

Preferred Project Report Modification to Concept Plan

Frasers Broadway (Formerly CUB Site)

Submitted to
Department of Planning
On Behalf of Frasers Broadway Pty Ltd

October 2008 ■ 08084

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This report has been prepared by: Jennie Masson

Signature  Date 21/10/08

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Statement of Validity

Prepared under Part 3A of the Environmental Planning and Assessment Act, 1979
(as amended)

Environmental Assessment prepared by

Name	Jennie Masson
Qualifications	BPlan (Hons)
Address	Level 7, 77 Berry Street, North Sydney
In respect of	Preferred Project Report

Modified Concept Plan

Applicant name	Frasers Broadway Pty Ltd
Applicant address	Level 11, 488 Kent Street, Sydney
Land to be developed	26 Broadway, Chippendale

Environmental Assessment

An Environmental Assessment (EA) is attached

Certificate

I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:

- It is in accordance with the Environmental Planning and Assessment Act and Regulation.
- It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature

Name

Jennie Masson

Date

21 October 2008

1.0 Introduction

An Environmental Assessment Report (EAR) for a modification to the approved Concept Plan (ref: MP06_0171) relating to the land formerly known as “the CUB” site (now known as Frasers Broadway) was publicly exhibited between 30 July and 1 September 2008. In response to the public exhibition, the Department of Planning has advised that it has received 92 submissions. In a letter dated 30 September 2008, the Department of Planning requested that Frasers Broadway address a number of key issues arising from the submissions and the Department’s assessment.

The proponent, Frasers Broadway Pty Ltd and its specialist consultant team have reviewed and considered the Department’s comments and considered all the submissions and, in accordance with clause 75H(6) of the *Environmental Planning and Assessment Act 1979*, this Preferred Project Report (PPR) sets out Frasers Broadway’s response to the issues raised and outlines a number of revisions to the Concept Plan modification for which development approval is now sought.

Specifically, this PPR includes the following:

- Revised Concept Plans for approval (**Appendix A**);
- Response to the issues raised in the Department’s letter of 30 September 2008 and advice regarding consequential changes to the modified concept plan for which the Minister’s approval is now sought;
- Response to issues raised in submissions to the public exhibition of the Concept Plan modification (**Appendix B**).

2.0 Issues Raised by the Department of Planning and Revisions to the Concept Plan Modification

The following section provides a response to the issues raised by the Department of Planning in its letter dated 30 September 2008 (**Appendix B**).

2.1 Built Form and Use

A number of revisions have been made to the built form and use within Blocks on the site in response to comments made by the Department of Planning. The changes from the Modification application as submitted and exhibited are outlined in the following sections. The Department issues are shown in *italics*.

2.1.1 Blocks 1 + 4a

Building Mass

"The massing along Abercrombie Street should be addressed in the context of the surrounding area. This may involve addressing height, bulk, scale and setbacks of the building in this location."

The Building envelope for Blocks 1 + 4a has been revised by Foster + Partners. The revised envelope steps down in height from the corner of Broadway and Abercrombie Streets towards the south, providing a greater transition in building height from Broadway to Chippendale. The overall building envelope has also been broken up to now read as three main building elements connected by linking bridges at the mid to upper levels. Cross sections showing the revised built form of Blocks 1 + 4 are in Plans A-1400 and A-1403 in **Appendix A**. A preliminary elevation showing the building height transition along Abercrombie Street is shown in **Figure 1** below. **Figure 2** shows the proposed massing of Blocks 1 and 4.

