

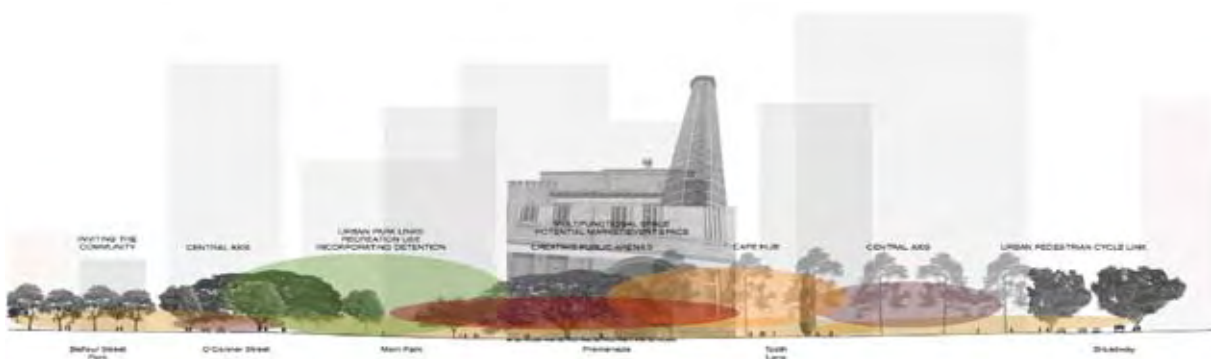
## 4.8 Landscaping

An indicative landscape strategy has been prepared by Jeppe Aagard Anderson & Turf Design and is included at **Appendix F**. Drawing 4 of the scheme shows the different precincts and areas within the site and how it is proposed to landscape those areas for their different functions (also shown in **Figure 12** below).

The guiding principles of the scheme are to:

- Provide an active Public Domain with a merging of both urban piazza and park space.
- Create a character of space to be adopted for public use with flexible program.
- Provide site specific design responses - retain heritage vistas and character.
- Provide logical pedestrian and cycle access into the site and to major destinations.
- Provide public amenities.
- Work with existing grades to create stormwater detention areas.
- Allow ground plane materials and grading to contribute to the overall story of the site.
- Provide interpretation eloquently within design elements.
- Ambient lighting for aesthetics and safety.
- Planting to provide shade, retreat, ecological integrity and enhance the existing Chippendale character.
- Incorporate water feature as interpretive playful elements.
- Provide simple easy to follow signage.

In order to ensure that the public domain is fully integrated with the built form and site infrastructure, further workshops will be held with the relevant specialists and stakeholders. Specific design workshops will also be held for the final design of the public park.



**Figure 13** – Indicative Landscaping  
Source: Jeppe Aagard Anderson & Turf Design

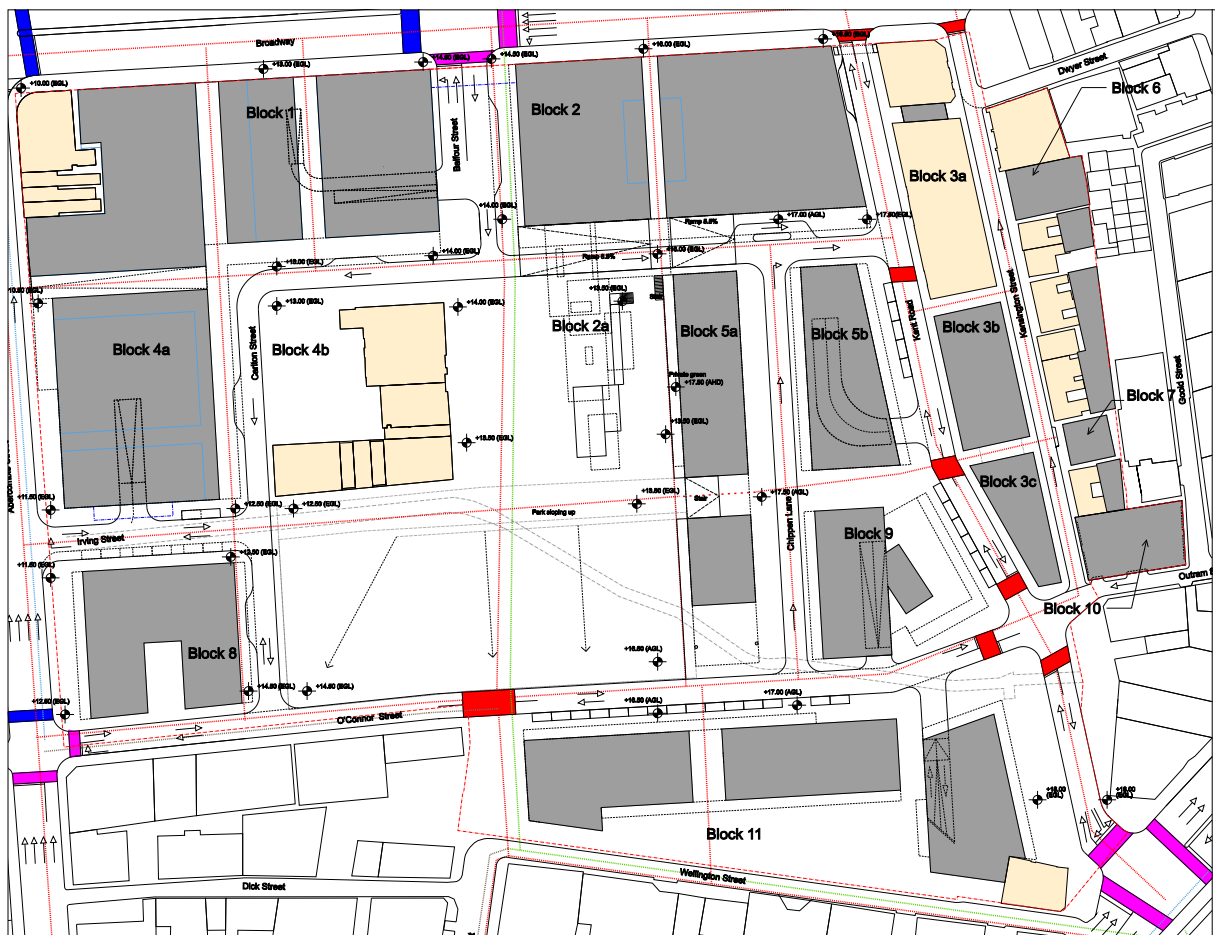
## 4.9 Pedestrian and Cycle Links

Drawing A-1254, reproduced at **Figure 13** below, shows the proposed pedestrian and cycle links through and around the site.

Pedestrian access will continue to be provided around the site and will be significantly enhanced by the provision of direct links through the middle of the site in both north-south and east-west directions. The proposed modifications remove several pedestrian / vehicle conflict points as a result of the reduction of roadways on the site. Where vehicular access / through roads do remain on the site it is noted that these will become 'Shared' zones where different road treatments will be used and roads will be narrowed to slow traffic down.

In order to ensure safe pedestrian access at O'Connor Street, a raised platform will be provided at the interface of the park.

The safety of proposed cycle routes will also improve as a result of the proposed changes to the road layout and reduced potential for vehicular conflict. The proposal now includes a specific cycle path along Wellington Street and directly through the middle of the site as per the City of Sydney's Cycle Strategy. In addition to that cycle route, shared cycle paths on O'Connor Street and Abercrombie Street are also proposed.



**Figure 14** – Proposed pedestrian and cycle links (pedestrian shown in red and cycle in green)  
Source: Foster + Partners

## 4.10 Services and Infrastructure

As part of the commitment to make the Frasers Broadway site an example of sustainable design and self sufficiency, the following infrastructure is proposed:

- Tri-generation system (to be placed in the brewery yard precinct, adjacent to the basement of building 4a) which will produce a large proportion of power, heating and cooling for the site.
- Water storage and treatment plant (to be placed under the main park)

It is expected that the above infrastructure will help achieve the following sustainability targets that Frasers have set for energy and water:

- Net zero greenhouse emissions for operational energy use within 10 years of first occupancy;
- Net zero potable water demand within 10 years of first occupancy
- Achievement of minimum 5 star (target 6 Star) Green Star ratings for all new commercial, residential and retail buildings
- A site based treatment plant for recycling and purifying recycled wastewater from on-site and off-site sources
- 100% of non-potable water use to be supplied through recycled water and rainwater

### All other services

As the Concept Plan is not at a stage where the detailed design of all infrastructure has been resolved it is proposed that a separate infrastructure PA will be submitted for assessment. The PA will address the following issues:

- Water sensitive urban design
- Stormwater drainage and detention
- Sewerage reticulation
- Waste removal and recycling
- Electricity supply
- Natural gas reticulation
- Telecommunication infrastructure

Notwithstanding, it is considered the infrastructure on the site can be designed and enhanced to adequately serve the future population. Key requirements for the design and provision of infrastructure are included in the Statement of Commitments at **Section 8**.

## 4.11 Public Art

A Public Art Strategy is being prepared by Deborah Mills and Associates and will be submitted with the first Project Application for construction of a building or the public domain.

Prior to the demolition works commencing on site, a salvage survey was prepared by Godden MacKay Logan and Deborah Mills to identify moveable items which can potentially be used within the public domain on the Frasers Broadway site. Items which were identified include:

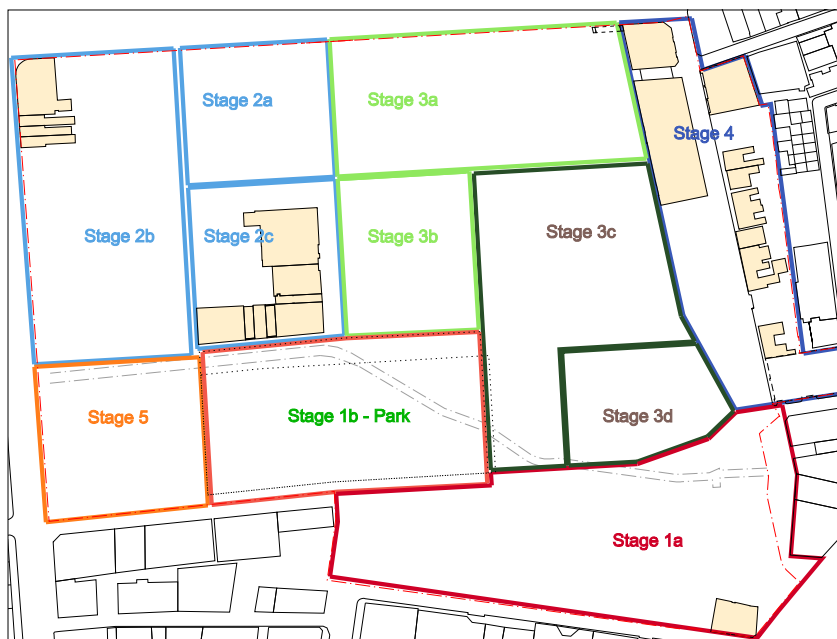
- Bright Beer Tanks
- Signage
- Bottle labelling machinery
- Sandstone and brick building elements
- Rainwater heads
- Cast iron pipework
- Wall tiles

The Statement of Commitments at Section 8 requires consideration of incorporation of these moveable elements into the Public Art Strategy.

## 4.12 Project Implementation

Drawing A-1200 (**Figure 14**) shows the proposed staging of the project (**Appendix A**). It is noted however that the actual delivery of the project may vary due to market forces and that some stages may occur concurrently. An Indicative Staging Program is included at **Appendix X**.

A PA for demolition (MP07\_0120) has been approved by the DoP and works are now underway. A PA for remediation (MP07\_0163) was submitted to the DoP for assessment in March 2008 and was placed on public exhibition in April 2008.



**Figure 15** – Indicative staging of Frasers Broadway site  
Source: Foster + Partners

## 4.13 Design Excellence

Frasers are committed to providing a high quality urban design outcome on the Frasers Broadway site which contributes positively to the city's architecture. As such, Frasers have proposed the following design excellence process which involves the commissioning of both international and local architecture firms.

### Appointment of Architects

In the preparation of the modifications to the approved Concept Plan, a successful collaborative approach has been established between the different architectural firms that Frasers has commissioned. As such it is proposed that the following architects will work on specific blocks as listed in **Table 4**.

**Table 4** – Appointment of Architects for the detailed design of the site

Development Block	Architectural Firm Appointed
Concept Plan	Foster + Partners
Blocks 1 & 4	Foster + Partners
Brewery Yard	Tzannes Associates
Block 2	Atelier Jean Nouvel
Block 5	Johnson Pilton Walker
Block 9	Still to be confirmed and agreed with DoP
Park Precinct	Turf Design Studio & Jeppe Aagard Anderson
Kensington Street Precinct (Blocks 3, 6, 7 & 10)	Tonkin Zulaika Greer
Blocks 8 & 11	Australian Architectural Firms (Actual firms are still to be confirmed and will be subject to a competition process)
Heritage Consultants	GML will continue to provide heritage advice on the demolition and remediation phases of the project. HBO + EMTB will provide advice on development within the Kensington Precinct. Urbis will provide heritage advice on development located outside of the Kensington Precinct.

The direct appoint of firms for blocks 1, 2, 4, 5, 9 and the Kensington, Brewery Road and Park Precincts has been proposed as a result of the Department's concerns of any single architecture firm being appointed to design more than one block on the site.

For Blocks 8 & 11 three (3) different Australian Architectural Firms will be invited to present a scheme for each block in accordance with a design brief prepared by Frasers and approved by the Director General in accordance with the requirements documented above. Frasers will then review the schemes presented and will select the most suitable to be developed as a Project Application for each block. As part of the Project Application all schemes presented to Frasers will be summarised and presented to the DoP along with a report outlining the reason for selection of that scheme and architect. The proposed approach is similar to that outlined as a competitive design alternative process in Section 12 of the Central Sydney Development Control Plan.

## Design Integrity Panel

As a direct appointment approach is proposed, Frasers propose that the Design Integrity Panel (DIP) - assembled by the Minister for the review of these concept plan modifications – continues as a review panel which will meet on a number of occasions with the nominated architects for each block as their schemes are being developed and then progressively throughout the design development / documentation phase of each of the projects to ensure that the integrity of the original design is retained during the implementation stages of the project.

## Recommendations of the Expert Advisory Panel

In the assessment of the approved Concept Plan the EAP had the following concerns regarding design excellence:

- A Design Review Panel which would provide advice to the Approval Authority concerning competitions and ensuring design quality through to the completion of works had not been proposed; and
- There was no guarantee that a variety of architects and urban designers would be used across the site to ensure diversity.

The process proposed by Frasers overcomes both of these concerns as a DIP is proposed which will provide regular advice and feedback on the preparation and development of the designs on each block. Secondly, various architects have been appointed by Frasers who are highly regarded both locally and internationally, so that no single architect should design more than one block on the site.

## 4.14 Ownership

The current ownership of the site is shown on drawing A-1252. A separate application will be made in the future for subdivision of the site which will reflect the ownership of private and public land and separate development lots.

The approved concept plan, provides for the dedication of approximately 7,926m<sup>2</sup> (main park and Wellington Street Park) as public open space and public ownership of the internal streets.

As shown on drawing A-1254 at **Appendix A**, it is now proposed to transfer a larger area of open space and the following streets into public ownership:

- O'Connor Street (eastern section)
- Kent Road

It is also noted that the area of land to be transferred to Council as the main park has increased from 5,381m<sup>2</sup> to 6,328m<sup>2</sup>.

## 4.15 Modification of Conditions

The proposed modifications to the wording of the conditions of the Concept Plan approval are outlined in **Table 5** below.

**Table 5** – Proposed modifications of conditions of consent

<b>Condition No.</b>	<b>Proposed Amendment</b>
<b>Schedule 1</b>	
A1 – Operation and Commencement	No change proposed
A2 – Table	Include two additional properties in Kensington Street which have been acquired by Frasers
A3 – Approval in Detail	Amend to reflect revised GFA figures
A4 – Development in accordance with Plans and Documentation	Amend to reflect documentation submitted with the modification application
<b>Schedule 2</b>	
A1 – GFA Controls	Amend to reflect revised GFA figures
A2 – GFA Calculations	No change proposed
A3 – Design Excellence	Amend to reflect design excellence process proposed by Frasers
A4 – Building Heights	No change proposed
A5 – Block 9	Delete as this condition was imposed as the building on Block 9 originally aligned the main park. Block 9 is now removed from the edge of the park and the condition is no longer relevant. Block 5 now aligns the park and has been designed to be complementary to the park.
A6 – Block 11	Delete, as the building referred to is to be deleted as one of the modifications proposed
A7 – Upper level setbacks to Kent Road and Broadway	Delete as this condition as it was specific to original concept plan. The scale of the buildings along Kent Road are proposed to be altered by the amendments and further work has been done on the UTS Masterplan on the opposite side of Broadway and as such it is considered that the revised building envelopes as proposed will be contextual with surrounding development.
A8 – Street activation	No change proposed
A9 – Mix of uses	No change proposed
A10 – Main Park	No change proposed
A11 – Publicly accessible land	Amend part (a) of condition so that it is possible for roads to be dedicated to council, but also leave the option open for Council to decline if they chose to do so.
A12 – Additional public benefits	No change proposed
A13 – Public Car Park	No change proposed
A14 – Parking Rates	Amend so that consent refers to specific rates as proposed in the SEPP to remove potential for conflict between use of FSA and GFA.

