

PROPOSED REDEVELOPMENT OF CUB SITE SCOPING PAPER

1.0 INTRODUCTION

This scoping paper is submitted to the Department of Planning (hereafter referred to as 'the Department') to assist the Director General in determining the level and scope of the environmental assessment to accompany the establishment of appropriate development controls for the site, and for the lodgement of a Concept Plan application.

This paper has been prepared on behalf of the applicant, CUB (NSW) Pty Ltd ('CUB NSW') by JBA Urban Planning Consultants Pty Ltd, and is based on information provided by Foster's Australia Limited (Foster's) and the consultant project team. CUB NSW is a wholly owned subsidiary of Foster's Australia Ltd.

The paper includes the following information relevant to the proposal:

- A description of the project;
- The capital investment value;
- Site description;
- The planning provisions applying to the site;
- A list of any other approvals required;
- Identification of the environmental issues associated with the project.

2.0 PROJECT DESCRIPTION

The site is 5.795 hectares (approximately) of land located at the southern edge of Central Sydney. The key parameters for the future development of the site are as follows:

- A mixed use commercial and residential development consisting of some 1,800 residential apartments, approximately 97,000sqm of commercial and approximately 12,000sqm of retail gross floor area (GFA);
- The likely retention and adaptive reuse of between 29 to 31 current and proposed heritage items on the site as compared with 13 items of heritage significance currently included in SLEP 2005. This will likely involve consent to remove 3-5 buildings identified as being of moderate significance in the Conservation Management Plan prepared for the site.
- A Floor Space Area (FSA) of built form of approximately 260,000sqm;
- A single parcel (including some land owned by the City of Sydney) of public open space of some 5,000sqm, for ultimate dedication to the City of Sydney;
- Transport and parking facilities, including some retention of 250 space car park to support a retail floor space component; and
- A network of streets, laneways and shared zones, generally for ultimate dedication to the City.

In addition, a small parcel of land containing a sub station owned by Energy Australia, is included within the development site.

The site has been the subject of a master plan design competition. The purpose of the master plan competition was to test options and ideas that would underpin the future development of the site and integrate the new precinct into the existing urban context. The master plan established the relationship of built form and the public domain, the approximate mix of uses and likely methods of activation, the social and cultural positioning and opportunities for transport and connectivity.

It is anticipated that the public open space will be transferred to the City of Sydney generally consistent with the terms of the negotiations undertaken in relation to the Voluntary Planning Agreement (VPA).

3.0 CAPITAL INVESTMENT VALUE

The proposed redevelopment of the CUB site will have a capital investment value in excess of \$50 million, estimated to be in the order of \$1.0 billion, including the land.

4.0 SITE DESCRIPTION

Site Location and context

The CUB site is located within 300metres of Central Station on the southern edge of the Sydney Central Business District. The site is bound by the established commercial/industrial/residential suburb of Chippendale to the east, south and west, and the University of Technology across Broadway to the north. The newly established University of Notre Dame is across Abercrombie Street to the west.. The site's location is shown in **Figure 1**.