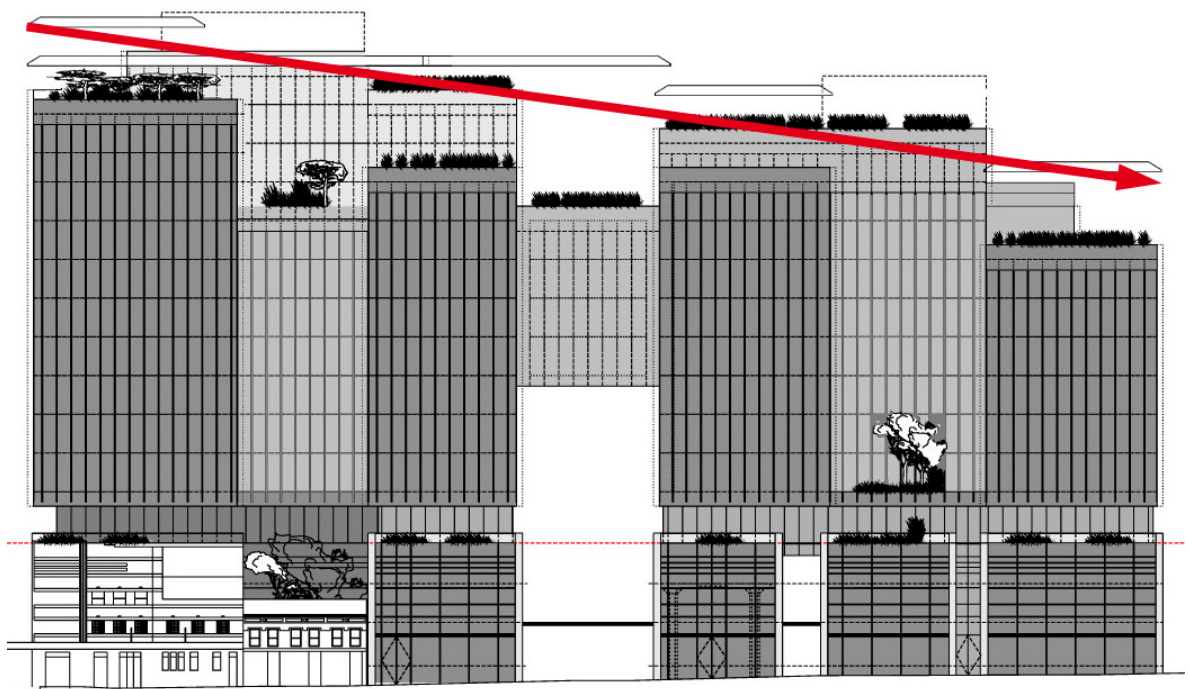


Figure 1 – Block 4a Building Height Transition – Abercrombie Street Elevation

Source: Foster + Partners



Figure 2 – Photo of the Frasers Broadway model showing the massing of Blocks 1 and 4

Source: Foster + Partners

Overall, floorspace in Blocks 1 + 4 (including the Brewery Yard) has reduced from 84,800m² in the exhibited modification to 77,000m² in the revised proposal.

The proposed changes to Blocks 1 + 4 improve the solar access to surrounding residential properties when compared with the exhibited modification. This issue is addressed in more detail in **Section 2** below.

Pedestrian and Visual linkages

“The pedestrian link to Abercrombie Street from Carlton Street should be amended to improve permeability and vistas between the Brewery Yard / Chimney Stack and the adjoining heritage items (Blackfriars / St Benedict’s Presbytery Church).”

The publicly accessible throughways through Blocks 1 + 4 have been widened and increased in height to improve visual and pedestrian connectivity between Abercrombie Street, Broadway and the interior of the site, in particular views and access to and from the heritage Brewery Yard. Revised view perspectives compared with the submitted modification are shown at **Figures 3 to 8**.



