

ATTACHMENT D

**CARLTON AND UNITED BREWERIES
CONCEPT PLAN - A SUBMISSION BY
THE CITY OF SYDNEY**

CARLTON AND UNITED BREWERY SITE CONCEPT PLAN

A Submission by the Council of the City of Sydney

November 2006

ATTACHMENT D

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CARLTON AND UNITED BREWERY SITE CONCEPT PLAN

A Submission by the Council of the City of Sydney

EXECUTIVE SUMMARY

The City of Sydney welcomes the opportunity to provide comments on the concept plan for the Carlton and United Brewery (CUB) Site. The redevelopment of this site will completely change the character of both the Sydney Central Business District (CBD) and the village of Chippendale, so it is essential that the planning process seeks to enable the best possible urban development outcomes, and optimises opportunities for consultation. This submission raises issues in response to:

- the process for the progression of the concept plan; and
- the content of the concept plan.

In summary, the key issues for the City of Sydney are:

Process:

- The process for the concept plan has not been transparent nor inclusive;
- The process neglects to consider the extensive and valuable technical assessment work undertaken for the site by the City of Sydney; and
- Considering the extent of information comprising the public exhibition and the strategic importance of this site, the exhibition period of just four (4) weeks is not sufficient.

Content:

- **Options:** a request in the Director-General's requirements was the preparation of options for the future of the site. Options are part of the concept plan, but they are each very similar – for example, the locations of key elements such as the roads and the park are exactly the same for each option, meaning that the options show only minor variations on the same design, rather than being real development alternatives;
- **Density:** the proposed floor space ratio (FSR) of 4.23:1 (based on Gross Floor Area – GFA) and 4.36:1 (based on Floor Space Area – FSA) is excessive and will result in poor urban form and amenity outcomes;
- **Heights of buildings:** are excessive and will create a wall of buildings on Broadway and a 'Stadium-like' enclosure around the public park;
- **Heritage:** important heritage buildings are proposed for demolition, to make way for roads and new buildings;
- **Traffic/circulation:** Tooth Avenue serves little purpose, it is unnecessarily wide and tall buildings to its north mean that it will be permanently overshadowed, creating a negative pedestrian environment;
- **Public park:** is now enclosed by development on the site, that it is unlikely to be widely accessible to the community of Chippendale;

- **Public benefits:** questions remain as to when and where these will be delivered and whilst the density on site is proposed to increase, the quantum of public benefits proposed does not appear to have changed from those proposed for the lower density of 3.5-4:1;
- **Proposed public car park:** current planning controls prohibit new public car parking and the City of Sydney is not aware of any valid approval for a public car park that currently exists for this site. The need for a public car park must also be questioned, given the proximity of the site to public transport;
- **Site remediation strategy:** cannot be supported, given the onerous and expensive responsibility it will place on future Owner's Corporations; and
- **"Control document":** there is no proposal for a development control plan or similar document that will set the regulatory context for the site. Such a document is essential, to support the concept plan and to ensure a consistency of outcomes throughout the site and over time.

1.0 INTRODUCTION AND BACKGROUND

In considering the CUB Site, it is important to acknowledge the extensive history and the detailed planning that has influenced and contributed to the process to date. Selected stages of this extensive history are summarised below. This history clearly shows a progression of ideas and analysis, however these achievements are not represented in the concept plan and do not appear to have been taken into account in the planning for the future of this very important site.

1.1 Local Environmental Plans

The basic planning controls for the CUB Site are currently set out in *Sydney Local Environmental Plan 2005* (SLEP 05). In summary, SLEP 05 provides for:

- A City Edge zoning, with the City Edge zone essentially being a transitional zone between the Sydney CBD and nearby lower-scale residential areas;
- 45 metre height limit, with a gradation to 15 metres at the western, southern and eastern edges of the site;
- an FSR of 3:1 for commercial land uses, 4:1 for hotels and rising to 5:1 for residential land uses and serviced apartments; and
- Given that these controls are a relatively broad framework for such a large, significantly-located site, SLEP 05 also requires the preparation of a development plan to guide the future of the site.

1.2 Design Competition

Given the planning controls quoted above, there has been much debate as to whether a maximum FSR of 5:1 may be achieved within a 45 metre height limit. It is unlikely that such a significant FSR could be achieved and the resultant urban form would not be likely to be attractive, rich and varied.

The City of Sydney proposed a design competition to examine the future urban form of the site. The design competition brief fixed the maximum FSR at 4.4:1, set a mix of uses and allowed for some flexibility with respect to building height limits. This competition was launched early in 2004 and involved five (5) design teams.

The Design Jury's recommendations were presented to the community and the public in July 2004 and accompanied by an exhibition of the five (5) schemes. The Design Jury did not select a winning scheme, but rather recommended a preferred scheme and noted for all schemes that the maximum FSR set by the brief of 4.4:1 was excessive.

1.3 Resolutions of Council and Central Sydney Planning Committee

Whilst the Central Sydney Planning Committee had previously resolved to prepare a Draft Local Environmental Plan (Draft LEP) in 2003, the Council had not made a similar resolution. As a result, both Council and CSPC resolved in May 2004 to prepare a Draft LEP for the CUB site. These resolutions each included an extensive list of requirements that the Draft LEP would need to address, including traffic, parking, open space, and heritage issues.

1.4 Technical Studies

Subsequent to the resolutions of Council and CSPC in May 2004, the City of Sydney commissioned studies to set parameters for aspects of the future development. These studies included research into traffic and transport, open space and community facilities, and heritage. The City also commissioned architects and urban designers to work with the outcomes of these studies, and to analyse the site so as to develop possible future built form options for the site.

1.5 *Redfern Waterloo Authority Act 2004*

In late 2004 this Act took effect and delivered an unexpected impact to the CUB Site. The Act included a provision requiring a monetary contribution from the CUB Site redevelopment to the Redfern Waterloo Authority for affordable housing that would then be provided off-site.

1.6 Guiding Principles

These principles were developed to lead the preparation of the future planning controls and to reflect the outcomes of the various studies that the City of Sydney had undertaken for the site and its surrounding areas. These were reported to Council and CSPC in March 2005. A more detailed discussion of the Guiding Principles and a comparison of these Principles to the concept plan is included in **Attachment A** to this submission.

1.7 Draft Planning Controls

The Draft LEP and Draft Development Control Plan (Draft DCP) were developed from March to November 2005, with extensive consultation including the Council, the CSPC, Fosters Ltd. (the owner of the CUB Site) and their consultants.

The draft planning controls had regard to the extensive research and process preceding them. They were reported to Council and CSPC seeking approval to submit to the Department of Planning for the issue of a Section 65 certificate (i.e. to publicly exhibit) in December 2005. The draft controls were endorsed for this progression, subject to completion of negotiations for the voluntary planning agreement that was to be made between the City of Sydney and Fosters Ltd. to secure public benefits to be delivered through the redevelopment process. These draft planning controls are discussed in more detail and evaluated against the concept plan in **Attachment B** to this submission.

1.8 Voluntary Planning Agreement Negotiations

These negotiations were ongoing through the first half of 2006, with the key issues being to determine:

- what the benefits would be;
- when they were to be delivered; and
- the quality of their completion at the point of handover, or dedication to the City of Sydney.

A discussion of public benefits now proposed within the concept plan are discussed in more detail in **Attachment C** to this submission.

1.9 Call-in by the Minister for Planning

On 25th May 2006 the Minister for Planning wrote to the City of Sydney to advise of concerns regarding the progress of negotiations for the CUB Site. As a result the CSPC considered the matter at its meeting on 7th June 2006 and resolved to request that the Minister for Planning use his powers under Part 3A of the *Environmental Planning and Assessment Act 1979* to deal with the site.

In July 2006 the Minister for Planning declared the project State Significant and became the consent authority for the project. This led to the introduction of new entities, such as the Expert Advisory Panel and to new advice, such as the Director-General's Requirements. The Director – General's Requirements and the Expert Advisory Panel report recommendations are discussed in more detail in **Attachments D** and **E** to this submission.

2.0 CONTEXT

In planning for the CUB site, the City of Sydney sought to balance the competing pressures that came to bear upon the site. To maximise the site's location near the CBD and public transport links, and in recognition of the NSW *Metropolitan Strategy*, the City of Sydney recognised that:

- planning controls that could actually be converted to built form outcomes were required;
- higher densities were appropriate, hence the planning controls proposed a maximum Floor Space Ratio (FSR) of 4:1;
- a significant increase in building height was also warranted, however only in selected locations on the site (primarily in the north-eastern corner) where the building height could be managed without negative amenity impacts to both future residential and public open spaces; and
- concentrating density in selected locations on site also allowed for the balanced outcome of retaining and protecting historical character and the provision of open space with high-quality solar access.

Underpinning this was a conviction that to be viable in the long-term, and to add to the overall quality of the City's built environment, the resulting development should:

- concentrate density in selected locations on site also allowed for the balanced outcome of retaining and protecting historical character and the provision of open space with high-quality solar access.
- Build upon the rich character and history of the site;
- Integrate with and respect the diverse characters of the surrounding areas;
- Establish a high quality public domain; and
- Provide a high level of amenity for residents of the new apartment buildings.

The draft Planning Package (i.e. Draft LEP and Draft DCP) developed by the City of Sydney with a team of urban design, architectural, traffic, community planning, and public domain professionals was endorsed by the Council and CSPC in December 2005. It achieved a balance between:

- the concerns of key stakeholders;
- achieving a high level of residential amenity for new apartment buildings;
- maintaining amenity for existing Chippendale residents; and
- creating a high density, livable mixed-uses precinct adjacent to the CBD.

In calling-in the CUB site development, the Minister cited concerns about the likely quality of the resulting development, and the length of time that the process was taking, whilst promising that the community would receive the same level of community benefits associated with the development. However it appears that the concept plan neither guarantees the delivery, timing and quality of public benefits, nor does it enable the delivery of high-quality urban outcomes. It is also remarkable that the concept plan does not evaluate, or even discuss the work that was undertaken by the Council, the CSPC and the site's owner over the past two to three years.