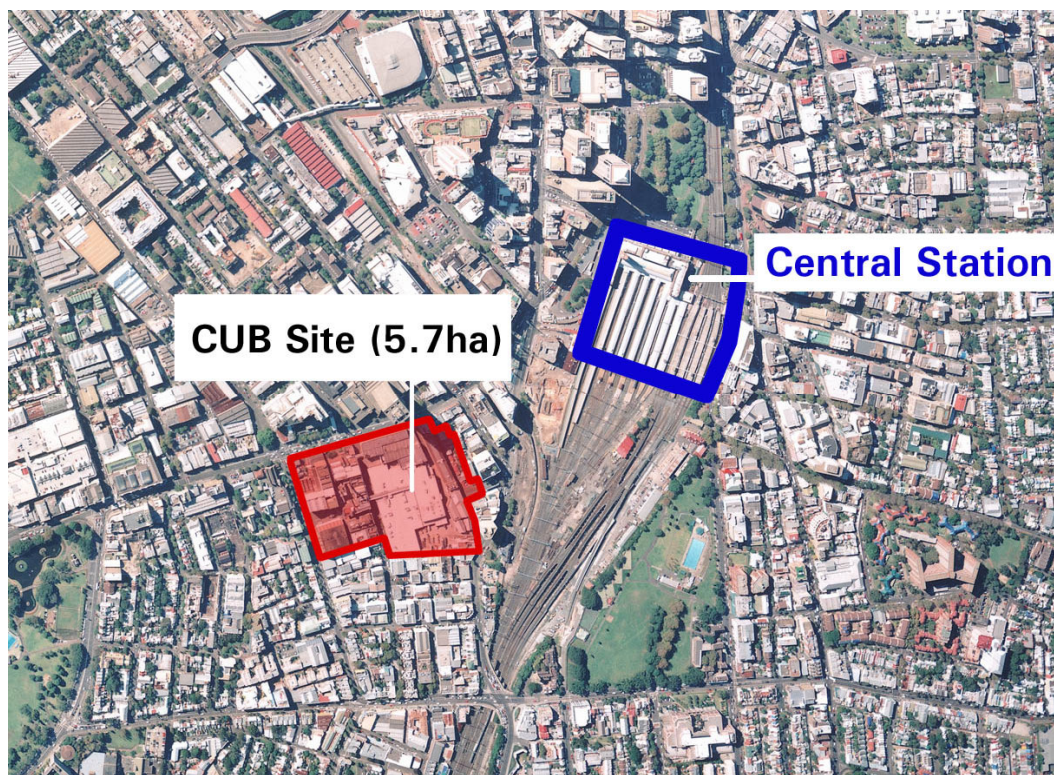


Figure 1 – Site Location



Figure 2 – Existing development

Site Description

The real property description of the site is under 29 Certificates of Title. These are detailed in the schedule included in Attachment 1. The total site area is some 5.795 hectares, and is generally rectangular in shape. It has frontage to Broadway, Abercrombie Street, Kensington Street, including the buildings on the eastern side of Kensington Street, and Wellington Street and O'Connor Street to the south.

5.0 PLANNING CONTROLS

The following planning instruments and development control plans are relevant to the proposed development:

State Planning Instruments

- State Environmental Planning Policy 11: Traffic Generating Development;
- State Environmental Planning Policy 65: Residential Flat Buildings
- State Environmental Planning Policy 53: Metropolitan Residential Development;
- State Environmental Planning Policy 55: Remediation of Land;
- State Environmental Planning Policy (Major Development) 2005; and
- Draft State Environmental Planning Policy 66: Integration of Transport and Land Uses.

City of Sydney Planning Instruments and Controls

- Sydney Local Environmental Plan 2005;
- Central Sydney Development Control Plan 1996;
- City of Sydney Child Care Centres Development Control Plan 2005; and
- City of Sydney Contaminated Land Development Control Plan 2004.

The land is zoned under the Sydney Local Environmental Plan 2005 (SLEP 2005). The zoning and other key relevant provisions of the SLEP 2005 are set out in **Table 1** below.

Table 1: Key zoning provisions

| Instrument | Standard/Development Control |
|---|---|
| SYDNEY LOCAL ENVIRONMENTAL PLAN 2005 | |
| Zone | City Edge Zone |
| Objectives | <p>(a) to encourage a mixed-use, medium density area which will provide a physical transition between the City Centre zone and nearby lower density, mixed-use and residential areas, and</p> <p>(b) to encourage an increase in the permanent residential population through new residential development or the conversion of existing buildings and to ensure the maintenance of a range of housing choice, and</p> <p>(c) to recognise the development potential of certain major sites within the zone and to encourage development of them which is consistent with other zone objectives, and</p> <p>(d) to enhance the amenity of parks and community places by protection of sun access, and</p> <p>(e) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain, and</p> <p>(f) to ensure adequate levels of daylight to streets, and</p> <p>(g) to recognise and enhance the character of Special Areas, and</p> <p>(h) to facilitate the conservation of items and areas of heritage significance, and</p> <p>(i) to ensure that the number and location of clinics, refuges, crisis centres and other welfare facilities within parts of this zone are compatible with the achievement of other zone objectives.</p> |
| Permissible Uses (without development consent) | (1) Development may be carried out without consent within the City Edge zone if it is exempt development |
| Permissible Uses (with development consent) | (2) Within the City Edge zone, other development (including use of land for the purpose of advertisements and advertising structures and temporary uses) may be carried out, but only with development consent. |
| Prohibited Uses | <p>Development for the purpose of amusement centres is prohibited on land in the Oxford Street area shown shaded on Map 1 in Schedule 1.</p> <p>Development for the purpose of brothels is prohibited in the City Edge zone.</p> |
| Development Plans | <p>Development comprising the erection of a building exceeding 55 metres in height or development on land exceeding 1,500 m² requires the preparation of a development plan (subject to specific waiver clauses).</p> <p>Subject to waiver clauses, consent must not be granted for development to which this clause applies unless:</p> <ul style="list-style-type: none"> (a) a development plan is in force for the land on which the development is proposed to be carried out, and (b) the consent authority has taken the development plan into consideration |
| Height | Maximum height provisions for the site range from 15 metres to 45 metres. |
| Floor Space Ratio | Maximum floor space ratio provisions for the site include 3:1, for Commercial, 4:1 for hotels and 5:1 for serviced apartments and residential development. |
| Car Parking | <p>Commercial - 1 space/50sqm of site area</p> <p>Residential -</p> <p>Bed sitter apartment 0.25</p> <p>1 bedroom 0.50</p> <p>2 bedroom 1.25</p> <p>3 or more bedroom 2</p> |
| Heritage items | Schedule 8 |

