p>The Concept Plan for the CUB site recognises and responds to the range of heritage values that have been identified for the context of the CUB site, the site itself, and the individual buildings, elements and precincts that collectively contribute to its heritage significance, particularly as a nineteenth and twentieth century industrial complex with a primary focus on brewing.</p> <p>The retention and adaptive reuse of a very substantial</p>
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		<p>number of heritage buildings and other items will maintain links with the history of the site, and ensure important elements of the area's fabric and history figure prominently in the new development.</p> <p>It is useful to note the advice from the NSW Heritage Council, dated 1 December 2006, which states (inter alia) that:</p> <p><i>"The Heritage Council, consistent with the findings of the Heritage Impact Statement, recognises that the proposal will have both positive and negative impacts on the specific items and on the site as a whole. The Heritage Council notes that a number of the adverse impacts are based on the need to achieve improved urban design objectives. The Heritage Council would therefore be supportive of any further feasible improvements that can be made to achieve further heritage outcomes for the future of the site."</i></p>
47	Loss of 'Sunburst' building	<p>The term 'Sunburst Building' has been used by some submissions to refer to Building 35A, which forms the north-east corner of the Irving Street Brewery complex. This building is actually known as the Bright Beer Plant, although it has had a number of uses as brewing technology at the site has developed. The Irving Street Brewery (including the Bright Beer Plant) was built in 1912 to the design of architectural firm Halligan and Wilton, and is much-altered four storey Federation style industrial building of face brick with arched openings and expressed sandstone parapets, keystones, voussoirs and lintels.</p> <p>It is misleading however to refer the Bright Beer Plant as the "Sunburst Building". The sandstone detailing that gives this decorative character is shared amongst the group of buildings that collectively comprise the Irving Street group. In fact, the degree of decorative sophistication that is achieved within the complex is most evident in Building 22 (the Filtration Building) and Building 23 (the Malt Silo building). The treatment of the two sandstone cartways to the Irving Street façade is particularly notable, and it is due to this attention to detail and relative intactness that has led</p>

		<p>to the significance of these two buildings being rated as High (refer to Figure 128, Conservation Management Plan – NBRS, August 2005). Most importantly, these two buildings form the frontage to Irving Street, and will be a very prominent form within the new development, especially when viewed from the proposed new park south of Irving Street (refer to Figure 9.1 in the Heritage Impact Statement – GML, October 2006).</p> <p>Buildings 22 and 23 are partially visible from the public domain in Abercrombie Street, and it is possible that submissions expressing concern at the loss of the “Sunburst Building” may be based on a misunderstanding that they may be demolished – when in fact they are to be retained and conserved.</p> <p>The remaining Irving Street Brewery components are rated as Moderate, except for Building 35C, which as a more prosaic addition built in 1939 is rated as Neutral. Nevertheless, Building 26 (Gas Receiving Station) and Building 30 (Old Boiler House), which also exhibit aspects of the sandstone decorative approach that characterises the complex as a whole, are also being retained. The iconic 1912 Irving Street Brewery chimney will remain, and the brewery yard in which it is located will be opened up by the removal of later intrusive elements.</p>
48	Warehouse adaptations as a sensitive re use of former industrial areas appear to be lost	See GML comments above.
49	Impact on St Benedict's Church	The St Benedict's Church complex is located on the corner of Abercrombie Street and Broadway, opposite the Australian Hotel and adjoining terrace houses. The Heritage Impact Statement (GML, October 2006 - Section 6.2.3) already specifically addresses the effect of the Concept Plan proposal on the complex, and concludes that views of the church from the north side of Broadway, facing southwest,

		<p>would not be significantly affected by the proposed development, as the existing views are restricted by the Australian Hotel from most angles until the viewer is in close proximity to the complex itself.</p> <p>It further states that the scale of the proposed development, especially that proposed for the Broadway frontage of the CUB site (notably two 45m high buildings immediately east of the Australian Hotel), would introduce a mid-distance built form of a scale and bulk sufficient to affect the backdrop of views of the St Benedict's Church group from the west, but not to the degree that the heritage significance of the complex or its setting is substantially affected.</p>
	TRAFFIC	
50	Maintain low traffic flow and continue availability of resident parking	On site car parking spaces consistent with the provisions contained in SLEP 2005 are proposed.
51	Traffic congestion and parking	The proposed development yield and its associated traffic generation have been reviewed and modelled independently by the RTA. This review found that proposed new intersections would operate with a satisfactory level of service. Also, the traffic impacts of the proposed development are considered acceptable.
52	Increased traffic	The site is located adjacent to a myriad of public transport options. This combined with low on site parking provision will ensure low site traffic generation.
53	Impact on local traffic	The internal road network and road connections to the site have been developed to minimise traffic impacts on existing surrounding local streets by providing new intersections on surrounding arterial roads. Access for surrounding Chippendale residents to roads such as Regent Street will be improved by the proposal.