3.0 KEY ISSUES

3.1 Concept Plan process and exhibition

The City of Sydney is concerned that the 'State Significant' planning process for the site has not been transparent, and does not seek meaningful input from the community and stakeholders. Shortcomings in simply the public exhibition phase have included:

- reports of inconsistent notification of the exhibition and the proponent's 'Information Sessions' to the community;
- the enormous amount of technical material included in the exhibition, and the way it was presented on the CUB Project website. The exhibition comprises more than 240 PDF files, many with no titles, and some critical files unavailable for the first two weeks of the exhibition; and
- the short period of the exhibition, considering the scale and significance of the development. Combined with the shortcomings described above, this has made preparing informed submissions to the proposal very difficult.

3.2 Comparison of Concept Plan and City of Sydney draft Planning Package – key issues

On reviewing the Environmental Assessment Report for the concept plan, the draft State Environmental Planning Policy (SEPP) amendments, and the Statement of State Significance, the City of Sydney does not believe that the design outcome will be equal to, nor that the community benefits will be of the same standard, as under the City of Sydney draft Planning Package. A more detailed analysis is included in **Attachment B** to this submission and a summary of key issues is following.

Density: an increase in the density of the development from a maximum FSR of 4:1 to 4.23:1 (calculated using GFA) or 4.36:1 (calculated using FSA) is proposed by the concept plan. This is despite the Design Jury report, produced in 2004, which concluded that design quality could not be achieved at this density. Developing to this density will result in a poor-quality urban environment, including extensive overshadowing to the public domain and to private apartments within the residential component of the development. There appears to be no increase in public benefits to match this increase in development density.

Height of buildings: a general increase in the heights of the buildings is proposed, creating a stadium effect around the park, and an overbearing wall of buildings on Broadway of significant heights. The extra height allowed across the site will cause increased overshadowing of streets and small areas of open space, parks and squares. The proposed maximum heights will shut off views from Chippendale, and will lead to a confronting lack of human scale in the development. Buildings of 50 metres and 60 metres in the southern half of the site remove the sensible transition in heights from the CBD to Chippendale that the City of Sydney's planning controls work hard to achieve. The concept of a transition is lost.

Numbers of buildings: the particular increase in the height and number of tower buildings, and their overshadowing of open space and other apartment buildings is alarming. Tower buildings were limited to two structures between 70 metres and 100 metres under the City of Sydney's draft Planning Package (Draft LEP and Draft DCP).

Under the Concept Plan, there will be one building of approximately 118 metres, another two potentially over 90 metres, and another 4 potentially over 60 metres. The proximity of so many new tall buildings adjacent to the low-rise area of Chippendale is not appropriate, and threatens the quality of life of its residents, as well as proposing a poor quality of life for new residents within the CUB Site.

Heritage: the destruction of much of the **built** heritage and unique character of the site to make way for Tooth Avenue and taller buildings is a very poor urban design outcome. In particular, the concept plan proposes the demolition of three significant buildings:

- Buildings 35A (the 'Sunburst building') and 35B, both an integral part of the Irving Street Brewery complex. Irving Street had been proposed as a 'Special Area' in the City of Sydney's draft Planning Package, in recognition of its rareness as a surviving early twentieth century inner-city industrial precinct, and its potential to generate a specific character and 'sense-of-place' for the development; and
- Building 32, significant for its pioneering use of pre-cast concrete construction techniques.

The Conservation Management Plan prepared by the proponent and endorsed by the Council, the CSPC, and the NSW Heritage Office, recommended that all three of these buildings be conserved and adapted for reuse.

Further the economic analysis prepared by SGS Economics (commissioned by the City of Sydney) noted the potential of the heritage precinct and concluded that there was considerable commercial viability attached to conserving and adaptively re-using the Irving Street Brewery complex.

Tooth Avenue: is unnecessarily wide and surrounded by extremely tall buildings, which will place it in permanent shade for much of any given year. Its location and scale have not been governed by consideration of its role as a 'High Street', the quality of the experience it will provide, nor its integration with the street layout of Chippendale. Rather, its width and placement appear to be designed to mitigate for the overshadowing effect of the wall of tower buildings along Broadway.

The draft Planning Package (Draft LEP and Draft DCP) prepared by the City of Sydney envisaged Balfour Street as the natural 'High Street'. It is of more intimate scale, runs north-south and naturally connects with the local pedestrian movement desire lines. It would have the potential to provide strong connections with Chippendale, through the site to Broadway, UTS and Central Station.

Open space and public domain: the amenity and design quality of the proposed open space and public domain is questionable, particularly in terms of excessive overshadowing and wind effects. The draft Planning Package (Draft LEP and Draft DCP) prepared by the City of Sydney protected sun access to the proposed public park during 10am and 2pm in mid-Winter, to ensure a park that was appealing to potential users. It did this through the use of a sun access plane that limited building heights adjacent to the park to 20 metres.

The concept plan raises this height surrounding the park to 25m, and does not attempt to protect sun access during the day in mid-Winter. The concept plan also fixes the location of the public park (the City's controls were open to its location across the southern boundary of the site) and surrounds it with built form, effectively severing it from the wider area of Chippendale and the height of buildings surrounding the park limits its access to sunlight.

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.

Public Benefits: as already raised in this submission, it is unclear as to what public benefits are proposed, the quality to which they will be constructed and the timing for delivery. As an example, the City of Sydney was negotiating for the delivery of the public park at the earliest possible stage of development and to a high quality (i.e. with deep soil planting). However the concept plan proposes the park for delivery in stage 4. Existing and new residents are thus likely to endure months to years of disruptions and under-provision of services before they receive any usable or tangible benefit from the development. Finally, the public benefits proposed seem the same as those proposed by the City of Sydney for when the FSR was proposed at 3.5-4:1. With the FSR now increased, there should be a commensurate increase in public benefits.

3.3 Further issues

The City of Sydney is also concerned about the following aspects of the concept plan.

Process:

- The lack of **options** in the concept plan. The Director – General's requirements sought options for the future of the site, and each of the options included in the concept plan (eight in all) are essentially the same in terms of fundamental things such as the location of the road network and the park. The City submits that genuine options should be prepared and evaluated.
- **Consultation with the City of Sydney:** the Director-General's requirements sought a comprehensive report on all consultation conducted with the City of Sydney, however the concept plan does not provide any information as to the three years of work undertaken by Fosters Ltd with the City of Sydney. There is also no consideration given to work generated from that process, such as Guiding Principles and the Draft Planning Package (LEP and DCP), both of which were endorsed by the Council and the CSPC.
- **"Control document":** there is no proposal to prepare a development control plan, or any similar document that will provide the regulatory framework and finer detail beyond the basic information within the concept plan. Such a document is essential, to ensure consistent outcomes in development over time.

Content:

- The potential for **rat-running** through the site and into surrounding streets in Chippendale, with a route available from Broadway to Regent Street. The City had completed many design options for the road layout to eliminate this possibility.

- The lack of a **strategic approach to the internal and surrounding road networks**. As an example, the City of Sydney was working on a long-term strategy for Abercrombie Street to carry two-way traffic, which would enable a high quality of urban design and character to return to a street that was once a key centre within Chippendale. There appears to be no commitment to longer-term strategies in the concept plan, even though the site's development is likely to extend over a long period of time.
- The absence of **strategy regarding off-site issues such as linkages**. Work prepared by the City of Sydney proposed several off-site linkages, including pedestrian and cycle links to places such as Prince Alfred Park. The concept plan does not appear to consider possibilities such as this, which may be realised over time, through the development.
- The additional traffic generated by the proposed **public car park**. The City does not support the provision of public car parks, 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. The current planning controls applying to the site prohibit new public car parks, and the City is not aware of any existing, valid approval for such a car park.
- The **residential amenity** of a majority of the proposed apartment buildings, many of which will receive very little sun. Most of the apartments that receive good solar access will be at the higher levels of the towers.
- The **residential amenity** of development located on Broadway. It appears that there may be as many as two towers on Broadway containing residential development and whilst the northerly aspect is attractive, the amenity of the street (noise pollution, air pollution, heavy traffic) suggests that residential development should not be proposed anywhere near the street level.
- The potential for increased **wind impacts** at the pedestrian level, due to the deflecting and funneling of winds by the tall buildings on the site. This was identified as a major constraint in the Design Competition Jury Report, especially with the clustering of tall buildings at the north-east corner of the site.
- The impacts on **significant views**, particularly the addition of a number of tower buildings to the background of the view of the Central Station Clock Tower from parts of the CBD.
- The extensive **overshadowing** that will result across the entire site and potentially into the neighbouring suburb of Chippendale, from the wall of buildings proposed on Broadway. Specifically, the wall of buildings surrounding the park also ensures that significant parts of the public domain (such as the public park) will be extensively overshadowed.
- The **location and viability** of some of the non-residential areas, and their potential to create land use conflict. Some commercial uses appear to have been located solely to 'use up' space that is heavily overshadowed and thus is unsuitable for residential development.
- The **lack of human scale** created by high building walls to open space, Tooth Avenue, laneways and streets generally.

- The absence of enforceable **Ecologically Sustainable Development (ESD) controls and Water Sensitive Urban Design (WSUD)** provisions. Neither the ESD Statement nor the WSUD strategy provide effective solutions to the site's environmental constraints. Again, a control document is needed to ensure that these matters, which are part of the Director-General's Requirements are enforced and actually occur through development and over time.
- The provision of **small areas of open space**: whilst supported in principle, does not seem to respond to consideration of anticipated local needs. Again, these areas seem to be located in areas of poor development potential, rather than as part of a strategically-devised open space network. To a large extent they consist of bio-retention swales and thus are not suitable for passive or active recreation.
- The lack of appropriate **design detailing for streets, lanes and shared ways** within the concept plan. In particular, there seems to be inadequate provision of footpaths, poorly considered servicing arrangements for some buildings, and lack of capacity for the safe sharing of identified shareways.
- The extension of **basements under the public domain**: is of concern. Any roads or shareways dedicated to Council should be unlimited in height and depth, otherwise they impose unacceptable restrictions on Council's Asset Management responsibilities.

4.0 CONCLUSION

The City of Sydney's draft Planning Package (Draft LEP and Draft DCP) recognised that the CUB site had great potential as a higher density city edge precinct, but sought to balance this against other constraints to achieve a development of high design quality, that respected the site's heritage and unique urban context, whilst delivering a high quality public domain for the broader city community.