Figure 3 – View Tooth Lane eastwards as submitted



Figure 4 – View Tooth Lane eastwards revised design



Figure 5 – View Tooth Lane westwards as submitted



Figure 6 – View Tooth Lane westwards - revised design



Figure 7 – View Carlton Street northwards as submitted

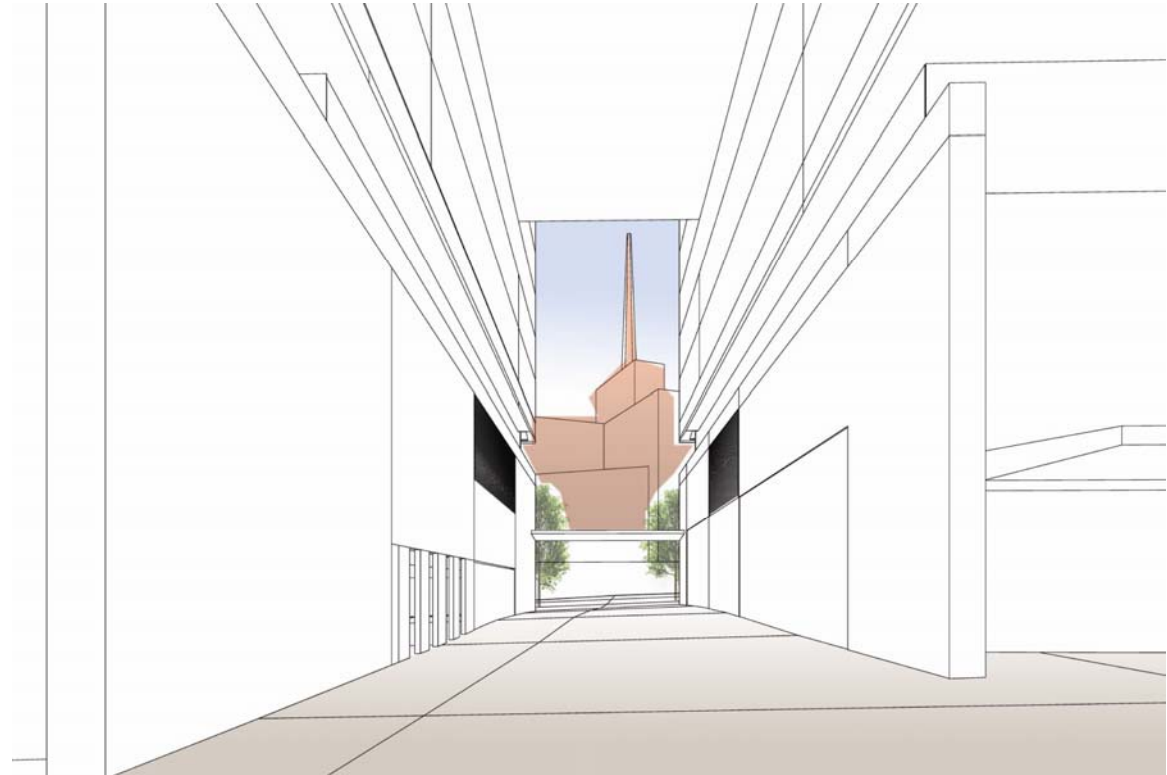


Figure 8 – View Carlton Street northwards – revised design

2.1.2 Block 2a - Green Plates

“The project building elements/elevated terraces over Carlton Road [We have assumed the DoP is referring to Tooth Avenue which is immediately south of Block 2 and not Carlton Lane] at the rear (south) of Block 2 detracts from the through views and permeability between Kent Road to Abercrombie Street over this part of the site. These elements should be reconsidered.”

The “Green Plates” are an important element in the overall design and function of the site. The plates form a series of landscaped platforms that provide a direct pedestrian link from the public domain over Tooth Lane and up to the podium of Building 2. As shown in **Figures 4** and **9**, the platform over Tooth Lane will be the equivalent of three storeys above the carriage way. The plate will also contain openings above the street to allow light penetration to the area below, further opening up the area visually.