54	No need for the large number of car parking places considering proximity to public transport	<p>The CUB site is close to one of the City's major interchanges at Railway Square / Central Railway and has high frequency bus services in close proximity that serve a wide range of origins and destinations. Similar car parking provision exists through out the centre of the Sydney CBD notwithstanding the proximity of most development sites to good public transport services.</p> <p>The proposed parking provision is in accordance with the constrained parking rates of the existing City of Sydney LEP.</p> <p>A significantly lower on-site parking provision would have the effect of:-</p> <ul style="list-style-type: none"> ▪ Increased demand for on-street parking in the area ▪ Biasing demographics of CUB residents away from the aged/women/families who need cars for use in the evening / weekends
55	Use of public transport should be promoted as much as possible	The Transport Management and Accessibility Plan recommended the implementation of Green Travel Plans for all new employees. Public transport information would be provided as part of welcome packs for new residents.
56	Existing road network will not sustain the increase in traffic	The RTA has confirmed through their independent modelling that the surrounding road network can sustain the traffic generated by the site.
57	Insufficient car parking for new residents will lead to unavailability of on street parking for current residents	The existing surrounding residential streets are currently protected from parking intrusion by the implementation of resident parking schemes. Residents of this site would not have access to these parking schemes.
58	Opening of Irving Street into Black Friars – no impact assessment	The traffic flows through this intersection have been analysed in both the proponent's model and the

		independent RTA modelling. Both these models showed the new signalised intersection at Abercrombie Street / Blackfriars Street would operate with a good level of service with minimal site traffic travelling through Chippendale west.
59	Amount of car spaces too high considering low car ownership of inner city residents	The proposed parking provision is in accordance with current LEP rates.
60	Traffic analysis undertaken for weekday only.	The modelling for the site has focused on periods when the road network serves the maximum existing hourly flows and consequently the traffic impacts of the development would be most felt. This is usual traffic engineering practice.
61	Shortage of cycle paths/cycle lanes should be off road	The site provides shared zones connecting Broadway in the north to Wellington Street in the south which would provide safe cycling environments for a wide range of cyclists.
62	Pollution (from traffic)	People who reside at this site would generate significantly lower pollution than if the same residents moved to a Greenfield site on the fringes of the Sydney metropolitan area as residents will have a higher proportional use of public transport / walking / cycling for their daily trips.
63	The applicant is not proposing to reduce traffic or car useage by proposing 1634 car spaces. Access via Irving St with an intersection at Abercrombie St is not acceptable.	No objection has been raised to the proposed arrangement by the various traffic authorities and in particular the RTA.
64	The density of the development will result in major vehicle movement per day impacting on the quiet neighbouring streets.	See Comments above
65	The proposed development is not promoting the use of public transport. The proposal is encouraging the use of private motor vehicles. Access to car parks should be off the wider roads rather than the narrow laneways.	Access is proposed off laneways as better option in terms of continuity of street frontage and uninterrupted pedestrian movement along primary street frontages and footpaths. The laneways are proposed as shared zones with