<b>Condition No.</b>	<b>Proposed Amendment</b>
A15 – Staging of Development	No change proposed
A16 – Infrastructure – Road	Amend to reflect signalisation of Abercrombie and O’Connor Streets
A17 – Infrastructure – Rail	No change proposed
A18 – SEPP (BASIX) 2004	No change proposed
A19 – SEPP 55 – Remediation of Land	No change proposed
A20 – Further approvals and the carrying out of works / activities	No change proposed
<b>Advisory Note</b>	
AN1 – Energy Australia	No change proposed

## 5.0 Proposed Amendments to SEPP (Major Projects) 2005

In June 2006 the Minister initiated the listing of the Frasers Broadway site on Schedule 3 of the Major Projects SEPP. A Study in support of the proposed State significant site listing was included as part of the *CUB Site Study and Environmental Assessment* accompanying the original Concept Plan proposal.

Following approval of the Concept Plan, the Minister / DoP has progressed the Major Projects SEPP Amendment to facilitate redevelopment of the Frasers Broadway site in accordance with the Concept Plan.

Listing of the Frasers Broadway site as a State Significant Site within Schedule 3 of the Major Projects SEPP provides the Minister with the opportunity to establish a new planning regime for the site, including new zoning and appropriate planning controls.

To ensure that the new planning regime is consistent with the modified Concept Plan as proposed by this modification application, the following section identifies the zonings and planning controls that are recommended for the Minister's inclusion in the SEPP amendment. The proposed zonings and planning controls seek to provide certainty for all stakeholders by clearly setting out the planning regime for the site for all future development proposals.

The proposed zoning and planning controls are outlined below and a copy of a draft amendment to the SEPP, including a zoning map, heritage map, gross floor area control map and building height control map is included in full at **Appendix G**. This draft amendment is provided in a format consistent with that used for other State Significant Sites included in Schedule 3 of the Major Projects SEPP.

### 5.1 Land to which the SEPP applies

The majority of the land to which the SEPP amendment applies was included in the area of land covered by the Ministerial order of 21 July 2006, as shown on the map attached to that order included in **Appendix H**. A small portion of Balfour Street, north of Wellington Street is also included.

### 5.2 Land Use Zoning

To replace the current "City Edge" zoning under the Sydney LEP 2005, the draft SEPP amendment proposes to introduce two new zones consistent with the NSW Standard LEP Template: a B4 Mixed Use Zone and a RE1 Public Recreation Zone.

The proposed B4 Mixed Use Zone includes a wide range of uses that are currently permissible with consent under the City Edge Zone. The proposed zoning is, however, more restrictive in that it prohibits most industrial uses. Industries will no longer be permitted on the site, although use of the site for a brewery will remain as a use that is permissible with consent. This is considered necessary because a 'boutique brewery' may be a suitable use on the site, especially in the 'Brewery Yard' heritage precinct.

The area of land proposed to be zoned RE1 Public Recreation is to be dedicated to City of Sydney Council as a future park. The RE1 Public Recreation zone provides certainty as to the location of the core area of the public park to ensure that it will be delivered as proposed in the Concept Plan, and as recommended in the EAP's report.

The Concept Plan proposes the delivery of a much larger area of publicly accessible open space, however only that area of land to be dedicated to the City of Sydney Council is to be zoned exclusively for a public purpose.

The land use zoning section of the SEPP amendment includes the objectives of the zones, the land uses permitted with consent and the uses prohibited.

## 5.3 Definitions

The draft SEPP amendment adopts the definitions found in the standard LEP template dictionary with some minor changes as set out in the draft instrument at **Appendix G**.

## 5.4 Special Provisions

Development controls are proposed for the following:

- Building height, including solar access planes to limit overshadowing of the main park and the neighbouring development to the south, and building height planes from dominant streets to provide a built form that sets back from those streets above the street wall.
- Gross floor area distribution across the site to ensure a variety of block densities. The higher densities and building heights have been located towards Broadway and Abercrombie Street. The lesser density and lower building heights are located on the southern side of the site near the proposed main park and neighbouring Chippendale mixed use area.
- Heritage items to be retained are clearly identified and a special provision included to ensure an appropriate level of assessment of development involving heritage items.
- A land use mix that provides for a minimum of percentage (30%) of the gross floor area over the whole of the site to be used for office premises.
- Parking rates for residential buildings, serviced apartments, pubs / clubs / tourist and visitor accommodation, cinemas / theatres / music halls / concert halls and 'other uses'. The proposed rates are the same as those currently applying to the site under the Sydney LEP 2005.

## 5.5 Design Excellence

The draft SEPP amendment requires the consent authority to consider whether future buildings proposed on the site exhibit design excellence. This includes consideration of matters such as standard of architectural design, quality and amenity of the public domain, and sustainability principles. For buildings greater than RL 57 in height, or on sites more than 1,500 m<sup>2</sup> in area, a design competition is required. A design competition is a competitive process conducted in accordance with procedures issued by the Director General of the DoP from time to time. **Section 4.13** of this report provides more detail on the proposed design excellence process for the Frasers Broadway site.

## 5.6 Exempt and Complying Development

The exempt and complying development provisions that currently apply to the site under the Central Sydney DCP 1996 are proposed to remain applicable to the site.

## 5.7 Other SEPPs and Ministerial Directions Applying

Key environmental planning legislation, including State planning policies as well as Ministerial Directions are considered and their relevance is assessed.

### Ministerial Directions Section 117

Ministerial Directions under Section 117 of the EP&A Act provide measures for consideration in preparing draft LEPs. However, it is considered they are also relevant matters for consideration as part of this study.

The relevant Section 117 directions are considered in **Table 6** and include:

- No 9 – Conservation and Management of Environmental and Indigenous Heritage
- No 17 – Integrating Land Use and Transport
- No 21 – Residential zones
- No 26 – Special Area Zones and Recreation Zones

### State Environmental Planning Policies

In addition to the site-specific controls above, a variety of other controls will apply to the site, in particular SEPP 65 which addresses the detailed design of residential development, SEPP 55 which deals with contaminated land, and SEPP Infrastructure 2007.

The State Environmental Planning Policies (SEPPS), which are relevant to the proposed rezoning include:

- SEPP (Infrastructure) 2007
- SEPP 32 – Urban Consolidation
- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Flat Development
- SEPP Building Sustainability Index 2004

Consideration of the relevant provisions within these SEPPs is provided in **Table 6**.

The Acts relevant to the project are:

- Redfern and Waterloo Act 2005, with respect to affordable housing levies.
- City of Sydney Act 1988, with respect to the 1% (of construction cost) development levy.

These Acts were considered during the preparation of the VPAs which have since been signed and are proposed to be amended (See **Section 8**).

**Table 6 – Consistency with State planning policies and strategies and 117 Directions**

Section 117 Directions	Requirement	Compliance / Relevance
No 9 Conservation and management of Environmental and Indigenous Heritage	Environmental heritage and ecologically significant items and areas must be conserved, except where justified by an environmental study.	The heritage values are noted and the proposed SEPP amendment responds to the findings of the Heritage Assessment and CMP and identifies items to be conserved.
No 17 Integrating Land Use and Transport	Seeks to ensure that urban structure, building form, land use locations and subdivision design helps to integrate land use and transport and minimise the need to travel by private car, increases choice of public transport, reduce travel demand, and supports viable operation of public transport.	The site is ideally placed to maximise use of the existing transport infrastructure of Central Railway Station and the transport interchange at Railway Square, located some 300m from the site, and the high frequency bus services provided along Broadway.
No 21 Residential Zones	Draft LEPs shall require that residential development is not permitted until land is, or can be shown to be, adequately serviced with water and sewerage.	The draft SEPP Amendment includes a provision requiring the consent authority to be satisfied that the site can be adequately serviced for residential and all other proposed development prior to granting development consent
No 26 Special Area Zones and Recreation Zones	Seeks to facilitate the provision of public services and facilities by ensuring land for public purposes, providing for the creation of zones and reservations for public purposes and provide for land to be acquired by the Crown or any public authority when requested by that agency.	The draft SEPP amendment includes rezoning of approximately 6,328 square metres of land for public recreation.
SEPP (Infrastructure) 2007	Aims to facilitate effective delivery of infrastructure across the site	The proponent has consulted with the RTA & RailCorp who will be involved in the assessment via referral from the DOP.
SEPP 32 Urban Consolidation – Redevelopment of Urban Land	The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used.	The proposal involves a major urban renewal for a mixture of uses and at a density appropriate to its inner city/CBD edge location. The mixed use zone and controls in the draft SEPP reflect this.

Section 117 Directions	Requirement	Compliance / Relevance
SEPP No 55 Remediation of Land	Land must not be rezoned unless contamination has been considered and, where relevant, land has been appropriately remediated.	A separate remediation project application has been submitted to the DoP for assessment. Site Audit Statements will be acquired prior to occupation of the site.
SEPP No 65 Design Quality of Residential Flat Development	Includes design principles to raise the design quality of residential flat buildings. It also requires that in the preparation of Environmental Planning Instruments and DCPs. Provisions are included to ensure the achievement of design quality principles.	The proposed zoning will provide for residential flat buildings on the site. Any future development proposal needs to demonstrate how it satisfies the design principles and objectives of SEPP65.
SEPP Building Sustainability Index 2004	This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	The proposed zoning will permit residential flat buildings on the site with consent. Any future development proposal for the site will need to demonstrate design principles and objectives consistent with BASIX requirements.

## 6.0 Environmental Assessment

### 6.1 Director General's Requirements

The requirements of the Director General of the Department of Planning for the preparation of the Environmental Assessment to accompany a Concept Plan for the development of the Frasers Broadway site were issued on 4 October 2006. The requirements, which remain valid with respect to the scope of the modifications proposed by this application, are included at **Appendix I**.

**Table 7** below provides a detailed summary of the individual matters listed in the Director General's Environmental Assessment Requirements and identifies where these have been addressed in this report, or where the information submitted with the original Environmental Assessment remains unchanged as part of the modifications now proposed, and therefore have not be revisited.

Table 7 – Director General's Requirements

Director-General's Requirements	Report Location / Comment
<b>State Significant Site Study Requirements</b>	
A state significant study will need to include (but not be limited to ) the following: Address the criteria at Clause 8(2) of the Major Projects SEPP	Not required to be revisited
Address the criteria for Sate Significant Sites in the attached Draft Guidelines dated 24 July 2006, with particular focus on criterion (a)	Not required to be revisited
Detail the proposed land use controls (including zoning) and justify the necessity for these controls against the existing planning instruments;	Refer to Section 5
Indicate the future approval regime for development on the site sought by identifying the circumstances when Part 3A or Part 4A (including exempt or complying development) would apply.	No change proposed to that approved
<b>General Requirements</b>	
Executive Summary	Page 1
Description of the proposal	Section 4
Consideration of relevant SEPPs and applicable planning instruments	Section 5.7 and Section 6.3
Environmental Risk Analysis identifying Environmental Impacts of the project	Section 7
Draft Statement of Commitments	Section 8
Statement of Validity	Front page
Draft Planning Agreement detailing public benefits to be provided	Planning Agreements are already signed, proposed amendments are discussed in Section 8.

Director-General's Requirements	Report Location / Comment
<b>Key Issues</b>	
Demonstrated consistency with recommendations of the EAP report to the Minister dated 31 August 2006. Any variations to be justified by similar or better outcome	Discussed throughout report
Urban Design, Development Controls and Land Uses	Section 5 and Section 6
Site Analysis	Section 3
SEPP 65 compliance	Section 6.3 and Section 7
GFA on precinct or allotment basis	Section 4.4
Built form and design quality controls for future development of site	Section 4.13
Visual analyses and photomontage of the development	<b>Appendix A</b>
Noise Impacts	Section 7.5
Demonstration that the amount and location of commercial and retail land uses will be viable	Addressed in October 2006 EAR and Section 6.12
Provide 1:500 model	Submitted separately
Streetscape and Public Domain	Section 4 and Section 6.5
CPTED principles	Section 7.7
Transport and Access	Section 6.6
Heritage	Section 6.7
Utilities Infrastructure and Storm Water Management	Section 6.9
Development Staging	Section 4.12
Ecological sustainable development	Section 6.10
Consultation	Section 6.13

## 6.2 Relevant Planning Strategies

### State Plan

The New South Wales State Plan was released in 2006. The plan sets a strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The plan nominates one of the key challenges for the state as being the planning challenges that arise from a continuing population growth. In addition to this, the plan nominates environmental challenges from climate change and drought.

Through the redevelopment of the former Carlton United Brewery site, Frasers Broadway Pty will contribute towards implementing solutions for these challenges. The site will provide a substantial amount of new housing in an area which is highly accessible to public transport infrastructure and social services. It will also demonstrate a high level of sustainability with the provision of an on-site tri-generation plant and a water treatment plant.

## Sydney Metropolitan Strategy

The Sydney Metropolitan Strategy outlines seven key strategies for the development of Sydney over the next 25 years. The strategy sets specific targets for increasing housing and jobs in the major centres of Sydney.

Frasers Broadway is located within the Sydney City subregion. The Sydney sub-region is nominated as a 'Global Centre' which is the *"main focus for national and international business, professional services, specialised health and education precincts, specialised shops and tourism, it is also a recreational and tourist destination for the Sydney region and has national and international significance"*.

The specific targets that are set for the Sydney region are approximately:

- 48,400 new jobs
- 31,793 new dwellings

The Frasers Broadway site will make a significant contribution towards achieving these targets as it is expected to provide approximately:

- 5,950 new jobs
- 1,400 new dwellings

The site will also help achieve a number of other strategies through the sustainability commitments that have been made and the delivery of a significant amount of new public open space.

## 6.3 Relevant State Environmental Planning Policies

The following State Environmental Planning Policies are relevant to the proposal and are discussed further below:

- SEPP (Infrastructure) 2007
- SEPP 32 – Urban Consolidation
- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Flat Development
- SEPP Building Sustainability Index 2004

### 6.3.1 SEPP (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 came into force in December 2007 and repeals SEPP 63 – Major Transport Projects. The SEPP aims to facilitate the effective delivery of infrastructure across the state and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

Division 15 (Railways) of the SEPP relates to the Frasers Broadway site as the site is located adjacent to the Metropolitan Rail Expansion Corridor. Any application for excavation below a certain level within or adjacent to that corridor must be referred to RailCorp for concurrence.

The proposal is also classified as a traffic generating development. As such the Concept Plan amendment will be required to be referred to the Roads and Traffic Authority (RTA). The RTA were consulted as part of the preparation of the modification application.

### 6.3.2 SEPP 32 – Urban Consolidation

SEPP 32 aims to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

In determining a proposal for urban consolidation *‘Each council must consider and the Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of this Policy and whether action should be taken to make the land available for such redevelopment.’*

In the assessment and approval of the concept plan (mp06\_171) the minister has already determined that the former CUB is no longer needed for brewery use and that the site is suitable for redevelopment.

### 6.3.3 SEPP 55 – Remediation of Land

SEPP 55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable for the purpose for which the development is proposed to be carried out. Further, it requires that where remediation is required to make the land suitable for a proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

A separate project application for remediation works on the Frasers Broadway site was submitted to the DoP in March 2008. The application includes a Remedial Action Plan prepared by JBS Environmental Pty Ltd and a Site Audit Report and Statement prepared by ENSR Australia Pty Ltd (HLA ENSR), an independent DECC accredited Site Auditor.

The application outlines a process to remediate the site so that it is suitable for the uses already approved on the site. This concept plan does not propose any new uses and as such, the remediation methods proposed are also suitable for the proposed concept plan.

No change is proposed to Condition A19, which requires compliance with SEPP 55, or the commitment relating to remediation of the site and the issuing of Site Audit Statements prior to occupation of the site.

### 6.3.4 SEPP 65 – Design Quality of Residential Flat Development

SEPP 65 aims to improve the design quality of residential flat development in New South Wales. It sets out 10 design quality principles relating to built form and amenity.

As the concept plan identifies building envelopes and floor space areas for residential flat development, the SEPP’s design principles of context, scale, built form and density apply. These are discussed below.

## Principle 1: Context

*“Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.*

*Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.”*

The site is surrounded by several different contexts, ranging from high rise / CBD type development down to low scale residential development. It is therefore important that the Frasers Broadway development responds to these different contexts and provides an appropriate transition between the two.

To the north is Broadway and the UTS campus which form the southern gateway to the CBD. The proposal includes more mass along this frontage and landmark built forms which will strengthen the southern gateway to the CBD and significantly contribute to the city’s stock of high quality architecture.

Towards the southern portion of the site, the buildings have been lowered and the public domain increased to allow for better integration with the existing Chippendale development.

The proposed modified tower and block forms of residential development are considered appropriate for the site given its close proximity to the CBD and major public transport nodes.