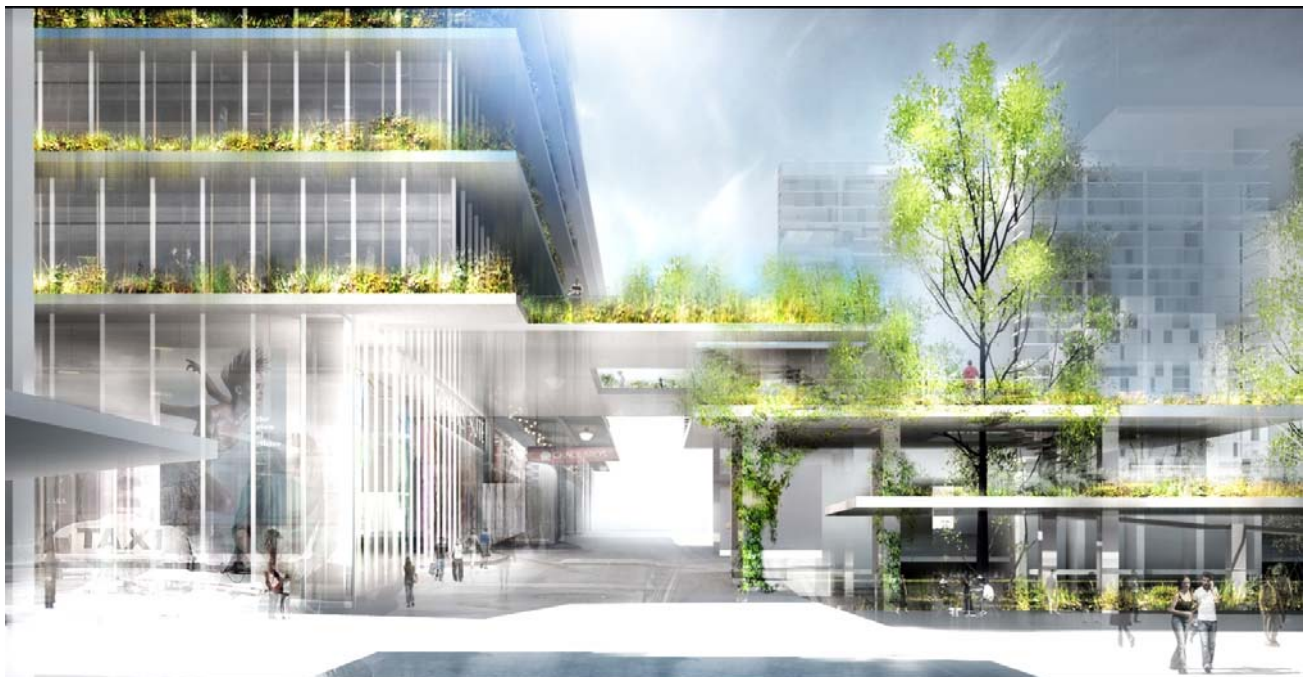


Figure 9 – Artist Impression of Block 2a Plates looking east along Tooth Avenue.

“The below grade plaza area and cantilevered platforms within Block 2A may create a barrier to permeability from the public park to Broadway. This area should be reconsidered to improve public permeability, safety and amenity.”

Pedestrian movement through the site is shown in Plan A-1256 in **Appendix A**. In terms of permeability through the site from the public park area to Broadway, this is available via a number of routes including Balfour Street, Tooth Lane and a pedestrian way linking the public park directly to Kent Rd and Kensington Street. The cantilevered platforms and below grade plaza area (Block 2a) is surrounded by pedestrian routes. It should be noted that the current concept plan approval proposes a building in this location. The current plan opens this area up as a publicly accessible area and therefore improves permeability.

In addition to the above it is noted that this application seeks consent for a ‘concept’ only and that further design refinement and detail will occur and be presented as part of the preparation of a more detailed project application.

2.1.3 Block 2

It is now proposed that the commercial use proposed for the west tower of Block 2 be replaced with serviced apartments / residential uses. The east tower will remain residential, as will the proposed retail uses on the lower levels. The change of use from commercial to serviced apartments / residential will enable floor to ceiling heights to be reduced and permit two additional levels within the building envelope proposed in the exhibited modification. The total floorspace in Block 2 will increase to 68,000m² with a proposed maximum residential component of 55,000m².