		pedestrian movement and vehicular traffic movement managed by well established techniques and methods that ensure safety and comfort for pedestrians.
66	Too many parking spaces proposed considering proximity to public transport. The large number of car spaces will encourage private car use.	See Comments above
67	Excessive amount of car spaces proposed. Broadway does not need heavy reliance on motor vehicles.	See Comments above
68	Parking spaces on site will encourage private car use.	See Comments above
69	The proposal does not meet best practice given the car parking provision. The proposal provides 2300 car spaces. The concept plan fails to encourage cycling, walking and the use of public transport.	See Comments above
	ECONOMIC	
70	Too much of the site is being devoted to residential – city would be better served by higher commercial component	Noted.
71	Site currently underutilised	Noted.
72	Retail floor area 100% greater than that recommended by Mapinfo Dimasi Quantity of retail floor area not justified by proponents own market assessment	<p>Apart from a supermarket and a variety of convenience retail specialty shops that are intended to occupy about 7,500m² – 8,000m², the balance of the ground floor retail areas that are proposed, comprise a mixture of commercial, tertiary uses, services, ground floor entry foyers and other uses not traditionally retail in nature but utilised as ground floor activation uses.</p> <p>These additional ground floor uses will be developed over the life of the project anticipated to be 10 plus years.</p>
73	Amount of retail floor space will create a destination retail centre inconsistent with the established retail hierarchy of the local region	The relatively small quantity of retail space proposed is unlikely to threaten the established retail hierarchy of local retail areas.

74	Increase in residents will be beneficial to local businesses	Noted
75	Save taxpayers money infrastructure and services already in place Will lower value of apartment due to lack of privacy	Noted
76	Financial greed is designing the development.	Noted.
	INFRASTRUCTURE	
77	High density/Impact on local infrastructure	Infrastructure will be augmented where needed to the standards required by utility providers. In most cases the load on infrastructure of the proposed development is less than the former industrial use of the site. The social infrastructure is being augmented by the provision of public open space and other public benefits included in the VPA and Statement of Commitments.
78	The proposed development will add to the already strained infrastructure services in Chippendale.	See comments above. The proposed development will result in less demand on utilities infrastructure when compared with the previous industrial use of the site. In addition the standard of utility infrastructure will be upgraded as part of the proposed development.
	SOCIAL	
79	May help with crime as opens area the area	Noted.
80	In favour/proposed park brings needed public space	Noted.
81	In favour of shops, specifically supermarket	Noted.
82	Assurance that near by resident will be protected from noise and damage to	Noted. This is a construction management issue for the

	homes that may accompany construction process/possible relocation during construction	project approval stage.
83	Will aid in providing accommodation to the vast number of students in the area	Noted
84	Overload of community resources	See Comments above.
85	Ensure that residents and businesses affected by construction do not suffer income or living standards during construction	Noted. See Comments above
86	Balfour Street as a cycle/pedestrian street leading over Broadway towards Pymont would have been a great addition to residents	Noted.
87	Park will promote unsocial activity/high density blocks at odds with streetscape and can promote unsocial activity	The Concept plan has been prepared in accordance with CPTED principles. The orientation of buildings to provide for the passive surveillance of parks and the public domain generally will promote safety and security. In addition, the inclusion of active uses at street level will promote activity during a significant proportion of the day. The opening up of the site should also assist in improving the current difficulties with crime and security in the locality.
88	Density compromises long term social welfare and environment of local area.	See comments above
89	The proposed park will not benefit the existing and new population, and object to the park being accepted as a developer contribution. The location of the park is locked away from 80% of Chippendale.	The park will be surrounded by public street and will be readily accessible to all residents of Chippendale. There are a limited number of locations within the site where a park of the dimensions required could be located. The park has been located in what is considered to be the optimum location having regard to solar access, noise, safety for children in particular and equidistance to other parts of Chippendale. As previously mentioned linear park are proposed to invite and draw in pedestrians towards the park.
90	The density of the development and high rise towers could result in 'ghetto'	The density of development is not inconsistent with other

	style mini-suburb.	part of the city centre and inner city areas such as Ultimo Pyrmont. The opening up of the site and integrating the public domain via the street layout and the provision of facilities for the Chippendale neighbourhood will eliminate concern related to either a ghetto or gated development.
91	The offer of an affordable housing contribution is not generous and object to the lack of provision of affordable housing on the site. The proposal does not take into consideration low income earners and is not consistent with the City of Cities Sydney Metropolitan Strategy's aim to provide a mix of housing to address changing demographics.	Noted. The final mix of housing is for resolution at project application stage. The concept plan application has been prepared on the basis of the CSDCP 1996 required mix.
92	Affordable student accommodation has not been considered. Subsidised student dwellings should be proposed as well as the design of apartments should be flexible to accommodate students. Affordable housing is not proposed on the CUB site and should be taken into consideration.	The detail of apartment accommodation is a detail matter to be considered and resolved at the project application stage. See Comments above.
93	Affordable housing should be provided and not cashed out to provide concentrations of affordable housing in other locations such as Redfern Waterloo.	Noted
94	Linkages to Prince Alfred and Victoria Park have not been included.	Item 4 of the Statement of Commitments includes signalised pedestrian crossings of City Road and Regent Street subject to approval from the RTA.
	Technical /Procedural Matters	
95	DOP Matters	
96	The proponents for the development have not conducted a genuine community consultative process.	The proponents for the development have not conducted a genuine community consultative process. The Consultation Overview Report outlines the various consultation processes