The concept plan, it appears, has sought to maximise the density of development at the expense of all other considerations. This has been achieved largely through increasing building heights across the site. This in turn has led to a distortion of the urban form, manifested in the inappropriate scale and placement of Tooth Avenue, and the loss of a sensible transition in height from the CBD to Chippendale. There will be significantly increased overshadowing of the main park, the new streets, and new buildings.

The loss of the site's heritage will diminish the character of the development, whilst losing an important part of the City's industrial history. Public benefits will be expected to serve a higher than envisaged population, and will not be delivered until possibly years into the site's development. Increased traffic and the potential for rat-runs will force more cars onto the narrow and crowded streets of Chippendale.

The result will be a development of significantly lower quality than was possible under the City of Sydney draft Planning Package. The site will lose most of its unique heritage and character, will have open space and public domain that is of poor amenity and unappealing to the community, and will appear over-developed and out of context, with little opportunity to develop 'sense of place'.

The issues raised in this submission are discussed in more detail in the supporting attachments, which review the concept plan in comparison to:

- the Guiding Principles developed by the City of Sydney and endorsed by the Council and the CSPC;
- the Draft Planning Package, as endorsed by the Council and the CSPC;
- the proposed public benefits for the site;
- the Director-General's requirements for the concept plan; and
- the Expert Advisory Panel report.

ATTACHMENTS

ATTACHMENT A

CUB SITE GUIDING PRINCIPLES

A set of Guiding Principles to inform and lead the preparation of draft planning controls were developed by the City in conjunction with the Chippendale community and the site's owner in late 2004. These were endorsed by Council and the Central Sydney Planning Committee (CSPC) in 2005.

The following attachment assesses the draft State Environmental Planning Policy (SEPP) – Major Projects amendments and concept plan against these principles.

1. SENSE OF PLACE

The planning controls developed by the City sought to balance the site's capacity with environmental constraints such as overshadowing of open space and apartment solar amenity. Significant urban design testing undertaken by the City showed that the upper floor space limit before the site's and surrounding area's amenity become highly compromised was between a Floor Space Ratio (FSR) of 3.5:1 and 4:1. For this reason the FSR was set as a range. In addition to this a range of additional design controls were included in a site specific Development Control Plan (DCP).

The permissible floor space ratio as a result of the draft concept plan is 4.23:1 (calculated using Gross Floor Area – GFA) or 4.36:1 (calculated using Floor Space Area – FSA). The concept plan seeks higher floor space ratio with lesser residential amenity, rather than in the provision of a lesser FSR that results in higher levels of amenity for individual residential units.

The site may realise a higher value if providing for a superior sense of place. The proposed floor space ratio is achieved through a range of compromises to the site's "sense of place", these include:

- excessive bulk, density and height combined with poor distance separation between the future buildings resulting in some blocks being seriously deficient in terms of solar amenity and cross-ventilation;
- the demolition of buildings of heritage significance that have been identified by both the proponents and the City's heritage consultants as being worth of retention and adapted back into the site's redevelopment; and
- By the inappropriate mixing of uses. For example commercial buildings are placed amongst residential buildings in areas with deficient solar amenity in order to push up the site's "aggregate" solar amenity score, and residential development is proposed on Broadway, where noise and air pollution are significant issues.

2. CONSERVING OUR HERITAGE

The CUB site was until recently, one of Australia's oldest continuing industrial uses having commenced operations in 1835. Given this history the site contains many significant heritage buildings and elements. A significant level of analysis and discussion between the site's owner has been undertaken regarding the site significant heritage values.

The City is disappointed that against the site's owner's Heritage Conservation Management Plan (MP) a number of significant heritage items have been earmarked for removal in both the draft SEPP amendment and proposed concept plan. The City sees the potential loss of the site's important industrial heritage as a major issue within the concept plan. A review of heritage issues can be found at within **Attachment B** of this submission.

3. HIGH QUALITY DESIGN

The draft Planning Package developed by the City included a Draft DCP that contained specific design guidance beyond that in the existing *Central Sydney Development Control Plan 1996*. Furthermore, like the proposed SEPP amendments further design competitions and more detailed site-responsive controls and solutions may be required for individual buildings on the site.

Once again, the City sees the potential for the site's urban design outcomes to be compromised in the push for higher densities. However, the City does support the intention to use design competitions for smaller components of the site's built form, and the City submits that this process must include referral to, or involvement of the Council of the City of Sydney and potentially the CSPC.

4. DIVERSE USES

The City is supportive the site being including a mix of uses. Generally the proportion of uses within the concept plan would fit within the City's land use controls. However, some concern is mounted in terms of prescriptive nature of the concept plan in terms of locking uses in. Moreover, the location of some uses is considered inappropriate. As an example and as previously discussed in this submission, the location of residential land uses on Broadway is questioned, given the likely poor amenity (with noise/air pollution being two key issues).

A secondary issue is the loss of heritage buildings that would have formed an ideal space for an expansion of educational facilities in the area. The City has had discussions with universities which may have been interested to investigate the possibility of taking up space in the heritage precinct of the site.

5. SUSTAINABLE TRANSPORT

The CUB Site has excellent locational attributes to ensure that travel behaviour of the future residents and workers is highly sustainable in comparison to other areas of Sydney.

Further, the City of Sydney is reviewing all existing rates of on-site car parking that exist within the planning controls, with a view to introducing a new, single system across the Local Government Area in the near future. It seems both unusual and inappropriate to 'lock in' rates of parking when the methodology and the rates themselves will be permanently revised in the near future.

Finally, the inclusion of a 250-space short-stay public car parking is contradictory to current City of Sydney parking policy, as stated within *Sydney Local Environmental Plan 2005*. This policy prohibits new public parking stations. The City is not aware of any existing, legitimate approval for a public car parking area at CUB site. The use would therefore appear to be prohibited under current planning controls and contrary to this Sustainable Transport Guiding Principle.

6. PARKS AND OPEN SPACES

The City supports the provision of a minimum 5,000 square metre park and other open space provided for in the concept plan. However, the City has always been of the opinion that the quantum of open space must be commensurate to the potential demand for parks from the new and existing population of the area. Given the increased development density proposed in the concept plan, additional parks and open spaces need to be offered, to cater for the increased demand for the likely larger population. Further the City of Sydney does not generally support the extension of subterranean basements under the public domain, especially not under any public parks.

Parks included within the concept plan must achieve deep soil planting if they are to be successful and 'real' open spaces.

There is also a need for improved linkages to surrounding open space such as Victoria Park or Prince Alfred Park. These upgrades as proposed by the City of Sydney were to have included signalised pedestrian crossings at Abercrombie Street, City Road and Regent Street. These upgrades were being negotiated with the site's owner at the time of the Ministerial call-in. The City would like to see these upgrades included in any plans or planning agreement for the site. Public benefits proposed by the concept plan are discussed in **Attachment C** to this submission.

7. PUBLIC SPACES AND STREETS

The draft Planning Package developed by the City of Sydney designed a street layout around the site's "heritage grid pattern". While some of these elements have been continued in the concept plan lodged by proponent, such as Brewery Square, much of the heritage grid pattern has been lost due to the inclusion of Tooth Avenue (formerly "Little Broadway").

The City is not supportive of Tooth Avenue in its current scale and form. The street is intended to be the site's 'high street' but its construction requires the removal of at least two significant heritage buildings within the north-eastern precinct of the site. Additionally, there are a number of design issues in relation to this street including:

- The proposed street runs east west unlike the majority of Sydney shopping streets that run north south to gain advantage of Winter sunlight;
- The majority of tall buildings along its length meaning that this street is likely to be suffer from poor solar amenity; and
- The City has always considered that a scaled-down version of Tooth Avenue, respecting the site's heritage fabric, combined with Balfour Street provides the best opportunity for a quality and accessible shopping precinct. In addition this will provide a better quality and safer linkage between Broadway, the new park and existing Chippendale.

Finally the City again stresses that basement levels of the future development should not be extended under the public domain. To do so will compromise the ability of future parks to achieve successful planting, and it generally contradicts the City's policies and strategies for Asset Management.

8. SOCIAL DIVERSITY

The development of individual sites will need to comply with the City's existing residential apartment mix requirements, to ensure that there is a mix of apartment types and sizes within the development.

Provision of affordable housing on the site is a significant lost opportunity. With the affordable housing levy going to the Redfern-Waterloo Authority to be expended elsewhere in the surrounding area, it is not likely that the site's owner or future developers would seek to provide a proportion of future apartments as affordable housing. Unless the Redfern-Waterloo Authority opts to spend some of or the entire levy on-site, there will be no affordable housing component on the site.

9. COMMUNITY SERVICES

The City notes that the voluntary planning agreement allows a range of possible services to be introduced and/or augmented, and this is supported in principle, however there is a need to determine what exactly these facilities and services will be, as well as when they will be delivered.

There is also a concern that the increased density proposed within the concept plan will lead to increased demand for these facilities and so the current level of proposed provision will not be sufficient, as it was developed for a lesser density of 3.5 - 4:1

10. ENVIRONMENTAL LEADERSHIP

The draft Planning Package set by the City of Sydney included provisions that covered environmentally sustainable design for the site. Further, both Ecologically Sustainable Development and Water-Sensitive Urban Design are requirements set by the Director-General in his requirements for the concept plan (see **Attachment D** of this submission).

It is noted that whilst many of the ideas from the City's draft Planning Package are carried through into the concept plan, they are not represented in a development control framework, or in any other enforceable format.

ATTACHMENT B

COMPARISON OF CONCEPT PLAN WITH DRAFT PLANNING CONTROLS ENDORSED BY COUNCIL AND THE CENTRAL SYDNEY PLANNING COMMITTEE

Subsequent to resolutions of the Council and the Central Sydney Planning Committee (CSPC) of May 2004, the City embarked upon a process of developing planning controls that would apply to the CUB site. A number of technical studies were carried out, and the city entered into consultation with the community, the landowner and other stakeholders.

Draft planning controls were developed from March through to November 2005, having regard to the extensive research and process.

The following attachment assesses the concept plan against the draft Planning Package (Draft Local Environmental Plan – LEP, and Draft Development Control Plan - DCP).