| | |
|----------------------------|--|
| | Part 1 Heritage Items Item 1: 8-12 Abercrombie Street Terrace (Part of Carlton United Brewery site) (5008D) Item 38: 20-24 Broadway County Clare Inn(5007) Item 39: 100-02 Broadway Australian Hotel (5009) Item 187: Kensington Street CUB Administration Building ((5008A) Item 188 46 - 48 Kensington Street. Part 2 Building Elements Item 3: 26-98 Broadway Former Irving Street Chimney stack (Part of Carlton United Brewery site) Brewery (5008C) Part 3 Archaeological/townscape/landscape items Item 13: 26-98 Broadway No I Gate Portal (Part of Carlton and United Brewery site) (5008B) |
| Heritage Provisions | This section contains provisions relating to: <ul style="list-style-type: none"> – The protection of heritage items; – The protection of places of potential heritage significance; and – Miscellaneous provisions. |

However, as a declared a Major Project to be determined under Part 3A of the Act, section 75R of the Act provides that environmental planning instruments (other than State Environmental Planning Policies) do not apply to or in respect of a declared project. It is noted that the ovoid and a substation owned by Energy Australia are identified in the section 170 Register of the NSW Heritage Act.

6.0 VIEWS OF COUNCILS/AGENCIES

The urban design principles derived from the master plan competitive process and public consultation process were intended to underpin a new planning regime for the site and pre lodgement of a Stage 1 DA with the City of Sydney.

6.1 The City of Sydney

Extensive discussions and negotiations have been held with the City of Sydney. The discussions commenced in July 2003. A chronology of the projects history to date is included in Attachment 2. Relevant Council and Central Sydney Planning Committee reports and resolutions describing the nature and extent of consultation with the City of Sydney are also included in Attachment 3.

6.2 The Local Chippendale community

Issues and objectives identified by the local community at various forums conducted by the City of Sydney include the following:

(i) *Sense of Place*

- *Optimise capacity within environmental constraints.*
- *Fully utilise the site's unique location and access to nearby educational institutions, public transport infrastructure and the Central Business District and integrate the site within Chippendale.*
- *Respect the local character of Chippendale, the former brewery and the City.*

(ii) *Conserving Our Heritage*

Respect, use and interpret the site's heritage values including:-

- *the productive re-use of heritage buildings;*
- *the heritage buildings, elements, streetscapes and the historic street layout;*
- *the memory of the site's uses, views/vistas and working environment;*
- *the archaeology, including the former stream; and incorporation of industrial machinery into publicly accessible locations*

(iii) *High Quality Design*

- *Provide environmentally innovative and world leading design;*
- *Design buildings to be of lasting quality that will stand the test of time;*
- *Design that is respectful of the site's place and heritage*
- *Buildings which address the street.*
- *Design that encourages community interaction and safe public places*

- *Buildings and parks which have good solar access, at the right times.*
- *Buildings which are integrated with the surrounding public places and parks*
- *A variety of building sizes to encourage a diversity of uses.*

(iv) Diverse Uses

- *A balance of mixed uses on the site that capitalise on its unique location.*
- *Uses that respond to the local and regional economy.*
- *Uses that minimise car trips generated to and from the site and encourage more sustainable travel behaviour.*
- *Uses that complement educational establishments in the area.*