		<p>that have informed the preparation of the Concept plan. These include:</p> <ul style="list-style-type: none"> ▪ The numerous community responses to the 2004 design competition. ▪ Issues noted at a number of Council workshops and consultations that occurred as part of Councils community facilities and open space study. ▪ The Minister's Expert Advisory Panel that had input from a Stakeholder Reference Panel. <p>In addition, two community information sessions were conducted by the proponent during the exhibition period of the Study and Concept Plan Application, one on a week night (15 November) and one on the week end (18 November).</p>
97	<p>The Concept plan proposes a density of 4.36:1 despite the design jury's findings which clearly indicates that such an FSR is inappropriate and compromise design, amenity and sustainable planning.</p> <p>The proposed density of 4.36:1 (FSA) is not sustainable on the grounds of massing, overshadowing and amenity. The EA ignores the findings from independent consultants commissioned by the City</p> <p>The setback for the podium on Broadway is insufficient.</p>	<p>The findings were not ignored. The concept plan application is largely consistent with the preferred scheme selected as a result of the initial competitive design process. A further 2-3 years of design development of the concept plan has been undertaken since the competition. It is understood the EAP considered the jury report and discussions held with the Chair of the design jury as part of the EAPs formulation of its recommendations.</p>
	Other	
98	Great opportunity to provide a large park with active and passive open space as city spreads	Noted
99	<p>Thinking behind is short sighted, lacking in intelligence and creativity/greed</p> <p>More is needed to ensure that what is needed to ensure that what is created</p>	The concept plan application is largely consistent with the preferred scheme selected as result of the initial competitive

	is something of excellence.	design excellence process. In addition, a design excellence process is proposed for the future stages of design development of the site for the project application phase.
100	Supports proposal should adhere to the existing character and density levels of Chippendale	Noted
101	Not opposed to more people living in Chippendale but redevelopment should provide a healthy and sustainable living environment for residents	Noted
102	A concept plan does not allow the reader to examine in detail what is proposed and therefore is not possible to measure the environmental impacts. It is difficult to make a submission without being properly informed as the concept plan fails to consider climate change impacts.	The Concept Plan has assessed the key environmental impacts that can be predicted as a result of the propose development. The Concept Plan does deal with issues in broad terms at an estimated 'worst case' circumstances in that the concept plan provides for the maximum impact of development. Subsequent project applications will provide the opportunity to deal with micro issues in the context of the broader of any approved concept scheme.
103	CUB site should of remained under the control of the City of Sydney. The exhibition period should be for 2 months.	Noted.
104	The CUB development is not a valid SSS.	Noted.
105	The community consultation process has been unacceptable by the lack of transparency and backroom discussions with the public misinformed during the process. The design competition jury report findings have not been adequately considered in the concept plan.	Noted. See above comments.

	CUMULATIVE	
106	The proposal will set a precedent for new developments in Sydney.	Each application is dealt with on its merits. The Land and Environment Court does not recognise precedent.

APPENDIX F. SUBMISSIONS

APPENDIX G. ENVIRONMENTAL ASSESSMENT

APPENDIX H. ENVIRONMENTAL PLANNING INSTRUMENTS & OTHER RELEVANT LEGISLATION

The proposal is subject to the following planning instruments and strategies:

State Environmental Planning Policy (Major Projects) 2005

The Major Projects SEPP outlines the types of development declared to be a Major Project for the purposes of Part 3A of the Act.

For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 23 July 2006, the Minister for Planning formed the opinion pursuant to Clause 6 of State Environmental Planning Policy (Major Projects) 2005 that the proposal is a Major Project and subject to Part 3A of the Environmental Planning and Assessment Act, having satisfied himself that the proposal met the criteria of a kind State Significant Site.