## Principle 2: Scale

*“Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.*

*Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.”*

The proposed modified concept plan provides an appropriately scaled built form which relates positively to the differing scale of development along Broadway and in Chippendale.

Specifically, the amendments proposed seek to increase the scale of development along Broadway which is more akin to higher density development and to reduce the scale of development at the southern boundary of the site to provide a better relationship between the proposed development and the adjacent development in Chippendale.

## Principle 3: Built form

*“Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”*

The proposal seeks to modify the approved building envelopes so that more interesting and functional buildings can be provided on the site. The overall design of the site has been workshopped by several international and Australian architects and the proposed building envelopes reflect the different designs that are envisaged by the varied architects and as such will assist in ensuring that design excellence is achieved on the site.

Drawing A – 1290 at **Appendix A** demonstrates the proposal will continue to comply with the building separation requirements of SEPP 65 and the shadow studies and assessments undertaken by Fosters (**Appendix A**) and Heggies (**Appendix J**) demonstrate that the 70% of the proposed residential apartments will achieve a minimum of 2 hours or more of sunlight during the winter solstice (Refer to **Section 7** for more discussion on solar access).

Despite the modified building envelopes, the proposal still retains the original subdivision and street layout pattern. As such, the important views and vistas identified in the original concept plan are also retained.

#### Principle 4: Density

*“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).*

*Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.”*

The proposed modified development will result in a reduced residential density on the site but an overall increase in GFA on the site.

The revised floor space figures and resultant density on the site have been analysed and it has been demonstrated that sufficient onsite facilities can be provided for the densities proposed. It is also noted that the site is suitable for higher densities given its close proximity to the CBD, educational establishments and major public transport nodes.

The DoP has previously recognised the sites potential to accommodate higher densities given:

- its close location to Central Station,
- its location on Broadway, which is a major arterial road that is well serviced by public buses,
- its access to significant existing water and energy infrastructure,
- its current City Edge zoning which suggests a stronger association with commercial offices in the CBD,
- the limited availability of development sites within the existing Sydney CBD for commercial offices, and
- the existing high density of development in Chippendale and East of Abercrombie Street

#### Principle 5: Resource, energy and water efficiency

*“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.*

*Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.”*

From the moment demolition occurs, until all buildings are completed, Frasers are committed to making the Frasers Broadway site an example and benchmark of sustainable development on a precinct scale. The modified proposal builds on the sustainability commitments made in the original concept plan and required by the current concept plan approval and seeks to go beyond the minimum required. Further details of the sustainable commitments given as part of this application are further detailed in **Section 8** and **Appendix L**.

### 6.3.5 SEPP Building Sustainability Index 2004

BASIX, the Building Sustainability Index, was introduced by the NSW Government, to ensure homes and units are designed to use less potable water and emit fewer greenhouse gas emissions. BASIX sets minimum energy and water reduction targets for houses and units to achieve this goal.

A commitment has been made by Frasers to achieve and exceed the minimum targets set by BASIX. In particular Frasers has set a target of achieving a 5 star or higher Green Star rating under the Green Building Council's residential tool.

No change is proposed to Condition A18 of the Concept Plan approval which requires compliance with BASIX. The Statement of Commitments has been updated to reflect the revised sustainability target that Frasers has set (see **Section 8**).

## 6.4 Built Form and Visual Impact

As per the approved concept plan, the proposed concept plan continues to provide a built form that:

- Is appropriate to the site's city edge context and to the desired urban form for the southern part of the Sydney CBD.
- Reinforces the landmark significance of the site as one of the pre-eminent gateways to the CBD.
- Recognises and celebrates the site's heritage significance.
- Provides a transition in building height across the site, limiting the height of buildings on the south-western part and ensuring that taller buildings are located towards the northern-eastern part of the site, where it is compatible with the adjoining higher density of development in Central Sydney.
- Is of a density consistent with the site's size and strategic location within the broader metropolitan area and its accessibility to a wide range of services and infrastructure.
- Ensures permeability throughout the site, with pedestrian through site links secured.
- Provides a high level of residential amenity, by virtue of the parks and urban domain and good level of solar access.
- Provides an urban structure and street layout that opens up internal view corridors and vistas and integrates visually and functionally with adjoining streets.
- Provides for future design innovation and creativity, whilst providing certainty over the structure of the public domain and the bulk and scale of development.

The bulk and massing of the development is to be controlled by the envelopes for each development block. Indicative balcony and articulation zones have been nominated within the building envelopes for each block which will be detailed further at the project application stage.

## 6.5 Streetscape and Public Domain

The public domain includes open space areas, streets and pedestrian and cycle connections. As per the approved concept plan, the proposal includes public domain areas that are in both private (likely to be community title) and public ownership, as shown on drawing A-1253.

**Table 8** below provides a summary of the mail public domain and streetscape elements. The table shows that under the amended Concept Plan Frasers Property has reduced by one third the amount of open space previously devoted to roads and used the recreated space to add to the significantly increased areas of publicly accessible parklands which provide a diversity of spaces for active and passive recreational uses. A schedule of the proposed ownership of the publicly accessible areas is given at **Appendix L**.

**Table 8** – Publicly Accessible Open Space Comparison

	Approved Concept Plan (m <sup>2</sup> )	Proposed Amended Concept Plan (m <sup>2</sup> )
Roads	17,189	11,232
Main Park	5,381	6,328
Other Plazas and Parks	3,575	12,815
Walkways and Throughways	1,710	3,042
<b>Total</b>	<b>27,855</b>	<b>33,417</b>

## 6.6 Transport and Access

Masson Wilson Twiney Pty Ltd (MWT) were commissioned to review the proposed amendments to the Concept Plan and to advise on access arrangements, traffic generation and impacts and pedestrian connectivity (see **Appendix M**). Their assessment has been based on the following yield comparison:

**Table 9** – Proposed Yields Versus Submitted Concept Plan Yields

Use	Proposed Area	Original Submitted Concept Scheme	Difference
Residential	117,884m <sup>2</sup> GFA	156,393m <sup>2</sup> GFA	- 38, 509m <sup>2</sup> GFA
Commercial	109,178m <sup>2</sup> GFA	100,840m <sup>2</sup> GFA	+ 8,338m <sup>2</sup> GFA
Retail	16,722m <sup>2</sup> GFA	12,833m <sup>2</sup> GFA	+ 3,889m <sup>2</sup> GFA

Source: Masson Wilson Twiney

**Table 10** – Proposed Yields Versus Approved Concept Plan Yields

Use	Proposed Area	Original Submitted Concept Scheme	Difference
Residential	117,884m <sup>2</sup> GFA	142,702m <sup>2</sup> GFA	- 24,818m <sup>2</sup> GFA
Commercial	109,178m <sup>2</sup> GFA	88,809m <sup>2</sup> GFA	+ 20,369m <sup>2</sup> GFA
Retail	16,722m <sup>2</sup> GFA	12,093m <sup>2</sup> GFA	+ 4,629m <sup>2</sup> GFA

Source: Masson Wilson Twiney

## Traffic Generation

Based on the above figures, MWT estimated that the original submitted Concept Plan would generate 395 peak hour traffic trips two way. However, during the review of the submitted Concept Plan, the traffic generation estimates for the site were refined in consultation with the Department of Planning. This review resulted in a revised net increase in traffic generation of 495 trips two-way.

It is noted that the RTA approved the submitted Concept Plan in its original form and the associated traffic generation impacts prior to the small yield reductions included in the final Concept Plan approval.

This figure was based on the following traffic generation rates:

- Residential
  - 0.20 peak hour trips for studio and one bedroom units
  - 0.24 peak hour trips for two and three bedroom units
  - Average unit size of 100m<sup>2</sup>
  - Adopted unit mix of 15% studio units, 30% one bedroom units, 40% two bedroom units and 15% three bedroom units
- Commercial
  - 0.32 peak hour trips per commercial parking space

Using the same rates, MWT estimate that the likely traffic generation of the proposed modified scheme will be 473 peak hour trips which is approximately 20 trips less than that estimated for the submitted Concept Plan which was considered acceptable by the RTA. The proposal will therefore have a positive impact on the local traffic network.

## Traffic Arrangements

MWT have reviewed the proposed modifications to the street layout and have found that the closure of Tooth Lane to traffic between Carlton Street and Abercrombie Street (approved as a 2 way through traffic route) will have some operational benefits on Abercrombie Street as the close proximity of the Tooth Avenue / Abercrombie Street intersection (as currently approved) to the Broadway / Abercrombie Street intersection would have resulted in some interference with the Tooth Avenue intersection by queuing back from Broadway. MWT believe that the resultant redistribution of the Tooth Avenue traffic can be readily accommodated in Irving and Balfour Streets.

The removal of Irving Street between Carlton Street and Chippen Lane (approved as a one way street) also results in a positive impact as it will allow for a larger area of public open space and will in turn allow pedestrians to walk between O'Connor Street and Tooth Lane without needing to cross a street in between. This will reinforce the north-south pedestrian through site link.

The proposed closure of Kensington Street between Outram Street and Dwyer Street (approved as a one way street) to all traffic except emergency vehicles, council waste vehicles and essential property access will displace a small volume of traffic to the surrounding road network. However MWT consider that this will have minimal impact as the traffic volumes on that street are currently low and parking for the new uses on that street will be located within the basement car park under blocks 2 and 5.

The revised basement car park arrangements are supported by MWT as they will result in much better parking efficiencies. The benefit of this is that the excavation volumes will significantly reduce across the site which in turn will reduce the duration of excavation and the number of truck movements needed to remove excavation material from the site. The revised basements will also result in vehicles being able to traverse the site without the need to use the surface street network. This will result in a much more pedestrian friendly environment being provided with better amenity.

### Parking

All future Project Applications will demonstrate compliance with the City of Sydney’s LEP 2005 parking provision requirements. The maximum permitted car parking rates for the site are specified in the proposed SEPP amendment and are shown in **Table 11** below. These remain unchanged from the approved Concept Plan scheme, although an administrative amendment is sought to condition A19 which currently refers to calculations using the CoS Floor Space Area (FSA) calculation rather than the GFA calculation of the Standard Instrument.

In order to use the on-site parking more efficiently, it is proposed that the majority of basement parking spaces will be retained in common ownership rather than sold on individual title to future land owners. The benefits of this are many and are listed below:

- Allows for dual use and complementary use of parking spaces such that fewer spaces need to be provided in total;
- Spaces will not remain unused if a resident owns a unit with a carparking space but does not own a car;
- Situations will not occur where people without a car rent out their space to commuters or the like;
- The pooling of non-residential parking spaces promotes the viability of after hours activities such as restaurants or visitor parking;
- Allows for the minimum amount of on-site parking to be provided without imposing overflow parking pressure on the surrounding area.

Although the spaces will be in common ownership, residential spaces will only be allocated for residential uses and commercial/retail spaces will only be allocated to non-residential uses.

**Table 11** – Approved and proposed car parking requirements

Type of proposed use	Maximum parking on site spaces permitted
Dwelling houses	2 spaces per dwelling house
Residential flat buildings and multi dwelling housing (including seniors housing):	
Studio apartments / bedsitters	1 space per 4 studio apartments / bedsitters
1 bedroom apartments	1 space per 2 apartments
2 bedroom apartments	1 space per apartment plus 1 additional space per 5 apartments
Apartments with 3 or more bedrooms	2 spaces per apartment
Pubs, clubs and tourist and visitor accommodation (other than serviced apartments)	1 space per 4 studio apartments / bedsitters 1 space per 2 one bedroom apartments 1.2 spaces per two or more bedroom apartments

Type of proposed use	Maximum parking on site spaces permitted	
Other uses	Max number of spaces =	
	Total other GFA	Site area
	Total GFA within development	$\times$ 50

### Pedestrian Access

The proposed modifications will significantly improve pedestrian safety across the site. Of particular note is the relocation of the traffic signals to the intersection of O'Connor Street and Abercrombie Street which will reinforce the key pedestrian route across the site from Railway Square to Chippendale West.

The integrated basement car park arrangement will result in a reduction of the number of car park and service driveways. This in turn reduces the potential for pedestrian and vehicular conflict points at street level.

The basement entrance and exit points are now located in positions close to the external access road system, which in turn creates a safer environment within the site for pedestrians.

### Cycle Network

The proposal includes a central cycle route linking Broadway to Balfour Street as per the City of Sydney's Cycle Strategy. A shared cycle path is also proposed along the eastern side of Abercrombie Street between O'Connor and Broadway. The proposal improves on the pedestrian and cycle links on the site by reducing the potential for conflict between vehicles and cycles/pedestrians.

### Conclusion

Overall MWT are supportive of the revised Concept Plan and consider that the proposal will improve traffic, parking and access arrangements compared to that of the approved Concept Plan.

## 6.7 Heritage

Two Heritage firms were commissioned by Frasers to undertake a review of potential heritage impacts (positive and negative) of the proposed amendments. Urbis Pty Ltd were commissioned to review those properties located to the west of Kensington Street with the exception of Buildings 10a and 10b which have been included in the Kensington Precinct and reviewed by HBO + EMTB Heritage Pty Ltd (HBO + EMTB). Heritage Impacts Statements prepared by Urbis' and HBO + EMTB are included at **Appendix N** and **O** respectively.

In their assessment of the impacts of the proposed modifications, both Urbis Pty Ltd and HBO + EMTB have accepted the significance ratings of the retained heritage items as identified by GML in their 2006 Heritage Impact Statement. The reviews therefore establish, as a baseline those retained items that remain unaffected and then considers those matters where some kind of change will result, either positive or negative.

### 6.7.1 Main Brewery Site Heritage Items

The impacts as assessed by Urbis Pty Ltd are discussed below.

#### Building 40 - Australian Hotel

The proposed changes to the Australian Hotel and its setting are:

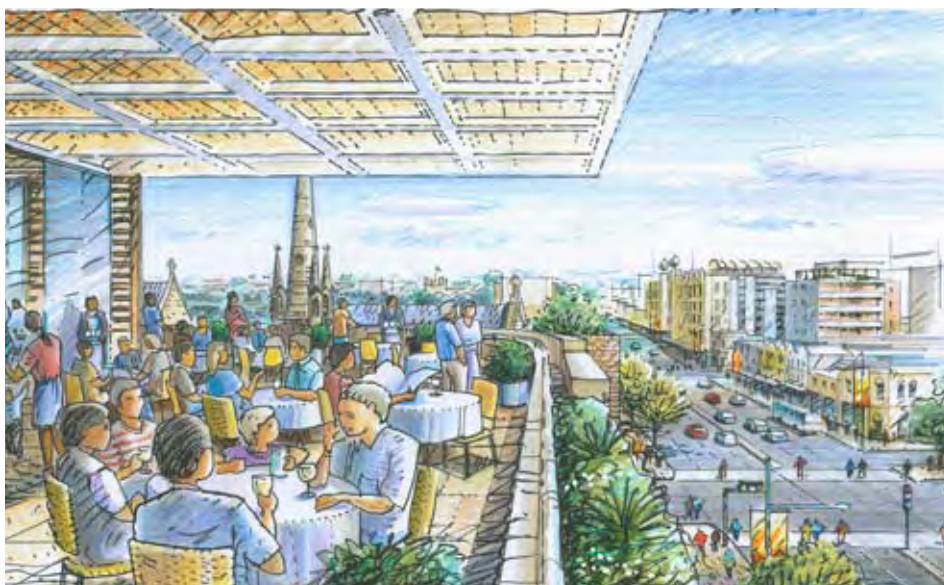
- Construction of a new commercial building over the existing hotel with a gap of approximately 4 metres above the hotel;
- Increase in height of the building above and surrounding the hotel from approximately 45 metres to 60 metres, although the corner directly above the hotel is slightly lower;
- Inclusion of a new infill structure on the southern section of the Abercrombie Street elevation of the hotel; and
- The parapet height of the Australian Hotel has been used as the datum line for the podium that is consistent throughout all of the elevations of Blocks 1 and 4a, and throughout all other new buildings on the site. The character of the podium of those adjoining buildings will be designed in response to the architecture of the Australian Hotel in terms of colour and proportion and possible materials.

**Figure 16** provides an impression of what could be achieved on the roof terrace of the Australian Hotel. Urbis believe that the concept of constructing a new building over the parapet line of the Australian Hotel is a design response that is imaginative, and compatible with the architecture of the hotel, maintaining its corner emphasis. Urbis recognise that the proposed changes will reinforce the important Broadway / Abercrombie Street corner when viewed from the west to the east by way of adding the additional height to the corner.

Although the proposed changes will result in the above positive impacts, Urbis also note that a negative impact which results is that the additional height above the Australian Hotel will be more dominant in the overall streetscape. Urbis note however, that the impact of the additional height will be mitigated through the use of modulation of the proposed facades of Blocks 1 and 4.

During the detailed design of the buildings on Blocks 1 and 4, Urbis recommend the following:

- Give more detail to the treatment of the underside of the slab of the building on Block 4.
- That a Conservation Management Plan be prepared to determine the detailed requirements for conservation of the interiors of the Australian Hotel, to guide the design of any structural elements that may be required at the rear of the hotel and to assist in determining the form and materials for the new infill on Level 2.
- That the original footprint of the Hotel should be clearly retained and any proposed linkages between the hotel and the terraces in Abercrombie Street should not confuse the clarity of the built form.