DRAFT LEP

1. Height of Buildings

The main features of the height controls as endorsed by the Council and the CSPC are as follows:

- Sun access planes measured from the public park and brewery square that determine heights in the areas coloured yellow. The height that is set by the sun access planes at the edge of the park is 20 metres;
- Height controls that provide a gradation of heights between Broadway and the existing heights displayed by development in Chippendale;
- Special consideration height controls that require special buildings in three key areas within the overall site (areas marked iv(a), iv(b) and iv(c)) to be sympathetically designed in regard to surrounding buildings; and
- Heritage buildings maintained at their existing height.

The proposal in the concept plan contains significant differences resulting in lesser or reduced urban form outcomes. These include:

- The draft State Environmental Planning Policy (SEPP) Major Projects amendment permits towers up to 160 metres in height above sea level in the north eastern corner of the site. However the draft LEP prepared by the City limited the height of towers to 100 metres. While the concept plan proposes to contain buildings up to 118 metres, there is the potential for this to be further increased under the draft SEPP controls put forward;
- The proposed SEPP height controls allow for at least 5 towers with a height above 80 metres and another 6 towers above 60 metres. Many of these towers are inappropriately located, such as that shown on Kent Road which would reduce views and cast afternoon shadows over existing properties in East Chippendale. This is contrast the Draft DCP prepared by the City of Sydney that limited the site to “a maximum of two towers above 70 metres in height”;
- The taller buildings are located around the park in a “stadium effect” due to heights 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 proponent’s own Environmental Assessment shows that the Major Projects SEPP amendment will permit development that is not able to meet the SEPP 65 solar amenity guidelines. The concept plan shows that 75% of apartments receive good solar amenity. This is achieved through:
 - o the awkward placement of non-residential uses in areas that are overshadowed by taller surrounding buildings;
 - o a lower proportion of residential uses; and
 - o The proposed concept plan contains 59% residential uses (down from 70% previously). If the proportion of residential uses was to increase or the location of commercial buildings was to change, (as is permitted by the proposed Major Projects SEPP amendment) then the SEPP 65 solar amenity requirement would be unlikely to be able to be met.

Additionally, the concept plan includes a sun access plane measured from O'Connor Street and Wellington Street. The City believes that this control will not result in a satisfactory transition in heights between the northern and southern parts of the site and in fact allows for additional tower forms. The City's Draft LEP contains a provision that allows for the transition heights as follows (Clause (1)(8)(A)(b)) *"the area marked iv(b) will provide a transition in heights between the north eastern corner and the southern boundary of the Carlton and United Breweries site. Any height above 30m must not have unacceptable visual impacts on areas to the east and south of the site"*.

2. Floor Space Ratio (FSR)

The City's Draft LEP set the floor space ratio as a range between 3.5:1 and 4:1 in order to encourage design excellence if the higher end of the range was to be met. Extensive urban design testing was undertaken to support this range with an FSR of 4:1 considered as the extreme upper end of what could be placed on the site without significantly compromising the amenity of both future residents on the site and current local residents in the areas surrounding the site.

Issues associated with densities above an FSR of 4:1 identified by the City included:

- overshadowing of residential buildings leading to reduced solar access;
- overshadowing of open space;
- loss of views and overshadowing of adjacent areas; and
- excessive height and bulk out of keeping with the nature of the area.

The concept plan requests an FSR of 4.23:1 (if calculated using Gross Floor Area – GFA) or 4.36:1 (if calculated using Floor Space Area – FSA). For reasons outlined elsewhere in this submission it is the City's belief that an FSR this high would lead to unacceptable amenity impacts on the development and surrounding areas.

3. Heritage

The CUB site contains some of Sydney's most significant industrial heritage buildings and elements. After a long process the site's owner, in late 2004 completed a heritage Conservation Management Plan (CMP) for the site. Unfortunately the concept plan as submitted is not consistent with the CMP, with Tooth Avenue requiring the removal of buildings 35A and 35B which are an extension of the Irving Street Brewery Complex (See Figure 2 below). Building 35C which the City contends is significant would also be removed. The concept plan would also lead to the removal of building 32, identified as significant for its use of pioneering construction methods, including the 'honeycomb' system illustrated below (Figure 1).

Although the Heritage Impact Statement accompanying the concept plan advocates retention of building 32 until the design of the site is more resolved, the FSR calculations and modelling each appear to assume its demolition. This is contrary to the CMP, which recommends that building 32 be listed as a heritage item. Given that building 32 is adjacent to the retained element of the Irving Street Brewery complex, its retention would add to the critical mass of retained fabric and would better interpret the industrial archaeology of the site. It would lend itself to adaptive re-use for

commercial purposes (e.g. Walsh Bay pier 8/9; the Bushells Building) but is unlikely to be suitable for residential adaptation.

Building 13A has been the subject of further research since the preparation of the CMP. This suggests that its significance is far lower than originally assumed and so its demolition may be acceptable.

A secondary issue is the status of the CMP. This document contains a number of controls and regulations for the future conservation, management and refurbishment of heritage on the site. However the draft Major Projects SEPP amendment appears to extinguish this document from applying to the site.

The proposed building heights along the eastern side of the CUB site are likely to adversely affect the heritage significance of the nearby Central Railway clock tower as they will impinge on the view of this landmark from the axis of Wentworth Avenue near Goulburn Street. This view is identified as significant in the *Central Sydney Development Control Plan 1996*.



Building 32, behind terraces



Honeycomb construction method

Figure 1: The Maltings, part of the Carlton Street Brewery Group

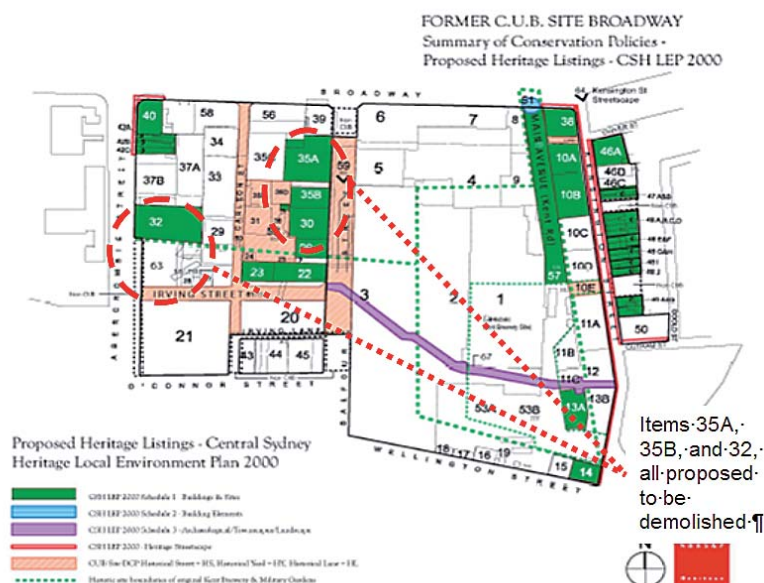
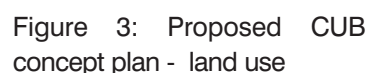


Figure 2. Significant items to be demolished under Concept Plan (Source, NBR&P, Carlton and United Brewery site CMP, 2005)

However, it should be noted that the proportion of residential uses has been reduced to approximately 59%(down from 70% as previously proposed). The placement of commercial buildings is awkward and does not fit into any logical land use pattern. The reason that the commercial proportion in the concept plan has been increased is to ensure that the concept plan will meet the SEPP 65 solar amenity requirements of 2 hours of sunlight to at least 70% of apartments in mid winter. If the residential proportion was increased then it would not be possible to meet these requirements. Therefore the combination of additional density with land use means that the Major Projects SEPP amendment permits a development that cannot meet SEPP 65 solar amenity requirements.

In addition to the Draft LEP prepared for the CUB site a Draft DCP with more detailed guidance on site planning was prepared. The following is an assessment of the Major Projects SEPP amendment and concept plan against the DCP controls.

The land use controls in the Draft DCP for the CUB site were intended to encourage the appropriate location of land uses throughout the site. While the mixing of uses is supported and is generally consistent with the City's Draft DCP, there is concern that the location of uses, and in particular commercial buildings, has been manipulated to ensure that residential solar amenity targets in line with SEPP 65 are achieved. As is shown by Figure 3 below, this has resulted in the awkward arrangement of commercial buildings relative to residential buildings, particularly in areas that will be overshadowed.



2. Building Design and Form

The provisions in this section of the Draft DCP were intended to encourage high quality design of new buildings on the site. The provisions require that design should balance respect for the unique characteristics of the site, including its heritage and its location, with innovation and creativity.

The City has a number of concerns in regard to the design characteristics of the proposed concept plan. These include the following issues:

- **Building to the street alignment:** the development generally complies with the requirement that street frontages are built to the street alignment. However, there are areas where the City believes inappropriate setbacks (or parks) are provided but in practice would not make a usable piece of open space. These include:
 - o O'Connor Park;
 - o Wellington Park; and
 - o Irving Park.
- **Materiality:** the Draft DCP contained provisions to ensure that materials used for building construction were complimentary to the existing heritage fabric and surrounding areas. The concept plan does not address building materials.
- **Urban Grain:** the draft DCP developed by the City contained provisions designed to ensure that the siting, location and size of buildings ensured a human scale to the development. Specific provisions included:
 - o the development of single buildings per block is discouraged. Street blocks are to avoid a "walled" effect, particularly where above 45 metres in height;
 - o a maximum of two towers above 70 metres in height are permissible, and are to be located towards Broadway;
 - o a variety of building forms and architecture is encouraged across the site, and particularly in the Broadway Precinct;
 - o the design and massing of buildings immediately to the east of the Australian Hotel at the corner of Broadway and Abercrombie Street shall be derived after careful consideration of the relationship between those new buildings and the existing hotel; and
 - o In the south-eastern corner of the site, the building form should establish appropriate street edges. Any height above 30 metres in this area must be considered with regard to the impact on vistas into the site from surrounding streets.