State Environmental Planning Policy No. 11 – Traffic Generating Developments

State Environmental Planning Policy No. 11 (Traffic Generating Developments) aims at ensuring that the Roads and Traffic Authority is aware of major traffic generating developments.

Developments of the types listed in Schedule 1 and 2 of the SEPP require referral to the Roads and Traffic Authority.

The proposed concept plan falls within Schedule 1 of SEPP 11 and was considered by the Sydney Regional Development Advisory Committee 22 November 2006.

The Committee and the RTA provided comments to the Department of Planning in relation to traffic signals, pedestrian crossings, speed limit on Abercrombie Street, internal road system, car parking and bus services.

State Environmental Planning Policy No. 32 – Urban Consolidation (Redevelopment of Urban Land)

State Environmental Planning Policy No. 32 (Urban Consolidation of Urban Land) establishes a process for identifying land that is appropriate for urban consolidation for the redevelopment of urban land that is no longer required for that purpose.

This SEPP includes criteria for identifying whether a site is of regional planning significance and should be made the subject of a regional environmental planning instrument. The SEPP also identifies that the Minister must consider when determining development applications.

The SEPP is applicable to the redevelopment of the CUB Site. The concept plan however does not contain an assessment of the proposal against the provisions of SEPP 32.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 (Remediation of Land) aims to promote the remediation of land contaminated by past activities to reduce the risk of harm to human health or the environment.

Clause 7 of the SEPP requires consideration of whether the land is contaminated; if the land is suitable for the proposed development in its current unremediated state; and if remediation is required, whether the land can be

made suitable for the proposed development. In the event that land requires remediation, the SEPP identifies that development can not proceed without the remediation of the contaminated land. The SEPP identifies that remediation may occur without consent (Category 1 remediation) or with consent (Category 2 remediation).

Development on the CUB Site has involved potentially contaminating activities, and according to this SEPP, would be Category 1 remediation as the Minister is the consent authority.

The site has been subject to contaminating activities in the past associated with storage and handling, vehicle maintenance and fuel storage, electrical substations, historical industrial uses, use of lead based paints and asbestos from historic building demolition and imported fill from unknown origins.

A Concept Plan includes no works component and therefore remediation of activities may be deferred to future project applications.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) establishes good design principles by which multi-unit housing is to be assessed against. These design principles are supported by detailed objectives and provisions in the Residential Flat Design Code which also needs to be assessed. This SEPP applies to the preparation of planning instruments, applications for developments, and master plans.

This SEPP applies to the Concept Plan by virtue of apartments proposed in land within the CUB Site.

The concept plan as it relates to apartment buildings identifies building envelopes and floor space area to these envelopes based on coverage. Therefore the SEPP's design principles of context, scale, built form and density apply to the concept plan; the remaining principles are related to detailed design matters and may reasonably be dealt at development application stage.

The concept plan does not contain information confirming that the residential building envelopes will achieve the built form and density principles of the SEPP. The implication arising from the concept plan not providing this information is that a poor built form outcome may arise for the residential component.

Site specific controls are required to direct and ensure a high quality built form within the concept plan area.

City of Sydney Local Environmental Plan 2005

City of Sydney Local Environmental Plan 2005 identifies the local planning controls applicable to the City of Sydney LGA. This includes land uses and special provisions.

The concept plan is generally consistent with the SLEP 2005. The proposed uses are considered permissible in the City Edge Zone with development consent. However, the proposed FSR is above that permitted in the zone and open space or parks are not permissible within the zone.

Sydney Metropolitan Strategy

The Metropolitan Strategy is a broad framework planning to secure Sydney's place in the global economy by promoting and managing growth. It is a strategic document that outlines a vision for Sydney over the next 25 years.

The housing strategy seeks to ensure that the supply of appropriate and well located housing will be provided to meet the needs of the increasing and diversifying population. The proposed development will provide greater housing supply and choice to community and will encourage policies, particularly those which seek to encourage urban consolidation. The residential component of the Concept Plan proposal will make a useful contribution towards achieving this target.

The transport strategy aims to encourage rail and bus networks to connect centres by fast, frequent and direct rail services connecting centres across the City. The site is considered to be well served by public transport. The site lies within close proximity of Central Railway station. Buses are easily accessible from the site to nearby railway stations and Sydney CBD. It is considered that the proposal is appropriately situated to take advantage of the existing public transport.