(v) Sustainable Transport

- *Safe, well designed streets that are pleasant to walk and cycle.*
- *A place that fully utilises the public transport in the area and includes initiatives to reduce car usage.*
- *High quality walking, cycling and public transport infrastructure and facilities.*
- *Appropriate provision of parking within the site, to complement measures for sustainable travel behaviour;*
- *Prevents "rat runs" through the site and through Chippendale.*

(vi) Parks and Open Space

- *Usable public open spaces to meet the needs of future residents and workers.*
- *Trees and landscaping in public areas, including the water sensitive design of public places.*
- *Public open space that is accessible and safe for the whole community.*
- *Open space linkages that integrate the site with Chippendale, the University of Technology, Prince Alfred Park, Victoria Park and Wentworth Park.*
- *Public open spaces which receive a high amount of sunlight, especially during lunch hours.*

(vii) Social Diversity

- *A mix of appropriate housing types that provides housing for a diverse cross section of society including affordable housing and student accommodation.*
- *A diverse range of community and economic activities and uses.*

(viii) Community Services

- *Community services that provide for the needs of future residents, students and workers.*
- *New services that complement existing services.*
- *Services that are accessible to the wider community.*
- *Better linkages to off-site community services and facilities.*

(ix) Environmental Leadership

- *Energy efficiency;*
- *Water re-use and on-site water management;*
- *Appropriate selection of materials;*
- *Recycling of materials;*
- *Waste management;*
- *Minimisation of pollution and emissions; and*
- *Site remediation.*

7.0 PRELIMINARY ENVIRONMENTAL CONSIDERATIONS

It is requested that the Director General issue the requirements for an environmental assessment to accompany the proposal for the CUB site (and establishment of the appropriate development controls for the site) for the lodgement of a Concept Plan application.

The Director General's requirements will identify the key issues to be addressed, the level of assessment desired in relation to these issues in accordance with the environmental assessment guidelines.

The information below has been prepared to assist the Director General in identifying the general requirements and key environmental project specific issues to be addressed in the future Environmental Assessment.

A range of technical studies have been undertaken to inform the Master Plan design competition and subsequent concept design development, including extensive discussion with The City of Sydney, and

the city's own technical studies. The studies, discussions and reiterative concept design development process have resulted in the following matters being identified as key environmental considerations associated with the proposed development. These are as follows:

- Site suitability;
- Compliance with and departures from existing statutory plans;
- Built Form;
- Streetscape and Public Domain;
- Solar Access Study
- Transport and Access;
- Heritage and Archaeology;
- Environmental Sustainability;
- Development Staging and Delivery;
- Infrastructure Services;
- Geology and Sub-surface Conditions;
- Contamination;
- Water Management; and
- Acoustic impacts.

Site suitability

The site is situated within an area zoned City Edge uses pursuant to SLEP 2005. The proposal seeks to develop a mixed use precinct for commercial, residential, retail and other uses which are permissible in accordance with the current land use provisions in the SLEP 2005.

The proposal incorporates uses that will reinforce the commercial, residential, retail and other functions of the southern part of the Sydney CBD. As demonstrated by the outcome of the Master Plan Design Competition, the site is physically capable of accommodating the future proposed uses.

Compliance with Statutory Plans

As a declared a Major Project to be determined under Part 3A of the Act, section 75R of the Act provides that environmental planning instruments (other than State Environmental Planning Policies) do not apply to or in respect of a declared project.

The Concept Plan application and will provide an assessment of the proposed development against the provisions of the controls identified in Section 5.0 above, having regard to the existing controls contained in SLEP 2005. However, it is also anticipated that new controls for the site will be included in Schedule 3 of the SEPP 2005 based on negotiations with the City of Sydney in relation to the future development of the site. Accordingly, the relevant weight will be given to the existing controls in developing the Concept Plan.

Built Form

The key environmental issues associated with the built form for the site will be:

- Density;
- Height;
- Floor space/intensity of use;
- Scale and massing;
- The location and size of the public community park;
- The street grid pattern;
- How the built form responds to its urban context at the interface between the residential scale and built form of residential Chippendale and the high density, mixed land use of the Sydney CBD;
- Adaptive reuse of heritage items
- Relationship of built form to open space i.e. interface with public domain;
- The embodiment of ESD principles;
- Impacts upon vistas and view corridors;
- Impact on residential amenity; and

- Environmental impacts including wind, noise, solar access and maximisation of natural light, reflectivity and overshadowing.