Both the Major Projects SEPP amendment and the concept plan pay little attention to these provisions. In particular the concept plan:

- o contains a number of blocks which are in effect made up of single buildings. This is particularly the case in the area fronting Broadway;
- o contains a total of 3 towers above 90 metres (compared to a maximum of 2 over 70 metres under the City's draft Planning Package). These are located throughout the site and are likely to lead to a built form that clashes with both the scale and nature of heritage on the site as well as the surrounding area. The Major projects SEPP ammendment does not limit the number of towers on the site;
- o contains no provisions to ensure that architectural diversity will be achieved across the site; and

- o does not consider the impact of towers and tall buildings located in the south eastern corner of the site on the predominantly residential areas to the south and east of the site.
- **Design Excellence:** the City is please to note that design competitions will be required for the design of buildings above 25m in height (or over \$5 million is value). However, it is noted that the Major Projects SEPP amendment does not afford City a role in the competitive process.
- **Setbacks:** the Draft DCP contains provision beyond the setbacks controls in the City's *Central Sydney Development Control Plan 1996*. These were developed to ensure that the placement of buildings, and in particular podium setbacks were appropriate to the site's characteristics. The proposed concept plan does not comply with these setback provisions. This is particularly the case in the north eastern section of the site where tower building form a wall without any street setback.
- **Heritage:** the Draft DCP required development to be consistent with the Heritage CMP. There is no equivalent provision in the Major Projects SEPP amendment or proposed concept plan.

3. Residential Amenity

The residential amenity section of the Draft DCP was developed to ensure that new residential development provides appropriate amenity by augmenting provisions in the City's *Central Sydney Development Control Plan 1996* and in the *Residential Flat Design Code* under SEPP 65. It is clear that the draft SEPP does not support these provisions and the proposed concept plan is also inconsistent.

The direct sunlight control is a key issue. The direct sunlight provision mirrors the Residential Flat Design Code provision by requiring that "*Living rooms and private open spaces for at least 70% of apartments are to receive a minimum of two hours direct sunlight in mid-winter. This may be aggregated across the whole site*". While the concept plan meets this requirement, the Major Projects SEPP amendment would permit more residential development (up to 70%) that is contained in the concept plan. Obviously, if the residential proportion is increased than the solar amenity provision will not be met.

4. Staging

The staging plan is generally consistent with the staging principles in the Draft DCP. However, it should be noted that the proposed delivery time of the park is Stage 4. The City of Sydney had been actively negotiating the delivery of the park at the earliest possible stage in the site's redevelopment.

5. Public Open Space

The CUB Site offers a significant opportunity to provide public open space for the new development, facilitating appropriate integration with the suburb of Chippendale, and augmenting the public domain to provide linkages between existing areas of regional open space. The Draft DCP contained provisions in relation to the following areas:

- weather protection;
- accessibility;
- connectivity and integration with Chippendale;

- diversity of uses;
- safety and security; and
- acoustic amenity.

While the park is generally consistent with applicable provisions, there is concern that there will be no provisions such as those in the Draft DCP, so as to regulate the detailed design of the park. This is particularly concerning should the site's owner, or any future developer seek to transfer the ownership of the park to the City after completion. Of particular concern for the City of Sydney is:

- the design and layout of the park including safety and security;
- deep soil planting and structures beneath the park;
- contamination leaching into the park area;
- the quality of the overall finishes and standard of the park; and
- the timing for the delivery of the park.

6. Pedestrian Amenity

The CUB redevelopment presents a significant opportunity to remove a barrier to pedestrian movement between the cultural and educational uses to the south and west of the CUB site, with institutions and the Sydney Central Business District (CBD) to the north and west.

Pedestrian amenity provisions were included in the Draft DCP in order to protect and enhance the amenity of pedestrians accessing the site, or using the periphery. In general the concept plan meets the requirements of the Draft DCP. However, once again these provisions will not apply to any further detailed designs of buildings or amendments to the concept plan.

As commented previously, there seems to be no 'control environment' or development control document that will ensure the continued consistent outcomes in development across the site and over time.

7. Community Services

The proposed concept plan provides for a community centre and is therefore consistent with the provisions of the Draft DCP. However, the timing of the provision of this facility and other facilities, are of concern. It appears that many will not be provided until further into the life of the development than would have been the case under the Draft DCP.

8. Sustainability

The CUB site offers an opportunity to achieve significant improvements across a broad range of ecologically sustainable performance criteria for buildings, at the development plan stage. The sustainability provisions in the Draft DCP were intended to provide a holistically sustainable development with provisions in the following areas:

- non-residential building sustainability: in particular the requirement that in line with residential buildings under BASIX, commercial buildings must reduce water usage by 40%;
- Public Green Space: in particular the requirement that at least 50% of harvested water must be used for public open space irrigation;

- Stormwater detention: in particular that at least 70% of stormwater from public domain areas be contained and reused;
- Stormwater pollutant load: a reduction in pollutant load discharges from the site; and
- Ecologically Sustainable buildings: controls to ensure non residential buildings are ecologically sustainable.

The concept plan indicates that the proposed development may meet many of the sustainability requirements set by the City of Sydney although there are some areas where this would not be possible. A further issue is the status of the ESP Report prepared by ARUP. This is not a development control, nor does it form part of any 'control environment or document' and therefore has not status in terms of future regulation as the site develops. The following table compares the Draft DCP with the sustainability claims of the concept plan.

Provision	Draft CUB DCP	Concept Plan
Non residential building water sustainability	Buildings not affected by BASIX or the Green Star office tool must achieve a 40% of baseline mains water consumption (i.e. '40% reduction')	Commercial developments to be fitted with water efficient fittings and appliances that achieve at least a 3 star rating.
Public Green Space Irrigation	At least 50% recycled water or harvested rainwater must be used for the irrigation of public open space.	80% of the irrigation demand of public open space be made up from on-site collection and reuse.
Stormwater detention	• Demonstrate that 70% of the stormwater from the public open space, new roadways and footpaths is to be contained on site and reused. This volume can be sourced from the entire development. • Post development stormwater volume generated from the site during a typical rainfall year must not exceed 90% of the volume if no measures were applied to reduce stormwater volume	Provide detention volume as advised by Sydney Water of 20 m ³ for every 1,000 m ² of developed site area. Consultation with Sydney Water prior to the final design of the detention system will be required.
Stormwater pollutant load	Expected average annual post-development pollutant loads in stormwater discharges from the site must not exceed the following values: • Litter 30% of baseline annual pollutant load (70% reduction); • Total suspended solids 20% of baseline annual pollutant load (80% reduction); • Total Phosphorous 55% of baseline annual pollutant load (45 % reduction); and • Total Nitrogen 55% of baseline annual pollutant load (45% reduction).	• 45% reduction in the mean annual load of Total Nitrogen (TN) in stormwater leaving the site. • 45% reduction in the mean annual load of Total Phosphorus (TP) in stormwater leaving the site. • 80% reduction in the mean annual load of Total Suspended Solids (TSS) in stormwater leaving the site. • For flows up to the 3 month ARI peak flow, litter greater than 50 mm in size to be extracted from stormwater leaving the site. • For flows up to the 3 month ARI peak flow, no visible oils or grease to be present in stormwater leaving the site.
Ecologically sustainable non residential buildings	• Commercial office buildings minimum rating of four (4) stars under the Green Star Office Design tool. A certified rating demonstrating a minimum four (4.5) stars under Green Star Office Design Assessment tool must be submitted prior to the issue of a construction certificate. • Commercial office buildings must achieve a minimum rating of four 4 stars under the Green Star Office As Built tool. A certified rating demonstrating a minimum four (4) stars under Green Star Office As Built tool must be submitted prior to occupation. • In addition to the above commercial office buildings must achieve a minimum rating of four (4.5) stars under the Australian Buildings Greenhouse Rating Scheme. A certified rating demonstrating a minimum four (4) stars under the Australian Buildings Greenhouse Rating Scheme must be submitted prior to the issue of a construction certificate.	• A minimum 4.5 stars ABGR energy performance (In line with the 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.

9. Transport and Traffic Access

The CUB Site lies between three major arterial roads and a predominantly residential suburb. Future development of the site should ensure that adequate arrangements for cars, pedestrians and cyclists are made for access to buildings and services within the development. Traffic generated by the development should not impact on surrounding neighbourhoods and the site should not facilitate 'rat running' between surrounding arterial roads.

The Draft DCP for the site contains a number of provisions that were intended to provide adequate entry and exit points, reinforce the site's heritage grid pattern, encourage more sustainable travel behaviour and provide sustainable transport infrastructure such as cycle paths.

Of particular concern to the City is the street layout put forward by the concept plan. While being partly based on the existing heritage grid, the concept plan introduces a new street "Tooth Avenue". Figure 4 contains the City's preferred layout. The inclusion of the street raises a number of significant issues including:

- the street is an east west street which is surrounded by tall buildings. This means that it will not receive adequate solar access and is likely to have a dark and enclosed 'feel', particularly in Winter;
- the street width proposed for Tooth Avenue (being 20m) is excessive and out of keeping with the nature of the site and streets in Chippendale;
- Tooth Avenue would require the removal of significant buildings that are identified as having heritage significance; and
- Tooth Avenue does not link with any other areas and therefore will have difficulty in becoming a high street as envisioned by the proponents. A more natural street for this function is Balfour Street which links the site to Broadway and Chippendale.