**Figure 16** – An indicative image of the roof top terrace of the Australian Hotel

### Buildings 42A, B & C – Abercrombie Street Terraces

The proposed changes to the Abercrombie Street Terraces and their settings are:

- The terraces are flanked on three sides by the proposed new building on Block 4a rising to a predominant street wall height of approximately 60 metres. There is a void above the terraces however the exact extent of the void is yet to be determined.
- The terraces rear wings and rear yards are retained.

Urbis note that the strength of group of buildings on the important corner is enhanced by the new datum line of the podium which sets a pedestrian scale at street level based on the scale of the terraces and adjacent hotel and that the terraces will become a part of the overall design.

During the detailed design of the buildings on Block 4, Urbis recommend the following:

- That greater detail be provided on the extent of the podium and void and the relationship of the soffit of the podium so that a comfortable relationship between the existing and proposed buildings is provided.
- That if the terraces are to be connected it should be done in a way that retains evidence of them as separate buildings.
- That a CMP be prepared to determine the detailed requirements for the conservation of the interiors, and to assist in determining the extent of conservation and reconstruction of the rear wings.

### Former Irving Street Brewery Complex including Chimney Stack (36), Filtration Building (22), Malt Silo Building (23), Gas Receiving Station (26), Old Boiler House (30) and Irving Street Brewery Yard (52)

The proposed changes to the above buildings and their setting are:

- Blocks 1 and 4 are increased in height and are high modulated. Vistas are provided through multi-level openings from Broadway (a visual extension of Carlton Street) and from Abercrombie Street (a new vista through to the brewery Complex).
- An additional park is proposed to the east.

- Block 4 is sited 65 metres to the east of the Balfour Street elevations of the Brewery Complex, allowing for new vistas to be opened up to the historic buildings.
- Balfour Street is removed.
- Block 2 is proposed to have a street wall height of 60 metres at the corner of Tooth Lane and Balfour Street.

The above changes result in the creation of expansive views into the site and particularly the Brewery complex, from Chippendale. The proposal also provides a greater separation distance between the heritage buildings and the buildings on Block 5 and the additional height of Block 4 is offset by a greater setback distance. The consistency of the architecture on Blocks 1 and 4 wrapping behind the Brewery Complex provides a more consistent backdrop when viewed from the Park and from the eastern parts of the site. **Figure 17** gives an indicative view towards the Brewery Complex from O'Connor Street.

On negative impact of the proposed development that Urbis note is that the additional height and increased proximity of Blocks 1 and 4 affects the ability to read the chimney against the sky, however the opening up of the Brewery Yard allows a new appreciation of the chimney.

During the detailed design of the site, Urbis recommend the following:

- Balfour Street should be retained with kerbs and gutter as part of the landscaping throughout the Park, or interpreted in such a manner that the original street pattern and materials is understood in the overall design.
- The design of Blocks 1 and 4 will need to be carefully modulated to minimise the impact of the increased height and proximity of the buildings to the Brewery complex.

Urbis note that the detailed use of the former Brewery Complex and details of architectural treatment are yet to be determined. This will be undertaken following the preparation of a detailed Conservation Management Plan.



**Figure 17** – Indicative view to the Brewery Yard

### Building 51 - Main Entrance Gateway

As per the approved concept plan, the main entrance gateway is retained between the County Clare Hotel and the building on Block 2. As such the gateway is retained as an entry marker into the site and the relationship between the gateway and Kent Road will be retained.

Urbis recommend that the relationship of the gateway with the tower will need to be further resolved during the detailed design of Blocks 2 and 3.

### Building 67 – Ovoid Drain

The ovoid drain is retained on the site with a curtilage of 3 metres (subject to engineering advice) to ensure there is no damage during construction. Part of Block 5 will span over the drain which Urbis nominate as a neutral impact.

Urbis recommend that an Interpretation Plan be developed and implemented throughout the site, incorporating the Ovoid Drain and significant retained Moveable Heritage. The GML HIS (2006) provides a framework for such a plan.

### Building 14 – Castle Connell Hotel

The proposed changes to the Castle Connell Hotel and its setting are the following:

- The hotel is now viewed in the round.
- Two new building envelopes are proposed on Block 11.
- Street wall along Wellington Street is not retained.
- Taller Block 11 steps around Castle Connell Hotel at predominant height of approximately 40 metres and setback from the corner of Kent Road and O'Connor Street.

Urbis note that the positive impact resulting from the proposed changes is that the Castle Connell Hotel will be more prominent on the corner of Kent and Wellington Streets. The clear regular massing of the new building envelope on Block 11 will result in a cleaner relationship between the new building and the hotel.

During the detailed design of the buildings on Block 11, Urbis recommend the following:

- Carefully resolve the junction between the hotel and the new buildings.
- That the use of the former Castel Connell Hotel and details of the architectural treatment be determined following the preparation of a detailed Conservation Management Plan.
- The street wall element on the north side of Wellington Street in front of Block 11 be reinstated as part of the landscaping design development.

An indicative view towards the Castle Connell Hotel is provided at **Figure 18**.



Figure 18 – View towards Castle Connell Hotel

## 6.7.2 Streetscapes

### Broadway Streetscape

Urbis note that the streetscape in the Amended Concept Plan is similar to that of the approved Concept Plan, however the relationship of the building to the street is improved by the introduction of the datum line running from the height of the Australian Hotel, and by the design quality of the elevations. Urbis note that the resolution of the design of the streetscape will be further detailed at the project application stage.

### Carlton Street Streetscape

The proposed treatment of Carlton Street does not differ greatly from that approved in the CUB Concept Plan. All the buildings along Carlton Street will be demolished and the street will have a completely different character. Carlton Street will continue to Broadway (in part as a pedestrian connection), and Carlton Street will now provide key vistas into the retained Brewery Complex, as per previously approved.

### Balfour Street Streetscape

Under the proposed amendments, Balfour Street will only be retained between Broadway and Tooth Lane. The extent of Balfour Street south of Tooth Lane is amalgamated into the public domain.

This proposed change will have a negative impact in that Balfour Street as a street edge will be eroded by the deletion of the building on the former Block 5 west, however Urbis recognise that this will be offset by the improved pedestrianisation of the Brewery.

During the detailed design of the public domain, Urbis recommend that Balfour Street be retained with kerbs and gutters throughout the landscaping in the Park and in front of the Brewery Complex, or interpreted in such a manner that the original street pattern and materials is understood in the overall design.

## Main Avenue Streetscape

Main Avenue retains the original alignment of the former Kent Road corresponding to the frontage of the Administration Buildings and the view into the site through the main entrance gateway. The historical sense of the narrow, confined inner city laneway is also retained at the north end of Kent Road.

During the detailed design Urbis recommend that the articulation of the corner of Tooth Lane and Kent Road requires design development to ensure that the tower integrates into the Kent Rd/Main Avenue streetscape. In addition, the zones of articulation on the Kent Road elevations of Blocks 3, 5 and 9 require careful design resolution.

### 6.7.3 Chippendale Conservation Area

The interface between the proposed amended Concept Plan and the west (Abercrombie Street) differs from the Approved Concept Plan. The intensity of the development has been increased in order to free up open space in the core and southern edge of the site. However, Urbis note that the visual impact of a new wall of buildings on the eastern side of Abercrombie Street has been established in the Approved Concept Plan.

The St Benedict Church and steeple are of relatively small scale, and it is only possible to read views against the sky when looking at the group from the north and west. The increased height and proximity of the new Blocks 1 and 4 in the proposed amended Concept Plan will impact on close views of the Church and steeple from the west. The views of the complex from the east and north will remain unchanged. The cumulative impact of the increased height of the amended concept plan, and the increased proximity of these sites, is that there will be a clear urban edge against which the historic sites will be read. This is not unusual in a city context.

The interface between Block 11 and the Chippendale Conservation Area provides a better transition into the more intensive scale of Blocks 5 and 9. Urbis consider that the overall effect is positive, however a street wall or strong landscape element along Wellington Street should be reinstated as part of the landscaping design development.

### 6.7.4 Kensington Precinct

Frasers have an exciting vision for the Kensington Street Precinct. It is envisaged that the Precinct will become a laneway with retail, restaurant and hotel uses that are active for extensive periods of the day and that has a 'student/arts vibe'.

In order to achieve this vision, Tonkin Zulaikha Greer (TZG), were commissioned by Frasers Broadway to prepare a Concept Plan for the Kensington Street Precinct. **Figure 19** below gives an impression of what the Kensington Street Precinct may look like. In order to ensure that the plans prepared by TZG can be implemented under the proposed controls and eventual conditions of consent, the building envelopes required have been incorporated into the Concept Plan prepared by Foster + Partners (**Appendix A**). The detailed plans prepared by TZG will form the subject of a separate more detailed project application for the Kensington Precinct which will be submitted later this year.



Figure 19 – Indicative sketch of the Kensington Precinct

The impacts as assessed by HBO + EMTB are discussed below.

### Building 38 – County Clare Hotel

The proposed changes to the County Clare Hotel include:

- Commercial to hotel use with restaurant / bar on ground level
- Additional floor, set back from parapet edge to create a paved terrace area constructed as lightly framed glazed structure to serve as a bar/lounge
- Construction of a glazed link between buildings 38 and 10A

Although the proposed changes will result in the permanent loss of roof structure, HBO + EMTB note that it is proposed to retain as much as possible of the ground floor bar spaces and the significant North West stairs and to retain internal partition walls where possible. Subject to design resolution at the PA stage, HBO + EMTB consider the changes acceptable in the light of the adaptive re-use of the building which is ranked as having high significance.

### Buildings 10a and 10b – Administration

The proposed changes to the Administration Buildings include:

- Commercial to hotel use with retail on the ground level
- Removal of the existing ground floor structure along the eastern half of Building 10A and 10B and construction of a new floor at the Kensington Street level for retail use which will also step down to the western half of the building
- Construction of two additional floors – the third floor would be within the existing roof volume and the fourth floor would be created by raising the flat section of the roof.

Again the proposed changes are largely irreversible, however HBO + EMTB consider that the changes would not detract from the overall presentation of the original built form, fabric, fenestration (except Kensington Street elevation at ground level), or prevent interpretation of the buildings original design and use as the CUB administration centre. The changes have been weighed against the need to provide sufficient hotel accommodation for an economically viable operation and the social and economic benefits of the revitalisation of Kensington Street.

## Building 46A – Garage (Rum Bond Store)

The proposed changes to the Garage include:

- Installation of an overlap in front of the south east portion of the building up to the front building line (overlap will be integrated with the new building to be constructed on the sites of Buildings 46B and 46C)

The proposed change is supported in principle by HBO + EMTB but will require further detailed design resolution in the PA stage.

## Kensington Street Terraces

The proposed changes to the Kensington Street Terraces include:

- Change of use from residential to retail
- Removal of structures at the rear which are:
  - substandard due to hazardous materials,
  - dilapidated beyond repair, and / or
  - later additions of low significance
- Active use of the rear gardens for restaurant / dining facilities, removal of dividing fences (boundaries are to be interpreted)
- Construction of a floating roof structure

HBO + EMTB consider that the change of use from residential to retail is likely to have a lesser impact on the terraces, as the changes required to upgrade the buildings for residential occupation as opposed to retail would have been more substantial and would have had a greater level of impact on original fabric.

The Concept Plan envisages minimal change to the original significant fabric and spaces of the terraces and in particular will preserve the carriage openings of 18 – 20 and 38 Kensington Street. The new roof structures will be lightly framed and spaced off the rear wings of the terraces to ensure minimal impact. All of the proposed changes to terrace buildings will be subject to more detailed documentation and design development in future project applications.

## Archaeology

The proposal retains basements under Block 3, similar to the approved Concept Plan and also proposes a new link under Kent Road to the basement areas under Blocks 5 and 9. There would be an increase in the area of impact in a zone of low archaeological potential corresponding to the proposed altered southern alignment of Kent Road.

The amended concept plan shows a small basement area under the Block 7 infill building at 40 – 42 Kensington Street, possibly connected under Kensington Street to the basement under Blocks 3b and 3c. The archaeological potential of this area was not assessed by Godden Mackay Logan for the Heritage Impact Statement, October 2006. However, there would have been some disturbance of the ground surface when the infill building at 40 – 42 Kensington Street was constructed which means that the proposed basement excavation is less likely to encounter below ground remnants of earlier development phases than on the sites of older terraces. The areas of the terraces immediately adjacent are rated as having moderate potential.

It is proposed that these impacts will be addressed as per the recommendations made in the Godden Mackay Logan CMP and 2006 HIS. The Statement of Commitments at **Section 8** addresses this requirement.

### Impact of new built form in the vicinity of heritage items

HBO + EMTB have assessed the impact of the revised built form on blocks 2, 3, 5, 6 and 7. Many of the proposed changes will have positive impact on the relationship between the retained heritage items and new built form. In particular HBO + EMTB are supportive of the following:

- Provision of space at ground level between the two new buildings on block 3 to reflect / interpret the building 10E cart way.
- The setback and splayed form of the infill building on Block 6 which will create a spatial separation and respect the scale of the neighbouring terraces (16 – 16a Kensington St).
- The replacement of an out of character façade in Block 7 with a slight widening of the street to create a small forecourt spatially linked to the break in the buildings in Block 3 that interprets Irving Street and the urban design benefits this brings.
- Retention of the walls of building 50 as an articulated plinth connection to the scale of the terrace houses and its resultant contribution to reducing the disparity in scale between the new building and the existing terraces adjacent.
- The increased width of Kent Road and the result wider spatial and visual curtilage on the western side of buildings 10a and b (administration).

HBO + EMTB in summary note in their overall assessment of the changes that there is no significant change in the degree of impact on the retained heritage buildings within the Kensington Precinct.

## 6.8 Water Management

The Statement of Commitments at **Section 8** requires that an integrated water quantity, water quality and water conservation management strategy be prepared and submitted with the first Project Application for construction on the site.

Hughes Trueman have advised that the following issues and design requirements will be addressed as the detailed design of the site progresses. These design requirements have been incorporated into the Statement of Commitments at **Section 8**.

### Stormwater Quantity Management (Detention and Retention)

It is proposed to provide detention volume advised by Sydney Water of 20m<sup>3</sup> for every 1,000m<sup>2</sup> of development site area. Formal approval of Sydney Water to the final design proposal and management of the detention system and connection into the Sydney Water mains will be obtained during the detailed design phase. Additional detention storage will be considered to provide for flows currently detained in street sag depression areas within the site area. These areas shall be preserved or catered for in the proposed public domain areas.

The detention of stormwater may include the provision of an underground tank in the Main Park and within specific development sites to detain flows from sites and from the public domain areas. It is understood that the City of Sydney Council has agreed to accept dedication of the Main Park and the council is a key stakeholder in the design of the park and acknowledge the inclusion below for the detention system.

The opportunity to harvest stormwater will be considered during project development. Retention tanks on discrete development sites will be considered and these shall be incorporated, if required, into building design to retain rainwater collected from building roofs. Underground stormwater retention storage tanks will also be considered in the public domain to collect from the public domain open space and road system. The need for these will be considered in an integrated way with the provision of other water management systems (eg recycled water from an external source, recycled water generated from sewer mining etc.)

A commitment has been made that the detailed design and construction of any water retention and detention system will be in accordance with “Managing Urban Stormwater, Harvesting and Re-use DEC April 2006” (refer **Section 8**).

### Stormwater Quality

It is proposed to investigate and provide water quality measures appropriate for the development that are practical and manageable.

The following performance objectives are defined by both the NSW Department of Environment and Conservation and the National Engineers WSUD manual – Australian Runoff Quality:

- 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, extraction of litter greater than 50mm in size from the stormwater leaving the site.
- For flows up to the 3 month ARI peak flow, no visible oils or grease are to be present in the stormwater leaving the site.

Consideration will be given to whether this level of treatment is required for the Frasers Broadway site. The site is part of the Blackwattle Bay catchment which flows directly into the saltwater environment of Sydney Harbour. Some of the performance objectives such as reduction of Total Nitrogen and Total Phosphorous may not be applicable in a saltwater environment compared to flows into a freshwater river for example. The level of treatment will be considered and agreed with the relevant government stakeholders.

Further investigation to establish the need for and level of water quality for the site will be conducted as part of project development. Investigation, discussion and negotiation with relevant government stakeholders will be undertaken to define agreed performance targets for the site recognising the geographic, topographic setting and the need for practical, achievable water quality measures that are acceptable to the management authority.

### Public Domain Measures

It is proposed to investigate and provide management measures to control quality of stormwater runoff from public domain areas with a view to meeting the agreed set of objectives in a practical and economic way. The provision of water quality management measures on land which is to be dedicated to the Council will be subject to Council’s approval and acceptance. The proposed targets may need to be reduced/modified to provide an outcome acceptable to the maintenance / management authority.