Streetscape and Public Domain issues

There will be a requirement to consider in detail the relationship between the public domain and street based commercial and retail activity. The design of the streets and diversity of spatial arrangements and street widths will also need to be considered.

The proposed Streetscape and Public Domain of the future CUB development will be carefully designed and assessed as part of a future application. The assessment will address:

- The relationship of urban public spaces and their adjoining built form,
- The hierarchy and purpose of street patterns on the site and the scale relationship between streets, footpaths and buildings.
- The space between the buildings and the activity and movement networks.
- The relationship between the public domain and the ground floor uses of all buildings on the site.
- Identification of public and private open space.
- The links, connections and access conditions between the site and its surrounds.

Transport and access issues

A transport and access report will be prepared as part of a future application to redevelop the CUB site. Key issues to be considered include:

- Traffic generation;
- Public transport (i.e. capitalising on the proximity to Central Railway Station and major bus routes);
- Bus Services (i.e. bus access and bus stops)
- Car parking provision, including a public car parking to service the retail floor space;
- Pedestrian connections to the local area and key transport nodes;
- Cycling provision (i.e. routes and facilities);
- Constraints including the traffic capacity at key intersections and existing arterial roads;

Heritage and Archaeology issues

A Conservation Management Plan has been prepared for the site and endorsed by the NSW Heritage Council. A draft Archaeological Assessment report has also been prepared. In preparing the Concept Plan for the redevelopment of the site it will be necessary to consider:

- How the site incorporates items of historical significance;
- The heritage significance of any adjacent conservation areas and heritage items;
- The site's past as part of any future proposal;
- The site's social history and ensure it is acknowledged
- Key views and vistas to, from and within the site;
- The heritage impacts of the proposal, and make recommendations to mitigate any unavoidable negative impacts.

Heritage items identified in SLEP 2005 and the NSW Heritage Act are included in the table of zoning provisions included in Section 5.0 above.

Environmental Sustainability

A preliminary ESD report has been prepared for the CUB site to identify possible site constraints. A more detailed report will be prepared to accompany any future application for the CUB Site. The report will consider:

- The ESD approach to the whole site;
- Minimisation of impact upon key utility services;
- Resolution of design elements including:
 - Water re-use strategy;
 - Amenity of external spaces;

- Passive climate control opportunities for dwellings;
- Rating tools for commercial buildings;
- Flexible sustainable infrastructure for energy, waste management and reuse; and
- Establishment of key performance indicators for all ESD strategies.

Development Staging and Delivery

Consideration will need to be given to the staging and delivery of development at the CUB site. The staging of development components will need to have regard to:

- Public access;
- Interim uses;
- Construction access; and
- Financial considerations;

A report will be lodged with the Concept Plan Application which sets out the preliminary staging strategy.

Infrastructure issues

A preliminary site investigation of the existing infrastructure capacity has been undertaken. The site is currently serviced for electricity, gas, sewer, water, stormwater and telecommunications.

However, due to the age of some existing infrastructure, some services may need to be upgraded, in particular, water and sewerage services. Initial investigations indicate that a change from industrial consumption levels to predominantly residential and commercial will result in substantial less demand on services, apart from possibly electricity.

A comprehensive infrastructure report will be prepared as part of any application for redevelopment of the CUB site to address infrastructure requirements.

Geology and Sub-surface Conditions

Limited on-site investigations have been undertaken, combined with regional mapping data and historical investigations of former site uses. The existing geological conditions consist of predominantly low permeability clay over sandstone/shale bedrock and shallow unconfined groundwater conditions.

The existing site conditions will be validated as part of further geotechnical investigations designed to support the proposed development when the site is vacated, and full site drilling can be undertaken.

Contamination Issues

Due to the sites association with industrial activity, a site contamination audit to identify potential sources and areas of contamination has been undertaken. A Phase 1 investigation identified sources of potential contamination on the site.

Following the Phase 1 assessment, the sensitivity of the site was anticipated to be:

- moderate to high in respect of soil contamination;
- moderate in respect of shallow ground water; and
- moderate in respect of surface water.