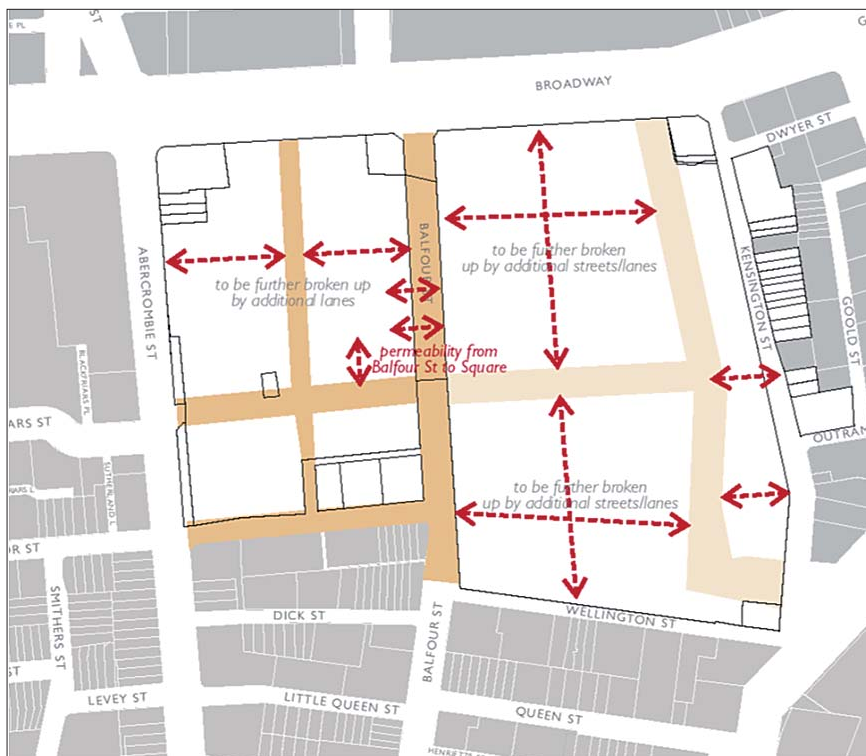


Figure 4: Street Layout proposed by the Draft DCP

ATTACHMENT C

PUBLIC BENEFITS PROPOSED BY THE CONCEPT PLAN

This Attachment provides a comparison between the public benefits described in:

- the Concept Plan and draft Voluntary Planning Agreement (draft VPA) between the Minister for Planning ("Minister") and Carlton and United Breweries (NSW) Pty Limited ("CUB NSW") ("Minister's VPA"); and
- the draft Voluntary Planning Agreement between City of Sydney ("City") and CUB NSW ("City VPA").

The Attachment also includes the City's recommendation for amendments to the Minister's VPA to achieve the same public benefits as proposed in the City VPA. The basis for this comparison is the Statement by the Minister for Planning that *"the Concept Plan would provide the same level of community benefits as those flagged by the City of Sydney, or better."* (Press release: 21 June 2006)

No comment is made on individual public benefits where there are no material differences between the City VPA and the Minister's VPA.

A. MAIN PUBLIC PARK

Description	City VPA	Minister's VPA
(a) Park size	At least 5,000 square metres (including City land)	5,381 square metres (including City land)
(b) Demolition/remediation	To be done by CUB NSW before 30 June 2009	Timing not specific – determined by progress of development
(c) Completion of landscaping	Best endeavours to complete by 31 December 2010	Timing not specific – determined by progress of development
(d) City approval of detailed design	Yes – City approval	No – stakeholder consultation and best endeavours to obtain City "consent".
(e) Limit on cost of landscaping (at design stage)	No	Yes
(f) Covenant for public open space	Yes	No

City recommendations:

- Specify time for completion of park landscaping – proposed date is 31st December 2010.
- 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).
- Remove the cost limit on design.
- Impose a requirement for a covenant to allow use only as public open space.

B. BALFOUR STREET PARK

Description	City VPA	Minister's VPA
(a) Park size/location	Between O'Connor and Wellington Streets	Between O'Connor and Wellington Streets
(b) Time for completion of landscaping	Occupation of 50,000 square metres	Occupation of 50,000 square metres
(c) City approval of detailed design	Yes	No – stakeholder consultation and best endeavours to obtain City "consent"
(d) Limit on cost of landscaping (at design stage)	No	Yes

City recommendations:

- CUB NSW to reimburse the City of Sydney, if the City of Sydney (i.e. not CUB NSW) undertakes the Balfour Street Park works.
- Include a specific requirement for City approval in the design process, in light of the land being owned by the City of Sydney.
- Remove the cost limit on design.

C. OTHER PARKS PROPOSED IN MINISTER VPA FOR TRANSFER TO CITY

DESCRIPTION	CITY VPA	MINISTER'S VPA
(a) Irving Park (site 3)	• Not proposed for transfer to City • To be publicly accessible privately owned open space	Proposed for transfer to City
(b) O'Connor Park (site 4)		
(c) Wellington Street Park (in stratum)		

City recommendations:

- 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.
- Parks should be subject to a covenant requiring the land to allow use only as public open space.
- Note: City does not generally support transfer to it of land which is limited in depth (stratum).

D. COMMUNITY FACILITY PAYMENT

DESCRIPTION	CITY VPA	MINISTER'S VPA
(a) Payment to be applied to a community facility	To be applied in the suburb of Chippendale	In "Chippendale locality"
(b) Timing	Occupation of 50,000 square metres	Occupation of 50,000 square metres
(c) Obligation to use for this purpose	Yes	No

City recommendation:

- Payment must be used for a community facility in Chippendale.

E. OTHER ISSUES

ISSUE	CITY VPA	MINISTER'S VPA	CITY RECOMMENDATION
1. Whether the City can impose the Section 61 (1%) levy if it is the consent authority in the future	Yes	No (Clause 8.1)	Ability to impose Section 61 if City is consent authority should be reinstated.
2. Certain land is to be privately owned/publicly accessible	To be dealt with at DA stage	No provision for a covenant to ensure public access	Include requirement for covenant in Minister's VPA or as condition of future approval.
3. City approval of: (a) roads proposed for transfer/dedication; and (b) works to City's roads, for both detailed design once completed	Yes	No – provisions for (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	Amend Minister's VPA to include (i) to (iii).
4. Standard for public open space or public roads to be dedicated	City to approve detailed design	"A standard appropriate for their intended use".	Amend Minister's VPA to include City approval of land proposed to be dedicated
5. New intersection at Abercrombie and Irving Streets	Right hand turn in and out of site	Right hand turn out of site only	Amend Minister's VPA to be consistent with City VPA.

ATTACHMENT D

6. Design of stormwater retention/detention system	City to approve	No provision for City to approve	Amend Minister's VPA to include City approval of works to be included on land proposed to be dedicated to City.
7. Consent by City		Schedule 5, Clause 1 does not deal with works proposed which are not in "Contribution Works" definition.	Drafting required.
8. Inclusion of other public works in future approvals	In the City VPA, CUB NSW acknowledges that certain works may be required by usual conditions of approval eg undergrounding electricity cables	No similar general provision in Minister's VPA.	Amend Minister's VPA to include CUB NSW acknowledgment that other works may be required by conditions of consents/approvals.

ATTACHMENT D

CUB SITE DIRECTOR-GENERAL'S REQUIREMENTS

Director-General's requirements (DG requirements) were issued to guide the Environmental Assessment (EA) for the concept plan. The DG requirements also included State Significant Site (SSS) Study requirements.

Following is an outline of each of the DG requirements and comments as to whether and how each requirement has been addressed within the concept plan.

	Requirement	Response from City of Sydney
State Significant Site Study requirements	A State Significant Site Study will need to include (but not be limited to) the following:	
	(1) Address the criteria at clause 8(2) of the Major Projects SEPP	This criteria is loosely discussed in Part B of the concept plan. The City of Sydney agrees that the CUB site occupies a critical location within the City of Sydney Local Government Area and within the wider Sydney Metropolitan Area, however there are a number of issues to raise in response to the concept plan's comments in response to clause 8(2) of the Major Projects SEPP. These include: • The concept plan notes the proximity of the CUB site to the "State's largest public transport interchange (Central railway station, bus terminals, metropolitan bus services and light rail)" however the concept plan does not maximise this proximity, instead proposing private car parking spaces for residential and tenant parking, as well as a public car park; • The concept plan claims a contribution towards the economic growth of Global Sydney. In theory redevelopment of the site will contribute to economic growth, however the extent of this contribution will be dependent on factors such as the quality and staging of the future development and the 'legacy' left at the site for future owners and tenants. Given this it will be some time before this 'contribution' may be measured. • Whilst it is acknowledged that the concept plan is preliminary, the quality of future development is questionable, given the massive density and building height proposed. • Whilst the provision of new public infrastructure and a contribution to the State Government's Metropolitan Strategy targets is not challenged, the likely quality of future development and hence, working and living spaces is certainly questionable, given the over-development that is proposed by the concept plan.
	(2) Address the criteria for State Significant Sites in the attached Draft Guideline detailed 24 July 2006, with particular focus on criterion (a)	The concept plan again provides a loose response to the criteria within the Draft Guideline. Whilst the City acknowledges that the site is located in a critical strategic location, it is considered that the concept plan plays down other key points within the Draft Guideline, particularly related to the site's importance in terms of heritage. With the conversion of the Wharves at East Darling Harbour for mixed use redevelopment, this site is the last remaining major industrial site within close proximity to the Sydney Central Business District (CBD). It has existed as an operating brewery since the mid-nineteenth century and has an extensive and rich heritage, in terms of social, historical, associative and architectural significance. The City strongly contends that there was no requirement for alternative consent arrangements to be made.
	(3) Summarise and document any consultation with the City of Sydney Council, any other relevant agencies, and the community and explain how issues raised by Council, agencies and the community have been addressed.	There appears to be no comprehensive summary of consultation within the concept plan. Section 2.2 refers to Appendix E for a summary of consultation undertaken and incorporated into the concept plan. It is remarkable to see years of involvement of both the Council and the CSPC dealt with in four small dot points within this Appendix E.