### Private Site Measures

It is also proposed to investigate and provide management measures to control the quality of stormwater runoff from each private development site with a view to meeting the agreed set of objectives that are practical, economic and manageable. The proposed targets may need to be specifically defined for private development sites. Again agreement from the relevant authorities will be sought for this issue.

## 6.9 Utilities Infrastructure

The proposed modifications do not change the approved approach to upgrading infrastructure on the site but are likely to have some impact on where the infrastructure is located on the site.

As mentioned previously, investigation and further design development will be undertaken so that a fully integrated approach to the provision of infrastructure is undertaken on the site. This will ensure that the infrastructure provided is capable of serving the ultimate population.

During the detailed design of infrastructure on the site, the following stakeholders will be consulted:

- Sydney Water
- Energy Australia
- Agility
- Telstra

## 6.10 Ecologically Sustainable Development

Elton Consulting in conjunction with the Institute for Sustainable Futures (ISF) have prepared a sustainability strategy for the Frasers Broadway site (**Appendix K**). The key initiatives of the strategy are:

- To aim for a zero net carbon and zero net potable water development
- To target the equivalent of a 6-Star Green Star rating for all new buildings with a minimum of 5-Star for all buildings, including heritage buildings
- Using a gas tri-generation system for power, heating and cooling
- An integrated water recycling scheme that will seek to capture and use roof water from the site and reuse treated black water for non-potable uses
- To offer the opportunity presented by the site's redevelopment to pilot a precinct rating tool
- Removal of a significant component of surface traffic from the precinct
- Prioritising bicycle and pedestrian movements and services in street and building design as well as minimising the need for private vehicles
- Reduce car parking to less than 2,000 vehicles
- Developing a series of social and economic sustainability initiatives to help integrate the new community into the existing context and ensure the precinct is a place for people
- Partnering with the University of Technology, Sydney to pioneer a long-term longitudinal sustainability monitoring and evaluation program.

Frasers are now seeking to go beyond the minimum commitments and requirements made in the approved concept plan as demonstrated in the table below. **Figure 20** shows some of the proposed sustainability commitments and targets on the site.

**Table 12** – Main areas where Frasers seeks to achieve beyond sustainable compliance

Priority Area	Revised Commitment	Frasers Additional Targets
Energy – precinct wide		Net zero greenhouse gas emissions (CO <sup>2</sup> eq) for operational energy use
Water – precinct wide	Design for 100% of non-potable water use to be supplied through recycled water and rainwater	Net zero water demand development
Waste – precinct wide		Detailed investigation of methods to minimise waste generation including capture and reuse of recyclable and organic materials
Residential	<p>Residential development will meet the following targets:</p> <ul style="list-style-type: none"> <li>▪ The BASIX energy consumption benchmark</li> <li>▪ A 4.5 average star rating using NatHERS or equivalent</li> </ul> <p>Use the new Green Building Council multi-level residential tool on eligible buildings to achieve 5 star Green Star rating for new buildings and a minimum 5 stars for adapted buildings</p>	5 star Green Star rating or above under Green Building Council Multi-level Residential Tool with an aim of achieving a 6 star rating
Commercial	<p>Developments will be designed to have the potential to achieve a 5 Star ABGR Base Building rating.</p> <p>Using the Green Building Council of Australia’s Green Star Office Design rating tools, achieve:</p> <ul style="list-style-type: none"> <li>▪ 5 Star Green Star for eligible new and adapted buildings</li> </ul>	<p>Use the Green Building Council of Australia’s Green Star Office Design rating tools, to achieve:</p> <p>6 Star Green Star for eligible new and adapted buildings</p>
Retail	Use the new Green Building Council shopping centre building tool on eligible buildings to achieve 5 star Green Star rating for new buildings and a minimum 5 stars for adapted buildings	Use the new Green Building Council shopping centre building tool on eligible buildings to achieve 6 star Green Star rating for new buildings and a minimum 5 stars for adapted buildings

Source: Elton Consulting/ISF

Frasers have commissioned Lincolne Scott to undertake a peer review of the proposed sustainability strategy prepared by Elton Consulting and ISF. Feasibility of the proposed initiatives will mean that high level targets will be met through actions that are both practical and commercially viable.

In addition to the environmental sustainability initiatives listed above, it is also proposed to develop initiatives to ensure that the Frasers Broadway site is socially and economically sustainable. To achieve this it is proposed that a Social Sustainability Strategy will be prepared which will address the following seven dimensions, all of which will contribute to community wellbeing:

- A socially and culturally vibrant community;
- A healthy and safe community;
- An economically vital community;
- A connected and integrated community;
- A learning community;
- An accessible and mobile community; and
- Housing quality, diversity and adaptability.

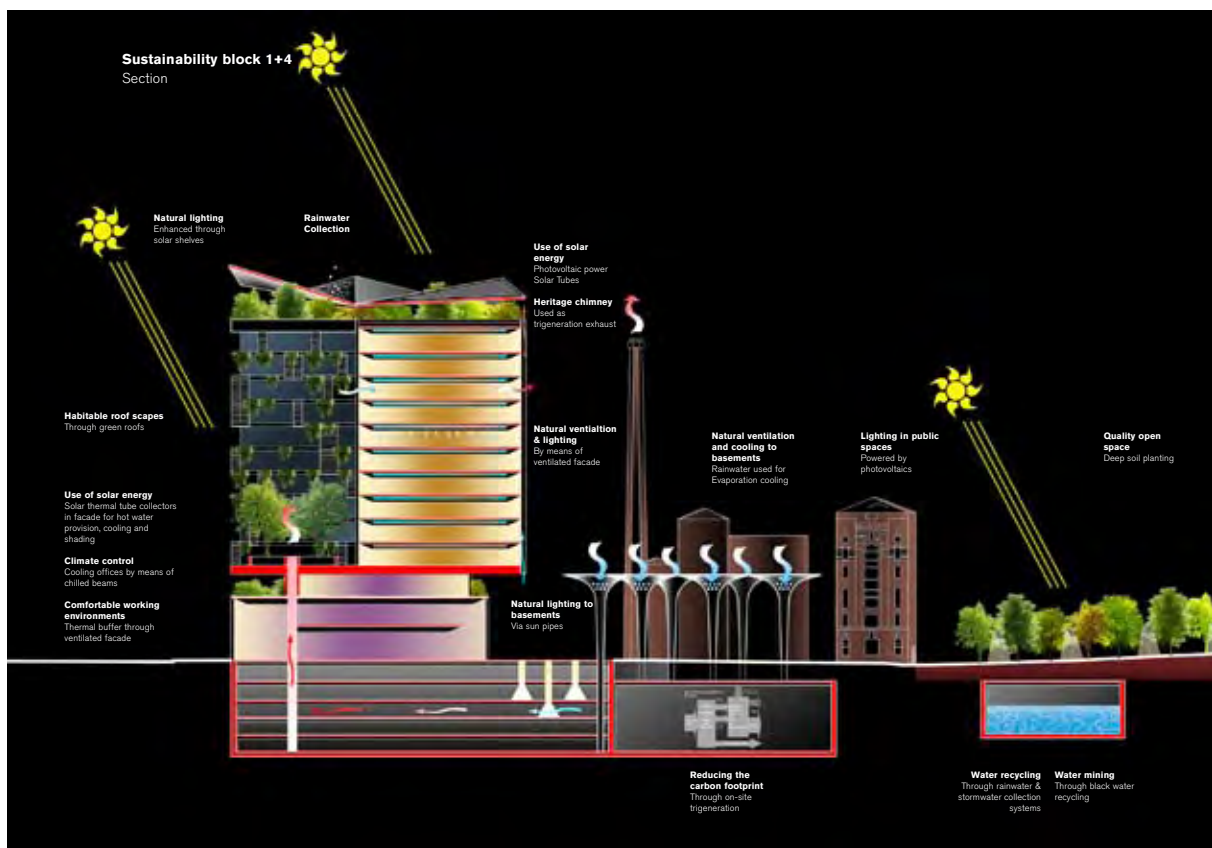


Figure 20 – Proposed sustainability measures  
Source: Foster + Partners

## 6.11 Social Impacts

P/P/M Consultants Pty Ltd have reviewed the social aspects of the proposal and the proposed amendments (See **Appendix P**). With regard to the public benefits of the approved Concept Plan it is noted that the following will remain unchanged:

- A \$2.5 million contribution will be paid towards a community facility payment, to be used either to upgrade an existing City of Sydney community facility or to contribute to providing a new community facility provision of a Child Care Centre/s at a rate consistent with the Child Care DCP adopted by City;
- a Public Art plan will be developed with reference to the City of Sydney Public Art Policy and Public Art Developer Guidelines and submitted with the first project application proposing construction of a building or the public domain;
- a public park will be constructed on that part of Balfour Street that is proposed to be closed between O'Connor Street and Wellington Street;
- signalised pedestrian crossings on City Road and on Regent Street will be provided to improve pedestrian access to Victoria Park and Prince Alfred Park respectively (the design of the crossing on Regent Street is already underway);
- new internal roads will be constructed;
- works to improve external roads and footpaths will be undertaken; and
- various infrastructure and other site works.

The proposed amendments will result in additional public benefits including the following:

- a larger park area for the future occupants of the site and existing residents of Chippendale;
- enhanced pedestrian connectivity and greater pedestrian priority through the site;
- improved pedestrian amenity and activity at the ground level, particularly along the Broadway frontage;
- greater connectivity between the green spaces on the site and a larger open space network;
- creation of a unique identity which focuses on the public domain and heritage characteristics of the site.

P/P/M Consulting also expect that the relationship between Frasers Broadway Pty Ltd and UTS will be enhanced, compared to the previous proposal, as it is now a possibility that the infrastructure on the Frasers site will be shared with UTS.

The assessment of the social aspects of the Concept Plan have not raised any adverse impacts as a result of the proposed changes.

## 6.12 Economic Impacts

Economic Impact Solutions in conjunction with Elton Consulting have projected the economic impacts of the amended concept plan (refer **Appendix Q**). The issues are discussed in terms of economic impacts of commercial activities and economic impacts of residential activities.

### Economic impacts of commercial activities

Elton Consulting estimate that the site will accommodate approximately 5,418 commercial employees. This is based on a mix of 5% high density, 15% medium density and 80% lower density employment uses and an overall employment density of 19 square metres per employee.

For retail uses, Elton's has considered a mix of small shops (50%), larger stores (40%) and cafes / restaurants (10%) and estimate that the retail space will accommodate 639 employees (assuming 26 square metres per employee).

Assuming the above employee numbers and using average wage levels of employees in the scenarios outlined above, Elton's estimate that the total amount of wages, in current dollars, paid to the 6,057 commercial and retail employees at full occupancy would be in the order of \$480 million per annum.

Again using the above assumed mix, the total business turnover in current dollars and at full occupancy would be in the order of \$2.1 billion. The flow-on effects from this level of business activity (as measured throughout the Australian economy using ABS Input-Output tables) would be in the order of a further \$0.9 billion.

The amended Concept Plan also proposes a small hotel of approximately 3,946m<sup>2</sup>. Assuming that the hotel can accommodate 100 rooms with around 200 beds, it is estimated that the hotel would employ approximately 12 staff with an average turnover of \$9 million per annum.

Elton's also expect that there will be a high proportion of home business activity on the site, given its close proximity to the CBD and Broadway, the scale of medium and large business activity and the number of residents on the site. Based on current benchmarks, Elton's expect a minimum of 12% of apartments to host a home-based business and approximately 340 jobs to be generated through home business activity.

### Economic impacts of residential activities

As the final mix of apartments is yet to be determined, Elton's have used the City of Sydney's average occupancy rate of 1.67 persons per dwelling which provides that the 1,292 units proposed would accommodate some 2,100 residents.

Based on the characteristics of existing Chippendale residents identified in the 2006 Census, it is expected that the site will have a higher percentage of young residents and renters than the CBD average, reflecting the site's proximity to University of Sydney and UTS, and the current mix in the suburb.

The 2006 Census showed that residents in the area had higher individual incomes than the Sydney average, were generally younger, more likely to be single, lived in smaller households and were more likely to be renting.

The 2006 Census noted an average individual income in Chippendale of \$617 per week (averaging those employed and not employed), above the Sydney average of \$518 per week. With most residents (94%) likely to be of income-earning age (over 15), if this income level is projected across the estimated resident population then the income accruing to residents would be in the order of (in 2006 dollars) \$64 million per annum.

This estimate of total income for residents would be a major injection into the area's economy. The Dimasi report (undertaken for the approved Concept Plan) estimated that local retail spending of residents is likely to be \$11,300 per person, for a total addition to the area's retail economy of \$31.6 million. This is in addition to the \$54 million calculated earlier as the annual spend of people employed in businesses on the site.

These are significant sums and are bound to stimulate formation of a wide range of new businesses in the area.

## 6.13 Consultation

As mentioned in the background section of this report, Frasers have undertaken a significant level of consultation with key stakeholders during the preparation of the Concept Plan amendments. Elton Consulting have been facilitating all community / stakeholder consultation and have prepared a report on the outcomes of the consultation that has been undertaken to date (See **Appendix D**). The proposed modifications to the concept plan are generally in response to the issues and concerns raised by key stakeholders and the community and Frasers desire to improve the environmental performance of the site.

In addition to the consultation that has already been undertaken, Frasers are committed to ongoing consultations and engagement during the detailed design of each precinct within the site. This will be done through several methods including:

- Ongoing and regular dialogue with local and wider community using a planned and transparent methodology developed and implemented by Elton Consulting
- Dedicated Community Relations Officer to directly handle community concerns and liaise with community around pre-demolition, demolition and construction activities
- Ongoing information program:
  - Website
  - Newsletters
  - Email bulletins
  - One-on-one meetings
  - Regular verbal communications
  - Issues response process.
- Extensive consultation exercise with residents and City of Sydney on various aspects of the concept plan, particularly around the delivery of the public domain and community services
- Convene a stakeholder based consultative body such as a community liaison group.
- Formalising relationships with surrounding institutions including, UTS, Notre Dame, Sydney Institute of Technology, Student Unions, Central railway, possibly University of Sydney.

## 7.0 Environmental Factors

### 7.1 Daylight Access

For a consistent comparison of the solar access achieved by the modified proposal, the same methodology has been used as that initially developed by COX ATA in relation to the assessment of the approved Concept Plan. That being a minimum of 2 hours of solar access should be provided to apartments between the hours of 7.30am and 4.00pm on mid-winters day, instead of the commonly used hours of 9.00am and 3.00pm.

The reason for this varied assessment was supported by technical evidence which outlined that:

- The level of heat gain from solar access is unchanged whether you measure between the hours of 9am and 3pm or 7.30am and 4.00pm;
- Glazing complicates solar penetration at certain angles, light will not penetrate windows even though they have sunlight falling across them; and
- Sunlight is effective when the horizontal sun angle is greater than 22.5° to the plane of the window, and the vertical sun angle is greater than 5° and this coincides with the hours being 7.30am and 4.00pm.
- As per the approved concept plan, Heggies Pty Ltd were commissioned to review the proposal's compliance for daylight access to the proposed residential units (See **Appendix J**). Their assessment found that the proposal will achieve a minimum of 2 hours of sunlight during the winter solstice to 70.7% of the total number of units proposed. The approved Concept Plan achieves solar access to 70% of units during the winter solstice.

The proposed concept plan also complies with the recommendation of the Expert Panel recommendation that no block achieves less than 60% of the SEPP 65 requirements for sunlight. It is noted that Blocks 5 and 9 are to be assessed as a single Block in terms of daylight access and will be the subject of a single Project Application.

### 7.2 Shadow Analysis – Main Park & Public Plaza

Drawing A-1291 at **Appendix A** and the Sunlight Comparison study at **Appendix L** provide an assessment and comparison of the overshadowing of the main park under the approved and proposed concept plan scenarios on June 21 between the hours of 12 midday and 2pm.

**Appendix R** provides a comparison of the amount of area in sunlight within the main park at 2pm June 21 which is the time of the year when the least amount of sunlight is received. The analysis shows that the main park in approved concept plan had an area of 5,381m<sup>2</sup> and that approximately 1,434m<sup>2</sup> of that area is in sunlight during the worst case scenario i.e. 2pm on June 21.

The image for the proposed concept plan shows that the area of the park is increased to 6,328m<sup>2</sup> and that the area in sunlight is also increased to 1,456m<sup>2</sup>. **Table 13** provides a comparison for other critical times of the year. In order to ensure that the solar access is retained to that area of the main park, the following clause is proposed within the draft SEPP at **Appendix G**:

*“(5) Subject to subclause (6) and in addition to that permitted by clause 14, development is prohibited if it results in a building that causes overshadowing of land within the Zone RE1 Public Recreation zone between 12pm and 2pm between 14 April and 31 August in any year and reduces the area with sunlight in that zone during those times to an area less than 1,450 square metres.”*

It is noted that the calculations purely relate to the area which is to be dedicated to the Council as a public park and do not take into consideration the piazza which is being created that will also include a large proportion of area with solar access on June 21 and that did not previously exist in the approved Concept Plan.