A Phase 2 ESA has been undertaken. Areas of actual and potential soil and groundwater contaminations were identified. It will be possible to remediate the soil contamination found to a condition so the site is suitable for the proposed use using one or a combination of the following possible soil remediation methods, depending on the contaminant:

- Excavation and off-site treatment and /or disposal of soil contaminated with heavy metals, poly cyclic aromatic hydrocarbons or asbestos fibres to appropriately licensed waste facilities; and /or
- Land-farming for soil contaminated with petroleum hydrocarbons and volatile organic compounds.

The contamination identified in the Phase 1 and Phase 2 ESAs is not unusual for a site which has been used for a variety of industrial and commercial activities over an extended period.

The contamination identified to is capable of remediation to standards required for the proposed more sensitive activities such as residential, commercial and parks/open space.

Further investigations are being undertaken and it is proposed that a Remediation Strategy be lodged with the Concept Plan application. A Remediation Action Plan and Environmental Management Plan will be prepared as part of subsequent project applications for the redevelopment of CUB site.

Water Management Issues

A detailed drainage plan will need to be submitted with any future application. A detailed stormwater and flood management plan will need to be submitted with any future application.

Acoustic Issues

A report assessing noise and vibration impacts on the acoustic amenity of the proposed development will need to be undertaken as part of any future application.

8.0 OTHER MATTERS

In respect of the development proposal, approvals and/or permits may be required under the following Acts:

8.1 Roads Act

- Approval under the Roads Act 1993 to:
 - (a) erect a structure or carry out a work in, on or over a public road, or
 - (b) dig up or disturb the surface of a public road, or
 - (c) remove or interfere with a structure, work or tree on a public road, or
 - (d) pump water into a public road from any land adjoining the road, or
 - (e) connect a road (whether public or private) to a classified road

8.2 Protection of the Environment Operations Act

- An Environment Protection Licence to authorise carrying out of scheduled development work at any premises under the Protection of the Environment Operations Act 1997.

Necessary approvals and permits required for the redevelopment of CUB site will be identified as part of any future application.

8.2 Redfern and Waterloo Authority Act

The CUB site is identified within the Redfern and Waterloo Authority Act for the purposes of contributions for affordable housing. Clause 30 states:

'(1) This section applies to development that is a project to which Part 3A of the Environmental Planning and Assessment Act 1979 applies and that is carried out on land:

(a) within the operational area, or
(b) that was the former Carlton United Brewery Site at Broadway, Sydney, being the site described in the contributions plan referred to in section 32.

(2_ A condition may be imposed under Division 6 A of Part 4 of the Environmental Planning and Assessment Act 1979 (as applied by section 75R (4) of that Act) in relation to a project to which this section applies as if:

(a) section 94F of that Act (which deals with the circumstances in which affordable housing contributions may be required) applied to a development application for consent to carry out development to which this section applies whether or not it is a development application described in section 94F (1) of that Act, and'

The Minister has confirmed that the provisions of the Redfern and Waterloo Act will be invoked for the purposes of a contribution for affordable housing in relation to the CUB site. It is proposed that the

extent and nature of the contribution is a matter for consideration as part of a Voluntary Planning Agreement.

8.3 City of Sydney Act

The City of Sydney Act applies to the site. The consent authority has been changed as a result of the declaration of the site as a Part 3A project from the Central Sydney Planning Committee to the Minister. However, the provisions of Section 61 still apply in relation to development contributions. The nature and extent of development contributions were matters that were being discussed with the City of Sydney as part of the Voluntary Planning Agreement negotiations.

9.0 CONCLUSION

This scoping paper should be read in conjunction with the letter to the Minister prepared by JBA Urban Planning Consultants on behalf of the proponent CUB (NSW) Pty Ltd, to request consideration be given to the inclusion of the CUB site in Schedule 3 of the Major Projects SEPP and that authorisation be given to lodge a Concept Plan.

The paper provides additional detail on the site, the project description, relevant planning provisions, key stakeholder feedback and the likely environmental issues associated with the redevelopment of CUB Site for commercial, residential and retail purposes.

It is intended to assist the Director General in determining the level and scope of an environmental assessment to accompany a study for the inclusion of the CUB site in Schedule 3 of the SEPP, establishment of appropriate development controls for the site and for the lodgement of a Concept Plan for the Minister's determination.

Having regard to the above and in accordance with provisions in Part 3A of the Act, we request that the Director General issue the environmental assessment requirements for the development proposal.