Notwithstanding the proposed change in use from commercial to residential in the western tower, it is not proposed to change the number of car parking spaces. This is consistent with Fraser's commitment to limit the amount of parking spaces on the site and also the Central Sydney planning controls which seek to reduce the amount of parking provided in close proximity to public transport.

2.1.4 Block 3

There have been no changes to the proposed building envelopes or land use mix within Block 3.

2.1.5 Block 5

Additional residential floorspace (2,000m² over 2 full floors) has been added to Block 5b. The building height increases from +71.5m (AHD) to +77.9m (AHD) however there will be no additional off site overshadowing impacts. There are no changes to Block 5a.

2.1.6 Block 6

The height, bulk and scale of Block 6 should be reduced to better relate to the pattern of existing bulk/scale of heritage buildings in Kensington Street.

The height and scale of Block 6 is considered to be consistent with the surrounding built form context. Similar or higher building forms adjoin the site to the west across Kensington Street (Block 3) and to the rear on Dwyer Street. Notwithstanding this, the rear of the Block 6 building has been amended to step back from the existing 2 storey dwellings in Goold Street to maintain the height plane from the rear of the dwellings to the existing structures on the site. A cross section showing the relationship of the proposed Block 6 envelope with properties at the rear on Goold Street is shown in **Figures 10 and 11**.

The overall floorspace in Block 6 will remain at 2,550m², however it is now proposed that up to 1,200m² of residential floor space be permitted within the Block.