**Table 13** – Comparison of solar access to park

Time of Year	Xm <sup>2</sup> with solar access under approved concept plan	Xm <sup>2</sup> with solar access under proposed concept plan	% Difference
March 21 – 12pm	4,880	5,590	+ 15 %
March 21 – 1pm	4,856	5,370	+ 11 %
March 21 – 2pm	4,498	4,627	+ 3 %
April 14 – 12pm	4,200	5,127	+ 34 %
April 14 – 1pm	4,102	4,794	+ 32 %
April 14 – 2pm	3,588	3,645	+ 19 %
June 21 – 12pm	2,631	3,174	+ 21 %
June 21 – 1pm	2,341	3,021	+ 29 %
June 21 – 2pm	1,434	1,456	+ 2 %

## 7.3 Solar Access Planes

Drawing A-1261 shows the proposed building heights in relation to the solar access plane which applies to the site. Of the building envelopes proposed, breaches will occur on Blocks 4, 8, 9 and 11. These breaches are discussed in detail below.

Also relevant to the sun access planes are the shadow studies prepared by Foster + Partners on Drawings A\_1292 through to A-1297. The shadow impacts have been peer reviewed by JM modelling (see **Appendix S**).

### Block 4

The proposed maximum building height for Block 4 is 79.5m (AHD). The purpose of the sun access plane applying to Block 4 is to ensure that the main park receives an adequate level of sunlight between the hours of 12 midday and 2pm.

The solar analysis on the park outlined in Section 7.2 was undertaken with the proposed building envelopes, including Block 4 to a height of 79.5m (AHD). The analysis shows, that despite the increased height of the building on Block 4 and the breach of the solar access plane, the amended concept plan will actually increase the amount of sunlight in the park during the critical period of the year (21 June).

### Block 8

The northern element of the proposed building envelope on Block 8 will breach the building height plane P1 which seeks to prevent overshadowing of the buildings on the southern side of O'Connor Street. As shown on the shadow diagrams (drawings A-1295 through to A-1297) the shadow from the part of the envelope which breaches the building height plane falls on the roof of the lower levels of the envelope and not outside of the site. The only exception to this is on June 21, when the buildings opposite are overshadowed by the lower levels in any case which comply with the solar access plane provision.

## Block 9

Block 9 as proposed in the approved concept plan aligned the eastern boundary of the main park. The proposed building envelope also occupied much of the block, with the exception of a setback from the south which was created due to the heritage constraints that the ovoid drain presented.

In response to the concerns of the DoP, Block 9 was amended so that the upper part of the building envelope between 25 metres and 60 metres was set back further from the park (approximately 18 metres from Chippen Lane frontage with a 3 metre articulation zone projecting forward of this).

Block 9 within the amended concept plan has been reduced to approximately half the size of the approved concept plan block and consequently the building footprint has also been reduced. The building envelope and block are also now physically separated from the main park by Block 5.

As such, the Department's concerns regarding the proposed height and setback of the built form are no longer relevant. What does need to be considered is whether or not the breach of the solar access plane in this location has any impact on a residential property surrounding the site.

Using the City of Sydney's assessment period of maintaining 2 hours of solar access to surrounding dwellings on March 21, it is noted that the Block 9 building envelope maintains more than 2 hours to those dwellings located on the eastern side of Kent Road and the dwellings located on the southern side of Wellington Street. It is also observed that due to the narrow form of the building envelope, the shadow cast by the building envelope on Block 9 is fast moving throughout the day.

## Block 11

The approved building envelope on Block 11 exceeded the solar access plan in an area where the additional overshadowing did not have any overshadowing impacts on residential dwellings or public open space.

The proposed building envelope on Block 11 continues to breach the building height plan however, as was the previous case, the shadow resulting largely falls on commercial properties and not residential properties or public open space.

The 3 residential properties located on the southern side of Wellington Street will continue to enjoy new solar access during the day on March 21 for a period of more than 2 hours, consistent with the City of Sydney Planning controls. These dwellings also benefit from the deletion of the southern most building on Block 11 and the creation of a new public open space directly in front of their properties.

## 7.4 Wind Impacts Study

A description of the existing wind conditions at the site was given in Section 20.4 of the *CUB Site Study and Environmental Assessment*. In order to ascertain the wind impacts of the proposed amendments on the local environment, Heggies Pty Ltd were commissioned to undertake a wind environment study of the amended Concept Plan (see **Appendix T**).

In respect of the three prevailing wind directions of interest in the Sydney Wind Climate – namely northeast (Summer), south (all-year-round) and west (winter) quadrant winds, Heggies have found that:

- Northeast winds occur primarily in summer months in Sydney and are generally mild in nature. In addition the street alignment in the vicinity of the Frasers Broadway Site does not favour augmentation of wind intensities due to channelling effects, i.e. canyon winds
- With the proposed Concept Plan Scheme development of the Frasers Broadway Site it is predicted that there will only be a marginal change to northeast wind conditions.
- Existing westerly wind conditions at various locations along Broadway already exceed the Sydney City Council (SCC) benchmark 16 m/sec walking comfort criterion. The highest winds occur when winds channelling along Broadway combine with the effects of downwash flow from taller developments along the roadway.

With the proposed Concept Plan Scheme development of the Frasers Broadway Site it is predicted that the magnitudes of westerly winds may increase slightly compared to those currently experienced as a result of the influence of increased building massing along the southern side of Broadway.

For winds approaching the site from the south there will be a general reduction in wind intensity along Broadway in particular at locations in the vicinity of the UTS tower following development of the proposed Fraser Concept Plan Scheme.

High wind velocities are likely to be experienced on an intermittent basis at localised ground level sites distributed throughout internal passageways within the proposed site. Higher winds at these locations are the result of complex flow combinations of channelling and funnelling between gaps, flows accelerating around building corners and previously described downwash effects.

Windbreak treatments at locations exceeding the SCC 16 m/sec walking comfort criterion will be investigated during the detailed design phase of the project. Such amelioration treatments will be refined utilizing more precise environmental wind tunnel test studies to accurately identify wind hot spots and quantify the impact of wind mitigation options. These would include judicious placement of street trees and other landscaping, the use of building set-backs of Building 2 and building treatments such as footpath awnings.

In comparison to the approved concept plan the following can be summarised:

- The magnitudes of westerly winds are slightly higher along Broadway as initially two buildings were proposed on Site 2 whereas now there is only one.
- The magnitude of westerly winds are slightly higher at the gaps along east/west aligned internal roadways.
- The magnitude of southerly winds are slightly higher between building 11B and the existing building to the east of building 11 B.

Heggies Pty Ltd believe that wind break treatments and landscaping will significantly improve the wind environments within the site. Wind break treatments will be investigated and refined using the developed Computational Fluid Dynamics (CFD) model for the site or during the detailed design phase using environmental wind tunnel test studies. Commitments to this effect are included at **Section 8**.

## 7.5 Noise

An assessment of noise and vibration effects relating to the modified proposal has also been undertaken by Heggies Pty Ltd. The assessment is included in **Appendix U**. The impact of surrounding potential sources of noise on the development considered include:

- Road traffic noise intrusion; and
- Rail noise and vibration impact.

The scope of the assessment includes the impact of existing noise on the amenity of the proposed residential areas, provides criteria for noise emission from the development and establishes sound insulation requirements between residential dwellings.

The key findings of the assessment do not vary to those outlined in the original concept plan assessment. Heggies Pty Ltd note that the modelling undertaken predicts that the park and public open space in the centre of the site will continue to achieve the ECRTN criteria. It is also noted that the site is outside of the 20 ANEF contour and as such specific protection against air craft noise will not be required. Nor will the site be affected by rail vibration as it is further than 60m from the Central Railway Line.

Future Project Applications will address the following:

- Mechanical noise emission criteria
- Use of improved glazing and the provision of air-conditioning and mechanical ventilation to those units located on facades predicted to exceed ECRTN criteria
- BCA and City of Sydney sound insulation requirements

A commitment to this effect is given at **Section 8**.

## 7.6 Access and Mobility

Access Associates Pty Ltd were commissioned to undertake a review of the revised proposal (**Appendix V**). The proposed amendments do not change their opinion, and they consider that the proposal has the potential to meet the access requirements listed in the previous detailed report titled "Strategy for the Provision of Access for People with a Disability, CUB, Kent Brewery Site on Broadway" and dated August 2006." In summary appropriate access for all persons is to be provided to all public areas throughout the site via a continuous accessible path of travel:

- From the adjacent locality via links from existing footpaths to proposed footpaths
- From public transport stops
- From onsite parking, including accessible parking spaces, accessible staff spaces in commercial and retail buildings and accessible residential spaces required to meet Adaptable Housing Standard AS4299 and the City of Sydney DCP

- To the proposed principal building entrances including residential, commercial and retail areas
- To all unique facilities including open space/park, any landscaped event areas and landscaped facilities
- To any proposed publicly accessible sanitary facilities.

## 7.7 Crime and Public Safety

Elton Consulting have undertaken a Crime Prevention Through Environmental Design (CPTED) review of the proposal (See **Appendix W**). In their assessment, Elton have considered the proposal in the context of the concerns that were raised by the community, NSW Police, DoP and the City of Sydney during the assessment of the original application.

Elton Consulting consider that the proposed development continues to embody the principles of CPTED as it:

- Maintains a legible and connected public domain which allows for the ability to see and to understand what is around and what is ahead, by the provision of clear sightlines. In particular it is noted that the street grid pattern is retained (now for pedestrian use) which provides wide straight thoroughfares at right angles to one another allowing for visual permeability.
- Eliminates and/or avoids confined and hidden areas (entrapment spots) which allow people to avoid entrapment, communicate, or find help when needed, through legible design.
- Allows people to be seen by others by reducing isolation, through provision of a mixture and intensity of land-uses and intelligent use of activity generators and active street frontages
- As the Concept Plan provides detail at a broad level, Elton Consulting recommend that the following should be considered during the preparation of future Project Applications:
  - Public Open Spaces
    - Encourage interaction and natural surveillance through the use of activity generators (eg retail shops, community facilities, playground etc)
    - Avoidance of entrapment spaces
    - Use of robust materials
  - Streets
    - Place activity generators at street intersections
    - Avoid use of blank walls
    - If fences are to be used they should be open style, unclimbable fences which allow for natural surveillance
    - Use traffic mitigation measures which slow traffic down in shared zones
  - Ownership
    - Consideration should be given to ownership and how spaces will be accessed and enforced (either by police or other regulation officers) if they are privately owned.
  - Surveillance
    - Technical surveillance should be integrated into the public domain

- Emergency Access
  - Consideration should be given to dedication of on street parking for emergency vehicles, locating emergency service boards in buildings adjacent to dedicated emergency vehicle parking; use of a universal emergency default key system for all buildings within the Frasers Broadway site.
- In order to ensure that future applications consider the above recommendations made by Eltons, the following commitments have been included in the revised statement of commitments:
- A Safety Management Strategy will be prepared and provide guidelines for the application of CPTED principles and Safer By Design best practice models
- Safety Management Plans will be submitted with each Project Application and will address issues relating to building design, parking design, vandal and graffiti proof finishes, lighting, conveniences location and other design considerations. The Safety Management Plans will also incorporate the performance criteria and compliance checklist addressing the guidelines outlined in the Department of Urban Affairs and Planning (now DoP) document "Crime Prevention and the Assessment of Development Applications under Section 79C of the Environmental Planning and Assessment Act 1979."
- The NSW Police will be consulted during the preparation of future Project Applications.

## 7.8 Contamination

A separate Project Application has been submitted by Frasers for remediation of the site. The application proposes the following remediation process:

- Excavation and off-site removal of all impacted fill materials.
- Excavation and on-site treatment of chlorinated hydrocarbon impacted natural soils and sandstone bedrock in the south eastern portion of the site, prior to onsite or off-site reuse or disposal. Approximately 12,000m<sup>3</sup> of soil is expected to be treated on site via bioremediation. Residual groundwater and seepage water in the excavation will be treated on site prior to reuse/discharge.
- Installation of an impermeable cutoff wall along Wellington Street (Option A), which incorporates a groundwater drain immediately upgradient to prevent the spread of contamination derived from the off-site source to (currently) clean/unimpacted areas. The groundwater drain shall also incorporate reactive media to effect a level of treatment prior to being transferred from the drain to the on-site wastewater treatment plant.
- Controlled collection system in any future basements in the south eastern part of the site to capture any residual seepage water which migrates via the underlying sandstone bedrock, to enable treatment of such water in the on-site wastewater treatment plant.
- Ongoing management via appropriate barriers/controls of contamination beneath/around heritage items or in places where intrusive remedial works are impractical due to access constraints (e.g. presence of services).
- The extent of all remediation works will be assessed by Validation sampling. Validation sampling will be required to demonstrate that remediation works have been undertaken to a sufficient extent. Where validation samples fail, additional remediation works will be undertaken.

The RAP has been audited by ENSR Australia Pty Ltd (HLA ENSR), an independent DECC accredited Site Auditor, and has been considered to be an appropriate method for site remediation.

The current Concept Plan Commitment in relation to site contamination states that *“A site audit statement(s) will be provided prior to final occupation certificate(s), certifying land suitable for the proposed purpose.”* This commitment has been included in the revised commitments in **Section 8** of this report. The Department can therefore be satisfied that the site will be made suitable for the approved uses on the site.

## 7.9 Environmental Risk Analysis

The only likely source of environmental risk identified in the approved Concept Plan was the decontamination of the site. An application has been submitted to the DoP for the remediation of the site, and as such it is considered that this issue has been sufficiently addressed.

In addition to the above, it is proposed that the following plans will be prepared for each stage of the development to reduce the potential for environmental harm:

- Construction Management Plans;
- Soil and Water Management Plans;
- Waste Management Plans; and
- Air Quality Management Plans

A commitment to this effect is given at **Section 8**.

## 8.0 Statement of Commitments and Voluntary Planning Agreements

### 8.1 Draft Voluntary Planning Agreement Redfern Waterloo – Affordable Housing Contribution

The Affordable Housing Planning Agreement (AHPA), between the Redfern-Waterloo Authority and the landowner (dated 31 January 2007 accepted by Deed Poll dated 29 June 2007), outlines how contributions towards affordable housing will be calculated for the Frasers Broadway site. It is proposed to vary the AHPA by an agreement to be entered into between the Redfern-Waterloo Authority and Frasers Broadway Pty Limited.

#### 8.1.1 A calculated and agreed lump sum payment

##### Lump Sum Payment

It is proposed to amend or delete certain definitions in the AHPA (such as, in clause 1.1, the definitions of “Agreed Percentage” and “Proposed Project Cost”) and insert a new clause 5 and new definitions and tables regarding the agreement of a monetary lump sum payment, to be paid in instalments by the landowner, for the Affordable Housing Contribution.

The monetary Affordable Housing Contribution will be based on the Gross Floor Area approved by the Concept Plan as follows:

Gross Floor Area (square metres)	Affordable Housing Contribution to RWA (\$dollars)
230,000	29,300,000
240,000	30,300,000
250,000	31,300,000
260,000	32,300,000

If the Gross Floor Area is between any of the figures in this table, the amount of the Affordable Housing Contribution will be calculated proportionately – for example, if the Gross Floor Area achieved is 257,000 square metres, the amount of the Affordable Housing Contribution will be \$32,000,000 (being an increment of \$100,000 for every 1,000 square metres above 250,000 square metres).

##### Payment via instalments

It is proposed to pay the monetary Affordable Housing Contribution in instalments as follows:

30 June 2009 – \$6,000,000

30 June 2010 – \$6,000,000

30 June 2011 – \$6,000,000

30 June 2012 – \$6,000,000

30 June 2013 – \$ the balance remaining (depending on the amount of Gross Floor Area approved by the DoP).

The purpose of this proposed mechanism is to assist the Redfern-Waterloo Authority in its future plans for development and to provide certainty to the landowner.

## Obligations on making the payments

It is proposed to include the following obligations on the landowner in terms of creating a binding obligation to pay the monetary Affordable Housing Contribution to the Redfern-Waterloo Authority:

- (a) the date on which an instalment of the monetary Affordable Housing Contribution is due is an essential term of the AHPA;
- (b) daily penalty interest of 2% above the 180 day Bank Bill Rate current at the time will apply between the date on which an instalment is required to be paid and the actual payment date;
- (c) development on the site is to cease if an instalment is not paid by the due date; and
- (d) the landowner is not to oppose any action taken by the Redfern-Waterloo Authority, the Minister or any other person to enforce payment of an instalment or to require development on the site to cease if an instalment is not paid by the due date.

It is proposed to amend the AHPA by including these provisions and, as necessary, changing any ancillary wording in the AHPA arising out of the proposed amendments.

### 8.1.2 Payment arrangements in lieu of Bank Guarantee

It is proposed that the payment arrangements and obligations on the landowner as outlined in point 8.1.1 are sufficiently clear and definitive so as to remove the obligation on the landowner to pay a bond, bank guarantee, mortgage or other form of valuable security to the Redfern-Waterloo Authority.