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		In terms of the further actions, the Council is identified only for its future role in granting land owner's consent for part of the site, which greatly misrepresents the range of roles and the types of involvement that the City will (and should) have in the future of this very important site. The concept plan states that 'the proponent looks forward to the City's input during the exhibition phase' however it is not clear what this means. The City has had little input beyond receiving a copy of the concept plan and a cursory briefing from the site's owner.
	(4) Detail the proposed land use controls (including zoning) and justify the necessity for these controls against the existing planning instruments.	Details are provided and in terms of zoning, the concept plan proposes the use of the Standard Instrument zones, namely the mixed use zone. However the concept plan also advises of the intention to use selected aspects of the City of Sydney's planning controls. This is problematic, as it is not clear how this arrangement would 'work' in a practical sense. Will any amendment to the Major Projects SEPP identify selected parts of the City's LEP and DCP framework? This will be difficult and messy, given that the framework will be amended in upcoming years, as an LGA-wide set of planning controls are developed. The City requests clarification of how these proposed controls are to operate.
	(5) Indicate the future approval regime for development on the site you are seeking by identifying the circumstances when Part 3A or Part 4 (including exempt or complying development) would apply.	Whilst no clear statement about the future approval regime is made in the concept plan, the City of Sydney assumes that the Minister for Planning will be the consent authority for the future staged development applications that will be required to develop the site. Again there is some confusion in terms of the future instruments to apply to the site, with the exempt and complying framework nominated as the City of Sydney's current planning controls. As commented above, the current planning controls will be significantly amended in future years, to form part of an LGA-wide set of planning controls. Clarification is requested as to how the range of planning controls nominated in the concept plan are expected to continue to operate.
General requirements	The Environmental Assessment (EA) must include:	
	(1) an executive summary	Included in the concept plan
	(2) a description of the project, including the: (a) need for the project; (b) alternatives considered; (c) various components and stages of the project;	The need for the project is not challenged by the City of Sydney. Clearly, the CUB site offers a significant opportunity for redevelopment, however there are many issues arising from the alternatives considered and the stages proposed for the project. The City submits that the eight (8) alternatives considered (as written up in the concept plan) do not represent genuine alternatives. Each of the schemes is close to identical in terms of their critical components – such as the location of Tooth Avenue and the location of the public park, both of which are fixed in each of the eight (8) options. The only slight variation represented in a selection of the option is the possibility of retaining additional buildings of heritage significance. It is disappointing to note that each scheme proposing the retention of more significant buildings is vetoed for poorly thought-out reasons.
	(3) a consideration of all relevant State Environmental Planning Policies (especially SEPP 32, SEPP 55 and SEPP 65) and applicable planning instruments;	The discussion of existing planning policy and its impact on the CUB site is very poor. There is no detailed consideration within the concept plan of: The current planning framework; The planning framework proposed by the City of Sydney and the CSPC; and

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		The key relevant State Environmental Planning Policies, of which State Environmental Planning Policy No. 65 is critical to the future development of the site. Presently there is no real sense of how the concept plan 'stacks up' against the many, varied requirements of these draft and current planning policies. There is a one-line response as to the compliance/relevance of SEPP 65 on page 30 of the concept plan. Whilst it is acknowledged that a concept plan is a preliminary or 'master plan' level of information, there is no point proposing a future configuration of buildings on the site if the proponent is not sure that future buildings can comply with critical policy such as SEPP 65. The City submits that this assessment of existing and draft planning policy must be completed in detail and should be made available publicly, as supplementary information to the concept plan.
	(4) an environmental risk analysis of the project that identifies potential environmental impacts associated with the projects, proposed mitigation measures and potential residual environmental impacts after the application of proposed mitigation measures, with particular attention given to the 'key issues' listed below. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impacts must be included in the EA;	Environmental risks are identified and mitigation measures are proposed in varying degrees of detail. In some cases the City is not able to make a definitive comment regarding risks and impacts, as there is not sufficient information. In other cases (such as the proposed site remediation strategy) the City objects strongly to the proposal, as it is clear that an onerous and unnecessary burden will be left for future owners corporations to manage.
	(5) a draft Statement of Commitments, outlining commitments to public benefits, environmental management, mitigation and monitoring measures with a clear identification of who is responsible for these measures;	The concept plan and supporting information are not clear with respect to what benefits may be expected, when they will be delivered, the process and methods for future dedication and maintenance, the value of benefits proposed and the responsibility for delivery of these benefits. Finalising this information is critical, given that the concept plan clearly identifies the intention of the site's owner to dispose of the site following approval of the concept plan. This may be to a single future owner, or to a multiplicity of owners, hence it is essential that all future responsibilities are clear.
	(6) a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest;	Whilst the City agrees with conclusions that the site is suitable for redevelopment, the City objects to any suggestion that the proposal contained in the concept plan is in the public interest. The concept plan proposes the massive over-development of the site. Public benefits are proposed, however they are not clear in their nature or in their future delivery and maintenance. Further, they appear to be the same benefits proposed when the City of Sydney was proposing lower height limits and FSRs. They may now not be sufficient for the increased density and hence, increased population.
	(7) a signed statement from the author of the EA certifying that the information contained in the report is neither false or misleading;	This statement is included. Whilst the City of Sydney would not claim that the information in the concept plan is false, the City strongly contends that the information is certainly misleading. The main issue identified by the City is the absence of information – the absence of rigorous and different options, no detailed analysis of the existing or proposed planning controls and no reference to some three (3) years of history between the Council of the City of Sydney, the site's owner, the community and a range of skilled professional consultants that had analysed the site's potential in extensive detail.

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		The City submits that this missing information must be provided to ensure that the community and stakeholders may receive a clear and balanced concept plan on which to make their comments.
	(8) lodgement of a draft planning agreement detailing public benefits to be provided with the development.	Draft planning agreements have been lodged. More detailed comment on the issues arising from the draft agreements is included in Attachment C to this submission.
Key Issues	Carlton United Brewery Expert Advisory Panel	
	Demonstrate that the proposal is consistent with recommendations of the Carlton and United Brewery Expert Advisory Panel Report to Hon. Frank Sartor Minister for Planning (dated 31st August 2006). In the event that there are inconsistencies between the proposal and the recommendations of the Panel's Report, evidence must be provided demonstrating that a similar or better outcome will be achieved.	More detailed comments regarding the Expert Advisory Panel recommendations are included in Attachment E to this submission.
	Urban Design, development control and land uses (1) Identify the methodology and justification for selecting the configuration of the CUB proposal, mix of land uses and the density of development. This is to be based on an analysis of alternative options for layout, built form, densities and development parameters. (2) Undertake a Site Analysis that identifies the relevant natural and built environmental features (3) Demonstrate that the urban and built form for the Site will result in development that is generally consistent with SEPP 65 and the Residential Flat Design Code (where relevant). Where there are inconsistencies with SEPP 65 and the Residential Flat Design Code, evidence must be provided demonstrating that a similar or better outcome will be achieved. (4) Provide details on the gross floor area on a precinct or allotment basis resulting from building envelopes. (5) Provide built form and design quality controls for future development on the Site. (6) Provide visual analyses and photomontage (or similar) of the development, including development that is both approved and under assessment (7) Demonstrate that the project will not be subject to adverse existing or potential noise impacts from both within the Site and externally. Consideration should be specifically given to road traffic noise and identify the design criteria or mitigation measures to ensure noise impacts are minimised. (8) Provide an assessment that includes (but is not limited to) a demonstration that the amount and location of commercial and retail land uses will be viable. (9) Provide a 1:500 model that fits into the City of Sydney Council's model.	(1) The proposal is not justified in any way. The options included are essentially the same schemes, with the key components (such as the location of Tooth Avenue and the location of the park) set in the same place for each option. (2) Site analysis work has been undertaken. (3) No such demonstration is included in the concept plan. The main issue for the City of Sydney is consistency with the provisions of SEPP 65 and the <i>Residential Flat Design Code</i>. With the massive increase in density proposed by the concept plan, it is unclear that future apartments will be able to achieve the required amount of sun access, given the increase in overshadowing that will result from the increased built form. (4) Information is provided. Again the City submits that the concept plan proposes the over-development of this very important site. (5) Whilst the concept plan proposes a built form and layout for the future of the site, it could not be said that it is designed to act as a 'control' document to guide future development. It is not written in such a way to ensure that future owners and developers will achieve high quality outcomes on the site. The City submits that a more detailed document, similar to a development control plan is required to ensure a consistency of detail and outcomes across the site and through the future. (6) This information did not appear to form part of the concept plan received by the City of Sydney. (7) This is not clearly demonstrated. Whilst it is acknowledged that the concept plan is a preliminary 'master plan' document, it is essential that if residential land uses are proposed on Broadway, that detailed noise assessments and amelioration measures are cemented in the concept plan (i.e. at the earliest possible stage). (8) This is not clearly demonstrated, however the City is supportive of non-residential land uses being located towards the northern side of the site, near and on Broadway. The City would be supportive of the conversion of proposed residential uses on Broadway to non-residential land uses. (9) Model provided.

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	Streetscape and public domain (1) Explore the relationship of urban public spaces and the adjoining built form and demonstrate that the resulting public domain will be useable, will achieve good public amenity, will achieve a high design quality, and will allow opportunities for soft landscaping of a decent size and quality. (2) Consider the relationship between the public domain and the ground floor uses of all buildings on the site and demonstrate that these interfaces achieve a high design quality. (3) Demonstrate the hierarchy and purpose of street patterns on the site and the scale relationship between streets footpaths and buildings (4) Detail the links, connections and access conditions between the site and its surrounds and demonstrate that the function of proposed connections achieve good public amenity. (5) Demonstrate that all the aspects of the public domain will incorporate the principles of Crime Prevention Through Environment Design.	(1) The amenity of the public domain is compromised by the over-development of the site. Buildings are taller and more dense than initially proposed in the draft Planning Package endorsed by the Council and the CSPC, hence the majority of the public domain will be overshadowed all year around. (2) Ground floor uses do not appear to have been fully developed across the site as yet. More clarity is required, so that there may be more detailed analysis of the future public domain and the interface of public and private land uses. (3) Whilst a clear hierarchy is demonstrated, the City has a number of issues with the proposed circulation network. Tooth Avenue is the main issue, given that there is no need for it to be as wide as it is, and given the building height on Broadway, it will be more or less permanently overshadowed. The excessive proposed building heights mean that the relationship between buildings and footpaths will be difficult to establish and conditions at ground level are likely to be poor – windswept and overshadowed. (4) There are a number of changes that the City recommends. These include the need for a physical constraint to prevent a direct link from Broadway to Regent Street through Kent Street. The right turn access into and out of Balfour Street requires modelling and the closure of Jones Street is essential to achieving this. The proposed network also lacks vision in terms of longer-term changes, such as the need to achieve two-way traffic on Abercrombie Street. (5) This is not considered demonstrated in the concept plan, however it is acknowledged that detailed design of the public domain (which does not appear to have happened yet) should enable the realisation of CPTED principles in the future public domain.
	Transport and Access (1) Prepare an integrated comprehensive Transport Management and Accessibility Plan (2) Demonstrate adequate and suitable transport, traffic access and car parking have been provided for the site. This is to include, but not be limited to, the following (a) and circulation, car parking; (b) provision of public transport as applicable – bus and rail; (c) pedestrian and cycle access within and to the site, that connects all transport services and key locations outside the site (d) pedestrian connection to heavy rail services and the major bus interchange at Central/Broadway; (e) any on-site management measure to reduce car dependence by car-sharing.	(1) A Transport Management Plan was provided. As discussed above, there are a number of changes that the City would seek in relation to ensuring a more effective network within the site. (2) The City contends that excessive parking has been provided at the site, particularly acknowledging that the site is within 400 metres of a major transport interchange. There is also little regard for the future transport network, especially projects such as achieving two-way traffic on Abercrombie Street, which will take time and strategy to realise. Mechanisms such as car-share do not appear to have been developed and the concept plan does not appear to be consistent with current City of Sydney draft strategy for cycling or pedestrian movement, nor with community desire for the 'Parkway' to be realised.
	Heritage A heritage impact statement should be prepared in accordance with the general requirements of the Department's Heritage Office, as well as any requirements detailed in separate correspondence	The City is unclear as to why a heritage impact statement should be provided, when a detailed conservation management plan (CMP) for the site has been prepared and finalised. This CMP should be the basis for future CMPs that will evaluate individual buildings of heritage significance that are to be retained, as well as evaluating precincts and stages proposed, following the possible sale and division of the overall site.