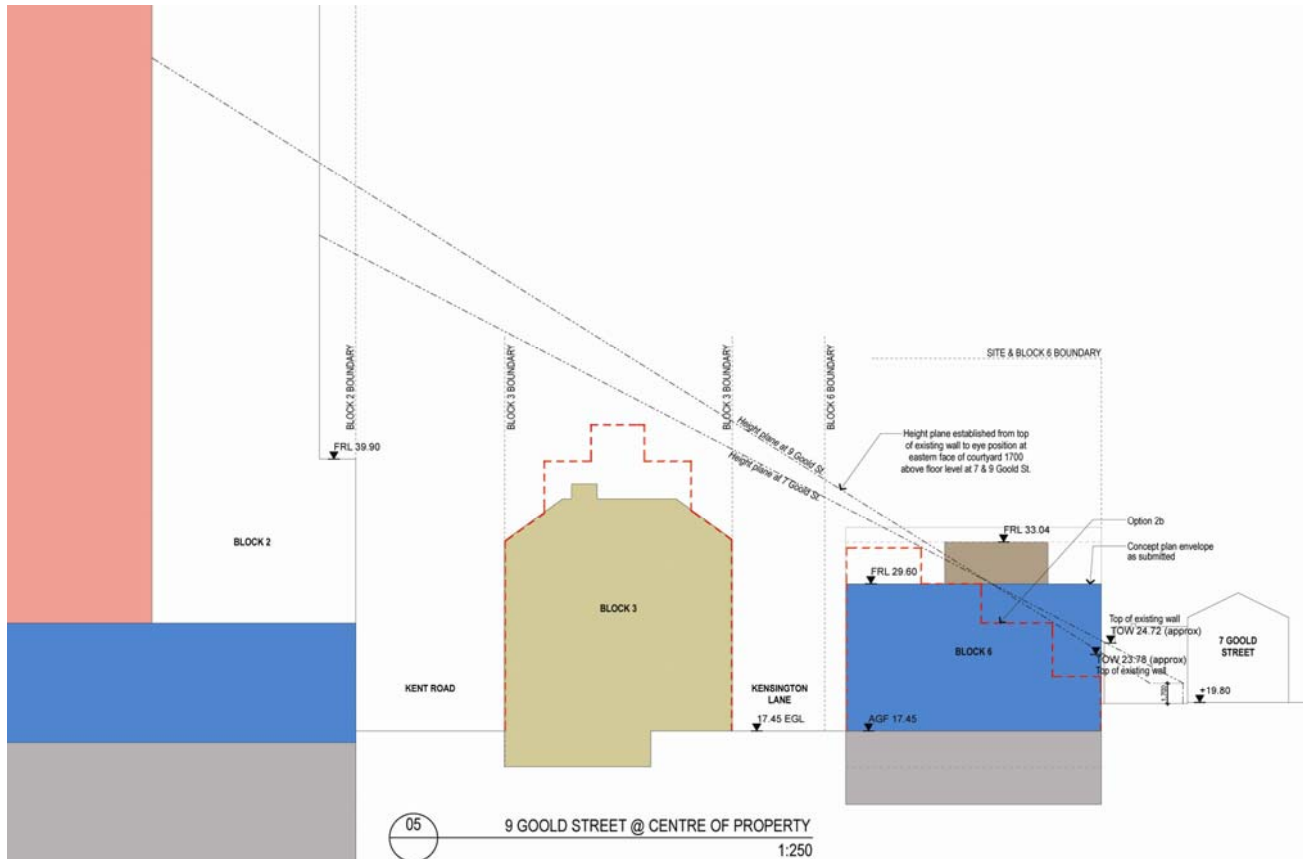


Figure 10 – Block 6 Revisions – Cross Section



Figure 11 – Block 6 – Setback from rear of Goold Street properties

2.1.7 Block 8

The building envelope of Block 8 has been revised to set back from Abercrombie Street at the higher levels. Additional floorspace has also been incorporated into the building envelope at the higher levels with the effect of stepping the building down in height from north to south. The additional floorspace (2,148m²) is within the height plane. The revisions to the envelope in Block 8 continue the height transition established in Block 4a and improves solar access to surrounding properties. The revisions to Block 8 result in an additional 500m² of residential floorspace.

2.1.8 Block 9

The building height increases from +104.0m (AHD) to +109.10m (AHD). No additional GFA is being sought, rather the additional height is being proposed so as to provide opportunities for improving the residential amenity during the design development of the building.

2.1.9 Block 10

There have been no changes to the proposed building envelope or land use mix within Block 10.

2.1.10 Block 11

In Block 11, the building envelope has been reconfigured to include a break in the building for solar access to residential dwellings located on the opposite side of Wellington Street. The building footprint of the main building envelope on the block has been extended south towards Wellington Street. This building extension will be a height of +32.0m (AHD) and will be within the sun access plane. An additional 1000m² will be accommodated in this location. Notwithstanding this extension to the building envelope, Wellington Park will still remain larger than that of the approved concept plan.

2.2 Revised GFA and Building Heights

As a result of the above revisions to building form and use, the distribution of GFA across the site has changed from that proposed in the exhibited Concept Plan modification. The overall revised total GFA for the site is 255,500m². This is a reduction of 1,500m² from the exhibited modification and represents an increase of 20,500m² from the total GFA in the approved Concept Plan.

The revised GFA distribution and use across the site expressed on a block by block basis is shown in **Table 1** below. The proposed mix of uses across the site is now approximately 60% residential and 40% commercial, whereas previously it had been 52% residential and 48% commercial in the exhibited modification. This change in land use ratio in the revised scheme is now consistent with the originally approved CUB Concept Plan

Table 1 – Proposed GFA Distribution

Block	Commercial Use	Residential Use	Total GFA
1 + 4	77,000		77,000
2	13,000	55,000	68,000
3	2,500	8,000	10,500
5	2,000	25,000	27,000
6	550	2,000	2,550
7	1,250		1,250
8	1,000	13,500	14,500
9		27,000	27,000
10	700	1,000	1,700
11	2,200	23,800	26,000
Total	100,200	155,300	255,500

Table 2 below, provides a comparison of total GFA on a block by block basis between the approved Concept Plan and the modified Concept Plan as now proposed. The revised proposal seeks a total GFA across the site of 255,500m² which is a reduction of 1,500m² from the submitted and exhibited modification.