### 8.1.3 Further incidental amendments to the AHPA

As a result of the requested clarifications and amendments listed in points 8.1.1 – 8.1.3 above, there may be other minor incidental amendments to the AHPA of a drafting nature as indicated in the deed of variation. In addition, Schedule 1 of the AHPA (which describes the “Project”), may need updating and clause 6 regarding the determination of the “Proposed Project Cost” which now becomes irrelevant, may be deleted.

## 8.2 Voluntary Planning Agreement – Minister for Planning

The Voluntary Planning Agreement (VPA) between The Minister for Planning and the Land Owner dated 9 February 2007 outlines at Schedule 3 the contributions that the Land Owner must pay, make or provide. As a result of the proposed updates to the master plan, certain amendments will be required to the VPA which are outlined as follows:

### 8.2.1 Design Excellence

The Land Owner and the Department of Planning, the City of Sydney, community representatives and other stakeholders have been in discussions over the last few months regarding the construction and implementation of a robust process to achieve design excellence in the architecture that is developed on the site.

As a result of those discussions the Land Owner commits to the following processes on the site. The following is the list of architects agreed with the Department of Planning to be appointed for each of the nominated blocks on the site.

- Block 1 and 4a – Foster and Associates in conjunction with Peddle Thorpe & Walker
- Block 2 – Atelier Jean Nouvel in conjunction with Johnson Pilton Walker
- Blocks 5a & 5b – Johnson Pilton Walker
- Block 4b (Brewery Yard) – Tzannes Associates
- Blocks 3a, 3b, 3c, 6, 7 & 10 (Kensington Street Precinct) – Tonkin Zulaika Greer
- Block 9 – Architect yet to be nominated but the appointment is subject to the approval of the Department of Planning

For the above Blocks the Department of Planning will appoint a Design Integrity Panel (DIP) to oversee the development of each of the appointed architects' proposals. The DIP will meet with the appointed architects for those blocks and precincts on a number of occasions whilst the schemes are being developed and then progressively through the design development and documentation phases of the projects to ensure the architects design intent is carried through to construction.

For these Blocks 8 & 11 three (3) Australian architectural firms will be appointed to each prepare a scheme in accordance with a design brief prepared by the Land Owner. The Land Owner will review the schemes presented and will select the most suitable to be developed as a Project Application for the site. As part of the Project Application all schemes submitted to the Land Owner will be summarised and presented to the Department of Planning along with a report outlining the reason for the selection of that scheme and architect. The proposed approach is similar to that outlined as a competitive design alternative process in the Central Sydney DCP, Section 12 - Design Excellence and Competitive Processes.

### 8.2.2 Schedule 3 to the VPA

The changes proposed to the schedule are described in **Table 14** below. The revised Public Domain Plan (Drawing A-1254) is included at **Appendix A** and referred to as the "revised Concept Plan" in this section. Note that references to "dedication" include "transfer of ownership and control".

**Table 14 – Proposed amendments to the Minister for Planning VPA**

Reference	Contribution	Proposed Amendment
<b>Table 1 of Schedule 3</b>		
1.	Main Park demolition, drainage and remediation	Amend to reflect enlarged park area with a notation that the park area may or may not be limited in stratum (with the area beneath the park being in private ownership which may or may not contain the stormwater retention and detention system and related water treatment plant).  The park also contains the heritage drain which will be required to be protected. This may impact on the soil levels in the main park.  Sites 1, 2 and 14 in the Public Domain Plan – are shown as sites 1, 2 and 14 in the revised Concept Plan.
2.	Embellishment of Main Park	Amend to reflect enlarged park area
3.	Dedication of Main Park that is part of Developer’s Land	Amend to reflect enlarged park area with a notation that “dedication” includes a transfer of ownership and control, to the City of Sydney.
4.	Road and Pedestrian Contribution Works	No change
5.	Balfour Street Park embellishment	No change.  Site 15 in the Public Domain Plan – is shown as Site 15 in the revised Concept Plan.
6.	Community Facilities Contribution Amount	No Change. As an alternative, the land owner may construct works in kind of up to \$2.5 million, on site in a location and manner to be determined in conjunction with the City of Sydney.

**Clause 2(b) of Schedule 3 of the VPA**

Clause 2(b)(i)	Timing of the delivery and the provision of security	It is appropriate to confirm that the “relevant” Development Consent or Project Approval is one that is in connection with the erection of buildings or public domain works and not for works of a minor nature such as the erection of a retaining wall during remediation works.
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**Table 2 of Schedule 3**

1.	Embellishment of other parks	Amend to reflect revised park areas.  Irving Street Park – Site 3 in the Public Domain Plan is shown as site 3 in the revised Concept Plan.  O’Connor Street Park – Site 4 in the Public Domain Plan is shown as site 4 in the revised Concept Plan.  Wellington Street Park - Site 5 in the Public Domain Plan is shown as site 5 in the revised Concept Plan.
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Reference	Contribution	Proposed Amendment
1.	Embellishment of other parks continued...	These areas, being sites 3, 4 and 5 in the revised Concept Plan, may be privately owned however will be made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreations, and, possibly, a form of "publicly accessible areas management plan". It is not proposed to transfer ownership in title of these areas to the City of Sydney.
2.	Other Embellishment and dedication	<p>Amend to reflect revised areas.</p> <p>Site 7 (Brewery Yard) and Site 8 (Brewery site forecourt) in the Public Domain Plan are shown as sites 7 and 8 in the revised Concept Plan.</p> <p>We confirm these areas will be privately owned and will be made available as publicly accessible areas but such access may be regulated via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan".</p> <p>Site 11 in the Public Domain Plan is shown as Site 11 in the revised Concept Plan. This area is owned by the City of Sydney and will be embellished as required.</p> <p>Site 12 is shown as site 12 in the revised Concept Plan. This area will be remediated and embellished as required and may be titled in stratum (being limited in height) before the transfer of the ownership and control of the area to the City of Sydney takes place.</p> <p>Site 9 and Site 10 in the Public Domain Plan are now PA-L-1 through to PA-L-10 and are now publicly accessible throughways being shown as sites 10, 16, 17, 18, 19 and 20 in the revised Concept Plan. These provide more pedestrian throughways than the Public Domain Plan originally contemplated. These areas will be privately owned publicly accessible areas with access being regulated via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan".</p>
3.	Childcare Facility	No Change

Reference	Contribution	Proposed Amendment
4.	Roads and Footpaths	<p>Amend to reflect revised road layout and new intersection location on Abercrombie Street.</p> <p>There will be 2 main types of roads – the public street reservation coloured grey on the revised Concept Plan, and the publicly accessible roads coloured light grey. The revised Concept Plan shows which internal roads are to be publicly accessible, but privately owned, with controls or without conditions. The governance of these roads will be under an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of “publicly accessible areas management plan”.</p> <p>It must also be acknowledged that some road works and remediation works are unable to be carried out to those roads containing certain identified service lines.</p>

It is noted that no changes are proposed in relation to the contribution amounts payable or the timing of delivery of the contributions.

### 8.2.3 Schedule 5 to the VPA

It is noted that no changes are proposed in relation to the contribution amounts payable or the timing of delivery of the contributions. However we submit it must be equitable to amend the relevant dates in the indexation formula (at Table 1 of Schedule 5) so that “D” in the formula is the “most recent BPI published before the date of the Deed of Variation to the VPA” (that is, the date of the Deed of Variation to the VPA will be treated as the Commencement Date). In addition, it would provide certainty to both parties if there was both a collar and a cap of a 3.5% variance to the contribution amount.

In the alternative, a mechanism may be implemented by the agreement between the parties to peg a lump sum payment based on an agreed estimate of project cost.

## 8.3 Owners Consent Deed – City of Sydney

An owner’s consent deed was entered into between The City of Sydney and the Land Owner on 19 January 2007. There are some minor consequential changes required to this deed that will arise out of the changes to the VPA and the AHPA.

## 8.4 Draft Statement of Commitments

Table 15 below outlines the Commitments that have been made by the applicant.

Table 15 – Revised Statement of Commitments

Subject	Commitments	Timing
<p><b>Design Excellence</b></p>	<ol style="list-style-type: none"> <li>1. The Land Owner and the Department of Planning, the City of Sydney, community representatives and other stakeholders have been in discussions over the last few months regarding the construction and implementation of a robust process to achieve design excellence in the architecture that is developed on the site. As a result of those discussions the Land Owner commits to the following processes on the site</li> <li>2. The following is the list of architects agreed with the Department of Planning to be appointed for each of the nominated blocks on the site.                             <ul style="list-style-type: none"> <li>■ Block 1 and 4a - Foster and Associates in conjunction with Peddle Thorpe &amp; Walker</li> <li>Block 2 - Atelier Jean Nouvel in conjunction with Johnson Pilton Walker</li> <li>■ Blocks 5a &amp; 5b - Johnson Pilton Walker</li> <li>■ Block 4b (Brewery Yard) - Tzannes Associates</li> <li>■ Blocks 3a, 3b, 3c, 6, 7 &amp; 10 (Kensington Street Precinct) - Tonkin Zulaika Greer</li> <li>■ Block 9 – Architect yet to be nominated but the appointment is subject to the approval of the Department of Planning</li> </ul> </li> <li>3. For the above Blocks the Department of Planning will appoint a Design Integrity Panel (DIP) to oversee the development of each of the appointed architects’ proposals. The DIP will meet with the appointed architects for those blocks and precincts on a number of occasions whilst the schemes are being developed and then progressively through the design development and documentation phases of the projects to ensure the architects design intent is carried through to construction.</li> <li>4. The following is the agreed process to be adopted by the Land Owner for Blocks 8 &amp; 11 on the site</li> <li>5. For these blocks three (3) Australian architectural firms will be appointed to each prepare a scheme in accordance with a design brief prepared by the Land Owner. The Land Owner will review the schemes presented and will select the most suitable to be developed as a Project Application for the site. As part of the Project Application all schemes submitted to the Land Owner will be summarised and presented to the Department of Planning along with a report</li> </ol>	<p>Throughout the duration of the project development phase.</p>

Subject	Commitments	Timing
<b>Public Open Space</b>	<p><b>Main Public Park</b></p> <p>6. Sites 1, 2 and 14. The land owner will provide a public park of approximately 6328 sq.m. comprising Sites 1, 2 and 14 (Site 14 owned by Council with an area of 519 sq.m.) as shown on the Public Domain Plan drawing A-1254.</p> <p>7. The land will be remediated (if required) to achieve the issue of a Site Audit Statement and will be constructed and embellished at a cost of not less than \$560.00 per sq.m, The cost of construction and embellishment includes all internal and external cost for surface works including approvals, certification, design, documentation, supervision and construction. It does not include remediation, levelling or subsurface infrastructure. In the event that the City Council as the owner of land identified as Site 14 declines to grant owners consent then this area will be excluded and there shall be no obligation to carry out any works to that land.</p> <p>8. Land comprising Sites 1 and 2 will be subdivided into separate parcels in sufficient time to ensure that the ownership and control of the land as public open space to the City of Sydney can occur upon practical completion of the works.</p>	<p>The park will be completed and the ownership and control will be transferred to the City of Sydney, at a time as set out in the Voluntary Planning Agreement.</p> <p>The Land Owner must use all reasonable endeavours to ensure that, by no later than 31 December 2010, the Land Owner has completed the Main Park Works and opened that park to the public for use, primarily as passive open space.</p>
	<p><b>Balfour Street Park</b></p> <p>9. Site 15. Subject to the City Council providing owners consent, the area indicated on the Public Domain Plan A-1254 as Site 15 will be remediated (if required), constructed and embellished as a public park at no cost to the City of Sydney Council to a value not less than \$560.00 per sq.m., indexed. This amount excludes the cost of any remediation.</p>	<p>The park will be completed at a time as set out in the draft Voluntary Planning Agreement.</p>
	<p><b>Connecting Parks (Sites 3 and 4 on the Public Domain drawing A-1254)</b></p> <p>10. <b>Site 3 (Irving Park)</b> will be landscaped as part of the development of Block 8. The land will be embellished to a standard not exceeding the standard required for the Main Park (being at a cost of not less than \$560.00 per sq.m). This area will be privately owned and made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan". Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area.</p>	<p>Detailed design for this public open space will be submitted with the project application for the development of Block 8.</p>
	<p>11. <b>Site 4. O'Connor Park</b> will be landscaped as part of the development of Block 9. This area will be privately owned and made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan"</p>	<p>Detailed design for this public open space will be submitted with the project application for the development of Block 9.</p>

Subject	Commitments	Timing
<p><b>Public Open Space continued...</b></p>	<p>12. <b>Site 5 Wellington Street Park.</b> A park will be designed and constructed within Block 11, located adjacent to Wellington Street generally in accordance with the Public Domain Plan A-1254. This park will be constructed and embellished to a value not less than \$560.00 per sq.m. This area will be privately owned and made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan". Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area.</p>	<p>Detailed design for this public open space will be submitted as part of the project application for Block 11.</p>
	<p>13. <b>Sites 7 and 8. Brewery Yard and Brewery Forecourt.</b> As part of the development of Block 4 a privately owned but publicly accessible square shall be provided generally in accordance with Sites 7 and 8 shown on the Public Domain Plan A- 1254. Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for these areas.</p>	<p>Details of the design of the Brewery Square will be submitted with the Project Application for Block 4.</p>
<p><b>Landscaping</b></p>	<p>14. <b>Sites 1, 2, 14 and 15.</b> The design process for the public open space in sites 1,2,14 and 15 will incorporate a community &amp; stakeholder process. The City of Sydney is a key stakeholder where it is the owner of land to be embellished or has agreed to accept ownership and control of embellished land. The final designs will be subject to a final CPTED review, to be undertaken to future owner's satisfaction prior to lodgement.</p>	<p>The land will be remediated and embellished to practical completion such that it is capable of being used as public open space and the ownership and control transferred to the relevant entity, prior to an occupation certificate being issued for any new building within the Block.</p>
<p><b>Community Benefits</b></p>	<p><b>Pedestrian Crossings</b></p> <p>15. Subject to the approval of the RTA and any other public authorities, the landowner will provide signalised pedestrian crossings of City Rd at Myrtle Street to Victoria Park and at Regent Street to facilitate access to Price Alfred Park.</p>	<p>These pedestrian crossings will be constructed at a time as set out in the draft Voluntary Planning Agreement.</p>
<p><b>Community Facility Payment</b></p>	<p>16. The landowner will make a payment of \$2.5 million, indexed, towards the provision of, or upgrade to, a community centre or other similar community facility in the suburb of Chippendale. Alternately, the land owner will construct works in kind or provide premises, up to \$2.5million, on site, in a location and manner to be determined, in conjunction with the City of Sydney.</p>	<p>The payment will be made at a time as set out in the draft Voluntary Planning Agreement.</p>

Subject	Commitments	Timing
<b>Affordable Housing</b>	<p>17. The land owner entered into a Voluntary Planning Agreement with the Redfern Waterloo Authority in June 2007. This agreement required the land owner to provide a contribution to be paid to the RWA. The landowner has proposed several amendments to the VPA . These amendments are aimed at providing the land owner and the RWA with greater certainty as regards the amount of the payment, providing exemption for costs incurred in and the timing of the payment</p> <p>18. In the event that a condition is imposed upon a Project Approval requiring the payment of an affordable housing contribution outside the terms of the Planning Agreement then such contribution will be reimbursed to the person required to make the payment.</p>	<p>Payment of contribution will be made upon the issue of the relevant Occupation Certificate.</p>
<b>Community Engagement</b>	<p>19. Community Consultation will be undertaken in accordance with statutory requirements and in accordance with the Community Action Plan prepared by Elton Consulting.</p>	<p>Throughout the redevelopment of the Frasers Broadway site on a regular basis and as required.</p>
<b>Heritage</b>	<p>20. Landowner will ensure that any project applications or other applications will have regard to the Heritage Council endorsed Conservation Management Plan, prepared by Noel Bell Ridley Smith and Partners with Executive Report and Heritage Impact Statements by Godden Mackay Logan and the Expert Advisory Panels Report released on the 30 August 2006.</p> <p>21. Any proposal involving the adaptive re-use of a heritage building will be in accordance with the recommendations of a suitably qualified heritage architect.</p>	<p>To be addresses by the proponent at the Project Application Stage.</p> <p>To be addresses by the proponent at the relevant Project Application Stage.</p>
<b>Archaeology</b>	<p>22. Any impacts on items or places of archaeological significance will be managed under the relevant legislation and the Archaeological Assessment and Research Design Report prepared by Golden MacKay Logan. If any archaeological relics are discovered during construction, the proponent will cease work on that part of the site and the Heritage Council will be notified in accordance with section 146 of the Heritage Act. If required by the Heritage Council, the remains will be recorded by a suitable qualified archaeologist prior to the recommencement of works.</p>	<p>To be addresses by the proponent at the Project Application Stage</p>
<b>Land Use Integration</b>	<p>23. The land owner will promote development of the site in a manner that encourages a vibrant mixed use community that integrates with the City and the community of Chippendale by providing, through an amendment to the SEPP (Major Projects) 2005, a land use mix that will ensure the minimum proportion of both commercial or residential development within the site will be 30%.</p>	<p>Addressed as part of the relevant Project Applications.</p>

Subject	Commitments	Timing
<b>Environmentally Sustainable Development</b>	<b>Residential</b> 24. Residential development will need to meet the BASIX energy consumption benchmark with an aim of achieving a 5 star Green Star rating.	Addressed as part of the relevant Project Applications.
	<b>Commercial</b> 25. Commercial development will be capable of achieving the following targets: <ul style="list-style-type: none"> <li>■ Buildings should achieve a 6 star Green Star Rating if supported by infrastructure</li> <li>■ Buildings should achieve 5 star Green Star rating if not supported by infrastructure.</li> </ul>	Addressed as part of the relevant Project Applications.
	<b>Retail</b> 26. Retail development should achieve a minimum 5 star Green Star Shopping Centre rating	Addressed as part of the relevant Project Applications.
	<b>Urban Development</b> 27. All refrigerants and insulation should be specified to have an ODP of zero. 28. Any external lighting should not be directed beyond the site boundary or upwards without falling on a surface with a clear purpose of illuminating that surface.	Addressed as part of the relevant Project Applications.
<b>Crime Prevention through Environmental Design (CPTED)</b>	29. A Safety Management Strategy will be prepared and provide guidelines for the application of CPTED principles and Safer by Design best practice models. 30. Safety Management Plans will be submitted with each project application which address issues relating to building design and parking structures design, vandal proof finishes and graffiti proof finishes, lighting, conveniences location and other design considerations. The Safety Management Plans will also incorporate the performance criteria and compliance checklist addressing the guidelines outlined in the Department of Urban Affairs and Planning (now the Department of Planning DoP) Crime Prevention and the Assessment of Development Applications Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979.) 31. The NSW Police will be consulted throughout the CPTED assessments of all applications for the CUB site.	Addressed as part of each Project Applications.
<b>Water Sensitive Urban Design</b>	<b>Stormwater Quantity Management (Detention and Retention System)</b> 32. The design, construction, harvested detention and storage and reuse system will be in accordance with "Managing Urban Stormwater, Harvesting and Reuse DEC April 2006" and water quality standards for the system will be at levels stipulated in table 6.4 of the document.	Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first precinct.