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	Utilities infrastructure and stormwater management (1) Prepare a utility and infrastructure servicing report and plan for the site that includes the identification of existing utility and infrastructure servicing the site and require augmentation works; (2) Provide appropriate information on the drainage and stormwater management measures to be incorporated on site, including (but not limited to) on site stormwater detention and water sensitive urban design measures. (3) Provide appropriate information on demand management for potable water through the site.	Information is provided in relation to utility services, however as commented above in relation to ecologically sustainable development, the concept plan and associated documents do not appear to make any provision for water sensitive urban design. Whilst it may be argued that such design may be incorporated into future staged development applications for components of the site, it is disappointing to note the lack of commitment in the concept plan and the City again recommends that some type of 'control document' should be prepared to ensure that a basic standard for development across the site and over time is articulated.
	Staging of development Provide a plan demonstrating that the staging of development will proceed in an orderly and coordinated manner	A staging plan is provided. The City of Sydney queries the staging for the public park, which appears to be stage 4 and thus would not be provided to the wider Chippendale community at the earliest possible stage.
	Ecologically sustainable development Demonstrate that commercial buildings proposed for the site will provide future leasable office space that is capable of achieving the relevant commitments of the Department of Energy, Utilities and Sustainability's 3 CBD Greenhouse Initiative and 5-star greenhouse level	Whilst the concept plan is probably able to comply with the City's requirements for ESD (as articulated in the Draft DCP of the draft Planning Package) the concept plan does not propose any detailed measures to ensure that the future development of this site will be ecologically sustainable. The City urges the proponent to re-consider this aspect of the concept plan – the CUB site has a unique opportunity to demonstrate best practice in this way that is currently overlooked. There is also the need for a 'control document' to ensure that some consistent, sustainability policy is set for the future of development across the entire site.
Consultation	During the preparation of the EA, you should undertake an appropriate and justified level of consultation with relevant parties during the preparation of the environmental assessment. If consultation has already been undertaken or will be undertaken during exhibition, this needs to be documented. Relevant agencies include: • City of Sydney Council, • Central Sydney Planning Committee, • Roads and Traffic Authority, • Ministry of Transport, • State Transit Authority, • NSW Government Architect, • Department of Housing, • Heritage Office, Department of Planning • Utility and infrastructure providers, • Emergency services, including the ambulance service of NSW, the State Emergency Service, and NSW Fire Brigades If the Director-General considers that significant changes are proposed to the nature of the project, the Director – General may require the proponent to make the preferred project available to the public	Whilst the City of Sydney cannot speak for the range of other authorities nominated here, it is confirmed that very little consultation has occurred since the Minister's call-in. As discussed previously in this attachment, the concept plan itself provides no information as to the extensive consultative process that was led by the City of Sydney from 2003 through until mid-2006. Further this exhibition period is considered way too short for such a significant site and the vast amount of information comprising the concept plan. Finally, the key concern following review of the concept plan is that it is incomplete, and significant additional information is required (as discussed throughout this attachment) if it is to be a complete and effective plan for the future of this very important site.
Deemed refusal period	90 days	

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CUB SITE EXPERT ADVISORY PANEL REPORT

The Expert Advisory Panel (EAP) was established to provide recommendations to the Minister regarding the urban design components of the proposed redevelopment of the CUB site. The EAP submitted a report to the Minister on 27th August 2006, containing 27 recommendations to ensure an appropriate quality of development that 'responds to the surrounding communities and built form'.

The following attachment assesses the concept plan proposal against those recommendations.

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Issue/ Recommendation	Park location, use and amenity	
	EAP Report	The City's Response
1.	The park should be located on the southern boundary central to the site with public streets on all sides.	The proposed park location does not encourage integration with, or use by, the wider Chippendale community. It is surrounded by new development of a scale different to that which currently exists, and will feel like it is cut-off from the broader community.
2.	Buildings around the park should match the heights of heritage buildings No. 22 & 23, resulting in heights to a maximum of 25 metres.	Whilst buildings that front to the roads immediately around the park comply, buildings around the park rise to heights of 65m at the east, and 40m to the west, in close proximity to the park. They overshadow the park and do not provide appropriate scale for a neighbourhood park.
3.	To maximise sun to the park between 12 noon and 2 pm in Winter, building heights throughout the site should maintain an appropriate sun access plane.	The City does not believe that the sun access plane provides sun access protection to the park in mid-Winter. Sun access is certainly not maximised, as it is lower than under the draft Planning Package prepared by the City of Sydney. Further, the increase in potential height for many proposed buildings mean that overshadowing will generally increase across the whole site (i.e. including the park).
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 noon and 2pm in Winter.	There are significant additional overshadowing impacts to Chippendale, especially in the section along Wellington Street. This can be seen in the shadow modelling diagrams in the concept plan. This is due to the inappropriate heights of the buildings in Block 9, which also fail to achieve a transition in height to Chippendale.
	Heritage issues	
	EAP Report	The City's Response
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.	The focus on these buildings alone ignores the more important contributions that could be made by other buildings on the site. This seems an unnecessarily narrow view to take.
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.	This is not in accordance with the recommendations put forward by the proponent and endorsed by the NSW Heritage Office in the Conservation Management Plan. These recommend the conservation and adaptation of 35A, 35B, and 32. 35 A and 35B should be considered for reuse, as they form a crucial part of the Irving Street Brewery complex.
	Building Height and Form	
	EAP Report	The City's Response
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.	Buildings along the majority of the southern boundary reach 17 metres height, and quickly rise to approximately 48 metres. This does not relate to the scale of Chippendale buildings, and does not achieve a sense of transition.
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.	There is general compliance however the northern portion of block 4 contains a building of 31.5 metres. The 50 metre tower in this portion relates neither to the adjacent heritage buildings nor the structures across Abercrombie Street.

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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.	The area referred to contains two towers of 60m in height, with a street wall of 48 metres. It in no way complies with the recommendation.
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.	The podium has an insufficient setback of only 3 metres from the Broadway frontage, which is inconsistent with the surrounding built form (that is further set back) and provides a dominating edge to the gateway location on Broadway. The towers do not meet the separation standard, being within 20 metres at the southern end.
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	Buildings in the relevant area are proposed to be much taller than recommended, with the majority of the block above 58 metres, and rising to over 90 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.	This is true for the section of Block 3 immediately adjacent to the heritage items. However, for the rest of the block the buildings rise approx. 10m above the 10A and 10B and have an overbearing effect that diminishes the setting of the heritage 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.	Concept plan is considered to comply with this recommendation.
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.	Concept plan is considered to comply with this recommendation.
	Design Excellence	
	EAP Report	The City's Response
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	The proposal only allows that a competition may be required at the Minister's discretion. It does not contain any provision to include international architects in the design of tower forms.
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.	The proposal does not put forward the establishment of any Design Review Panel, or envisage a role for one. As a result, there is no certainty for the community at this stage that any concept plan approval will deliver the appropriate quality of development.
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.	There are no mechanisms to ensure that this recommendation is followed.
	Street Layout	
	EAP Report	The City's Response
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.	The 'consideration of other options' section of the EAP report makes it clear that the street placement for Tooth Avenue is predicated on its ability to minimise overshadowing to blocks 4 and 5 in particular.

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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.	The planning of the narrow streets has not allowed for sufficient room for footpaths, lighting, signage and vehicle turning. They are not considered suitable for a shared traffic zone, and are likely to present safety problems for pedestrians.
20.	Street edges should contain active uses particularly within the proposed narrow north south streets where issues of public amenity and safety may arise.	As has been indicated, the narrow north/south streets already have problems with capacity, and may not be suitable for high-activity uses.
21.	The street layout should relate to surrounding areas by maximising pedestrian linkages while avoiding short cuts for traffic.	The street layout allows a 'rat run' through the site from Regent Street to Broadway.
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.	There is no analysis of the design requirements of roads, including with respect to vehicle turning, servicing and loading, and pedestrian access.
General Issues		
	EAP Report	The City's Response
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.	The concept plan theoretically complies with this recommendation, except for the proposed public car park on site, which is contrary to the City Council's parking policy. Entry points to car parks are not clear within the concept plan and more information would be appreciated. As commented elsewhere in this submission it is considered unnecessary to 'lock in' the current parking rates for a development that may progress over 10-15 years. Like all other land within the Local Government Area, this site should be subject to changes in policy for all matters (and including car parking) as it occurs over the years.
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 EAP report 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.	It is acknowledged in the proposal that the concept plan does not attempt to meet these requirements. Instead, the proponent has simply widened the times of day that the solar access can be counted to make compliance easier.
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	No provision has been made for the inclusion of educational uses or student housing within the site. The location of some commercial uses are a major concern, particularly along the largely residential Chippendale interface at Wellington Street. It should also be noted that the City does not set separate, specific planning controls for student housing. It is the City's expectation that housing for students shall meet the same residential amenity requirements as set for standard housing/apartments by the current planning controls.
26.	To ensure a diversity of uses the minimum proportion of either commercial or residential development within the site should be 30%.	Residential land uses appear to have reduced to approximately 59%, however this recommendation appears to be complied with.
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 bulk, height and scale of some of the proposed blocks is not inline with the EAP report recommendations, in particular Block 1 and Block 5, which both have excessive bulk and height.