Subject	Commitments	Timing
<p><b>Water Sensitive Urban Design continued...</b></p>	<p><b>Detention</b></p> <p>33. Detention volume is advised by Sydney Water of 20m<sup>3</sup> for every 1,000m<sup>2</sup> of development site area. Formal approval of Sydney Water to the final design proposal and management of the detention system and connection into the Sydney Water mains will be obtained. Additional detention storage shall be considered to provide for flows currently detained in street sag depression areas within the site area. These areas shall be preserved or catered for in the proposed public domain areas.</p>	<p>Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first precinct.</p>
	<p><b>Retention</b></p> <p>34. The opportunity to harvest stormwater will be considered during project development. Retention tanks on discrete development sites may be considered and these shall be incorporated into building design to retain rainwater collected from building roofs. Underground stormwater retention storage tanks shall also be considered in the public domain to collect from the public domain open space and road system. The need for these shall be considered in an integrated way with the provision of other water management systems (eg recycled water from an external source, recycled water generated from sewer mining etc.)</p>	<p>Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first precinct.</p>
	<p><b>Stormwater Quality Objectives</b></p> <p>35. Consideration will be given to whether the level of treatment as defined by both the NSW Department of Environment and Conservation and the National Engineers WSUD manual – <i>Australian Runoff Quality</i> - are suitable for the Frasers Broadway site. The level of treatment shall be considered and agreed with the relevant government stakeholders.</p> <p>36. Further investigation will be undertaken to establish the need for and level of water quality for the site as part of project development. Investigation, discussion and negotiation with relevant government stakeholders will be undertaken to define agreed performance targets for the site recognising the geographic, topographic setting and the need for practical, achievable water quality measures that are acceptable to the management authority.</p>	<p>Addressed as part of the relevant Project Applications.</p>
	<p><b>Public Domain Measures</b></p> <p>37. Management measures to control quality of stormwater runoff from public domain areas will be developed with a view to meeting the agreed set of objectives in a practical and economic way.</p>	<p>Addressed as part of the relevant Project Applications.</p>

Subject	Commitments	Timing
<p><b>Water Sensitive Urban Design continued...</b></p>	<p><b>Private Site Measures</b></p> <p>38. Management measures to control the quality of stormwater runoff from each private development site will be investigated with a view to meeting the agreed set of objectives that are practical, economic and manageable.</p>	<p>Addressed as part of the relevant Project Applications.</p>
	<p><b>Water Conservation Targets</b></p> <p>39. A public domain objective shall be to provide Eighty percent (80%) of the irrigation demand of the public open space from on-site collection from stormwater harvesting and/or from recycled water obtained by other measures (recycled water reticulation from offsite – eg SWC reticulated recycled water; sewer mining)</p>	<p>Addressed as part of the relevant Project Applications.</p>
<p><b>Public Art</b></p>	<p><b>Public Art Strategy</b></p> <p>40. A public art strategy for the whole site will be prepared by a public art consultant with reference to the City of Sydney Public Art Policy and Public Art Developer Guidelines and may form part of the Heritage Interpretive Strategy.</p> <p>41. A Public Art Plan shall be prepared by a public art consultant having regard to the Public Art Strategy.</p> <p>42. The Public Art Strategy and any subsequent Public Art Plan will have consideration of the Salvage Survey prepared by Godden Mackay Logan.</p>	<p>The strategy will be submitted with the first project application for construction of the public domain or building.</p>
<p><b>Child Care Facilities</b></p>	<p>43. Child Care will be provided at the current rate consistent with the City of Sydney Child Care DCP.</p>	<p>The issue will be addressed in each Project Application involving new building(s)</p>
<p><b>Transport and Traffic</b></p>	<p><b>The Public Domain</b>  <b>Abercrombie Street Footpath dedication (Site 12 Public Domain Plan A-1254 )</b></p> <p>44. The area adjacent to Abercrombie Street as generally shown on the Public Domain Plan as Site 12 will be remediated, if required, embellished and the ownership and control will be transferred to the City of Sydney as an additional footpath area.</p>	<p>Details of the design will be submitted with the project application for Block 4 and the works executed as part of that stage. The ownership and control of Site 12 will be transferred to the City of Sydney upon practical completion and prior to the issue of the final occupation certificate for any buildings fronting Site 12. Site 12 will be limited in height and created in stratum before the ownership and control is transferred to the City of Sydney.</p>

Subject	Commitments	Timing
<p><b>Transport and Traffic continued...</b></p>	<p><b>Abercrombie Street Footpath embellishment (Site 11 – Public Domain Plan A-1254)</b></p> <p>45. The adjoining land owner will embellish the area shown on the Public Domain Plan as Site 11 as an enhanced footpath and landscaped strip subject to the consent of Sydney City Council as owner of that land.</p>	<p>Details of the design will be submitted with the project applications for the respective Blocks 4 and 8 and the works executed as part of that stage. The works will be completed prior to the issue of the final occupation certificate for any buildings fronting Site 11.</p>
	<p><b>Wellington Street Footpath dedication ( Site 6 – Public Domain Plan A-1254)</b></p> <p>46. A new footpath shall be constructed and the ownership and control of that land will be transferred to the City of Sydney as Public Road in Wellington Street generally in accordance with the Public Domain Plan A-1254</p>	<p>Details of the design will be submitted with the project application for Block 11 and works executed as part of that stage.</p>
	<p><b>Privately owned, publicly accessible throughways</b></p> <p>47. Privately owned, publicly accessible throughways will be constructed, as indicated as Sites, 10, 16, 17, 18, 19 and 20 on the Public Domain Plan A-254. Upon completion of construction, a covenant that ensures public accessibility will be registered for these areas.</p>	<p>Details of the design of these throughways will be submitted with the project application for the respective blocks.</p>
	<p><b>Public Roads</b></p> <p>48. The Land Owner will remediate (if necessary) and construct and transfer the ownership of control to the City of Sydney, as public roads , including kerb, guttering, pavement treatment, light, power, and other utilities, planting and street furniture those roads identified by the colour (dark) grey on the Public Domain Plan A-1254. If the City of Sydney agrees to accept the ownership and control of the roads, provision will be made for :</p> <ul style="list-style-type: none"> <li>▪ City approval of design prior to construction;</li> <li>▪ City approval of completed works; and</li> <li>▪ The City to have the benefit of reasonable warranties and security following completion.</li> </ul>	<p>These roads will be constructed and ownership and control will be progressively transferred as identified in subsequent project applications.</p> <p>There will be 2 main types of roads:</p> <ul style="list-style-type: none"> <li>▪ public street reservation coloured dark grey on the revised Concept Plan; and</li> <li>▪ publicly accessible and privately owned roads coloured light grey on the revised Concept Plan.</li> </ul>
	<p><b>Publicly Owned ( in stratum) Shared Zones</b></p> <p>49. See point 48 above. These are now publicly accessible throughways being Sites 10, 16, 17, 18, 19 and 20 on the Public Domain Plan A-1254.</p>	



Subject	Commitments	Timing
<p><b>Infrastructure and Services continued...</b></p>	<p><b>Sewer</b></p> <p>55. All works on public mains will be undertaken in accordance with Sydney Water requirements and with the approval of Sydney Water to all works on public mains. This will include</p> <ul style="list-style-type: none"> <li>▪ Maintenance of existing through site flows from upstream</li> <li>▪ Installation and connection of a new gravity public sewer system to the existing system where required through the development site to manage design flows from the proposed developments</li> <li>▪ The upgrade existing mains where required to provide for the increase flows from the development</li> <li>▪ Relocation of existing reticulation across the site where required to provide for the proposed development</li> <li>▪ Handover ownership of the public mains system to Sydney Water on completion</li> <li>▪ Remove all sewer connections into the existing stormwater drainage system(A Sydney Water requirement provided in the "Notice of Requirements"). This relates specifically to the Toothy Brewery Branch which was a combined stormwater/sewer.</li> </ul>	
	<p><b>Combined Potable and Fire Water Supply System</b></p> <p>56. A combined potable water reticulation system and fire main is proposed to service the buildings and public domain areas developed on the site. The main will be designed in accordance with the requirements of Sydney Water. This main shall be handed over to Sydney Water on completion. The following will be considered:</p> <ul style="list-style-type: none"> <li>▪ managing and maintaining the existing cross site water mains through the site</li> <li>▪ providing an extension to the existing water main system where required through the development site to supply the proposed building developments and to provide for fire fighting requirements.</li> <li>▪ upgrading existing mains where required to provide for the increased flows required by the development</li> <li>▪ relocating existing reticulation across the site where required to provide for the proposed development</li> </ul>	

Subject	Commitments	Timing
<b>Infrastructure and Services continued...</b>	<b>Recycled Water Supply</b> <b>Public Domain</b> 57. A separate water reticulation main will be considered to reticulate recycled water throughout the public domain to assist with public domain irrigation and to service private development sites if this is in the agreed management plan. The source of recycled water will be determined during project development. <b>Private Sites</b> 58. A separate mains connection will be considered at all private sites to provide for the connection to a public recycled watermain if this is proposed as part of the water management plan for the site.	Addressed as part of relevant Project Applications.
	<b>Electricity</b> 59. All overhead power through the site will be removed and replaced with underground cabling.	Addressed as part of relevant Project Applications.
	<b>Waste</b> 60. A Waste Management Plan will be prepared prior to construction. The Waste Management Plan will set a target of at least 80% (by weight) recycling or reuse of waste materials.	Addressed as part of relevant Project Applications.
<b>Noise</b>	61. Future Project Applications will address the following noise recommendations: 1) Mechanical noise criteria established by Heggies Australia Pty Ltd 2) Use of improved acoustic glazing and the provision of air-conditioning and mechanical ventilation to those units located on facades predicted to exceed ECRTN criteria 3) BCA and City of Sydney sound insulation requirements.	Addressed as part of relevant Project Applications.
<b>Wind</b>	62. Wind treatments at locations exceeding the 16m/sec walking comfort criterion will be investigated during the detailed design phase of each project application. Amelioration treatments will be refined using more precise environmental wind tunnel test studies to accurately identify wind hot spots and quantify the impact of wind mitigation options.	Addressed as part of relevant Project Applications.
<b>Construction Management</b>	63. The following Management Plans will be prepared prior to any project application that proposes works: 1) Construction Management Plan 2) Soil and Water Management Plan 3) Waste Management Plan 4) Air Quality Management Plan	Addressed as part of relevant Project Applications.

Subject	Commitments	Timing
<p><b>Staging</b></p>	<p>64. The following criteria are will be used to guide the orderly staging of the development of the site:</p> <ol style="list-style-type: none"> <li>1) Consideration shall be given to the timing of delivery of public benefits, specifically the requirements of Schedule 4 and Schedule 5 of the Voluntary Planning Agreement with the Minister for Planning.</li> <li>2) Consideration shall be given to the requirements for remediation of contaminated soil and/or groundwater, particularly in relation to the timing for delivery of public benefits.</li> <li>3) The first block to be developed should have a frontage to either Broadway, or Abercrombie Street or Wellington Street. The exceptions to this criterion are the blocks east of Kensington Street and north of Outram Street that can be commenced at any time.</li> <li>4) The street network shall be operational to the extent required to provide adequate access to a block under construction and access on completed streets to any block for which an occupation certificate has been issued. This may involve temporary roundabouts and changes in direction etc.</li> <li>5) Consideration shall be given to the provision of services infrastructure to each block. Storm water drainage is required to ensure that all areas of the site are adequately drained at all times.</li> <li>6) Consideration shall be given to pedestrian access through the site and access to the main park upon its completion.</li> <li>7) Stages may be aggregated.</li> <li>8) Stages may proceed concurrently.</li> </ol>	<p>Throughout the development of the Frasers Broadway Site</p>
<p><b>Site Contamination</b></p>	<p>65. A site audit statement(s) will be provided, certifying land suitable for the proposed purpose.</p>	<p>Prior to the issuing of final occupation certificate(s)</p>

Subject	Commitments	Timing
<p><b>Planning Agreements</b></p>	<p>66. The landowner proposes to enter into three modified agreements; one with the Redfern Waterloo Authority (RWA) regarding the provision of a contribution towards affordable housing, one with the Minister for Planning to deliver the public benefits outlined in this report and the third with the City of Sydney outlining Owners Consent.</p>	
	<p><b>Indexing</b></p> <p>67. Where this Statement of Commitments makes provision for dollar amounts these amounts are to be indexed from the date of approval of the Concept Plan being the increase in the Building Price Index published by the NSW Department of Commerce, or such other index as replaces it, applied as a multiplier where the numerator is the number last published and the denominator is the number published at the date of approval of the Concept Plan.</p>	
<p><b>Landowners Consent</b></p>	<p>68. No work will be undertaken on any public land unless owners consent is provided to the Concept Plan application and subsequent project applications.</p>	

## 9.0 Conclusion

The Frasers Broadway site, by virtue of its size and access to infrastructure, presents a rare and a significant opportunity to create a new mixed use precinct in the southern CBD.

The proposed amendments to the concept plan are the result of a commitment by Frasers Broadway Pty Ltd to deliver a high quality development on the Frasers Broadway site. The proposed amendments are generally consistent with the approved concept plan but will ensure that a superior and more sustainable outcome will be achieved.

By way of demonstration as to how strong the commitment is to deliver such a development, several internationally and locally renowned and respected architects have been commissioned to design buildings on the site. The ideas and thoughts of those architects, the local community and relevant stakeholders have been considered during the review of the approved concept plan and many suggestions have been incorporated into the amendments that are now proposed.

The amendments proposed to the approved building envelopes will deliver a better transition between the higher density development on Broadway and the lower scale of Chippendale. This will particularly be the case along Wellington Street where a commercial building has been deleted and replaced with open space.

The proposed envelopes also provide more useable and viable floor plates which will help encourage commercial development down the southern end of the CBD thereby revitalising the area.

The proposed amendments to the concept plan enable Frasers to strive to be an example of sustainable development on a precinct scale. The sustainability strategy will be implemented which includes the initiatives of the use of tri-generation and water treatment infrastructure and the commitment of Frasers to achieve a minimum 5 star Green Star rating for all new buildings with a target to attain 6 star ratings for new buildings.

The proposal will deliver a greater amount of public domain area for the new and existing communities. The quality and amenity of the public domain will be enhanced due to the greater solar access available and the variety of spaces proposed. The public domain will still remain accessible to the existing Chippendale community.

The reduction of on-site vehicle movements will also see improved pedestrian safety and cycle priority as well as improve the amenity of the public domain areas.

This Environmental Assessment Report has demonstrated that despite the proposed amendments, the concept plan will remain consistent with the relevant provisions of the State Plan, the Sydney Metropolitan Strategy and the State Environmental Planning Policies applying to the site.

In light of these planning merits, and on balance it is recommended that the project be approved in accordance with the submitted plans (**Appendix A**) and Statement of Commitments.