In terms of building height, **Table 3** below outlines the revised maximum building heights on a block by block basis.

Table 2 – GFA Distribution Comparison with Approved Concept Plan

Block	Approved GFA	Proposed GFA	Difference
1 + 4	66,910	77,000	+ 10,090
2	45,094	68,000	+ 22,906
3	9,953	10,500	+ 547
5	43,973	27,000	-16,973
6	1,892	2,550	+ 658
7	787	1,250	+ 463
8	12,352	14,500	+ 2,148
9	22,053	27,000	+ 4,947
10	2,998	1,700	-1298
11	28,908	26,000	-2908
Total	235,000	255,500	+ 20,500

Table 3 – Proposed Maximum Building Heights

Block	Proposed Max Height (AHD)
1 + 4 (Excl Brewery)	+ 79.5m
4b (Brewery)	+ 46.6m
2	+ 133.0m
3	+ 45.6m
5	+ 81.9m
6	+ 38.85m
7	+ 29.6m
8	+ 57.5m
9	+ 109.10m
10	+ 39.5m
11	+ 58.8m
Overall Max	+ 133.0m

2.3 Additional Elevations / Sections

“A full set of scaled (minimum A3 size) elevations and section plans of the approval (including height plane) overlaid by the proposed modification (using colour differentiation).”

Plans a-1420 to A1425 in **Appendix A** show elevations comparing the approved Concept Plan elevations with the revised elevations as proposed in this PPR.

Plan A-2010 shows a 3-D representation of the changes to massing on the site. **Figures 12 and 13** below show the proposed massing (green) and approved (red) for the site when viewed from the north-east and south-west.

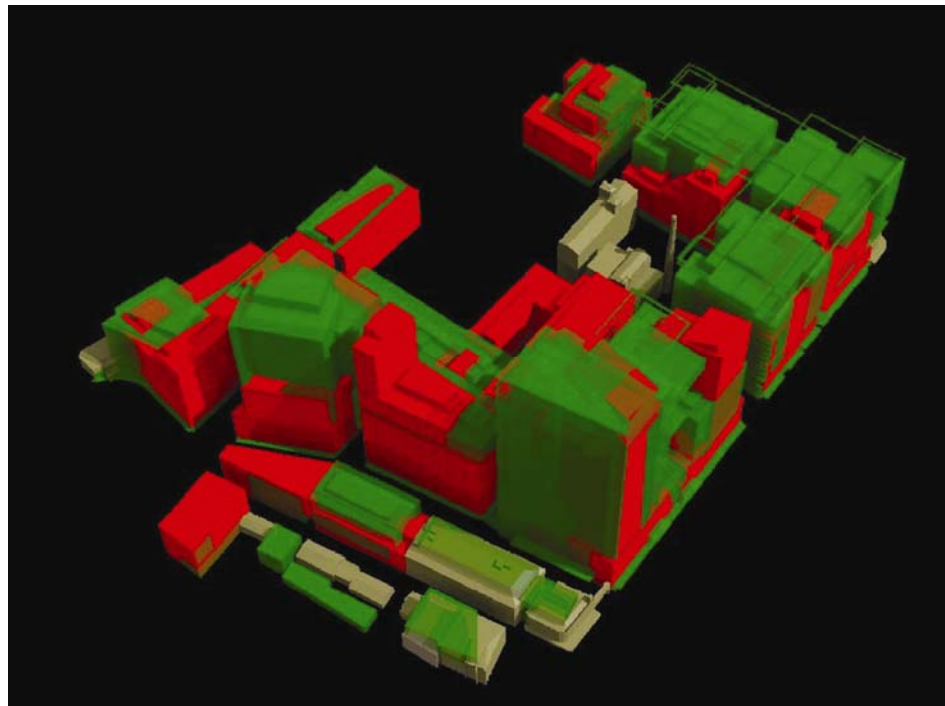


Figure 12 – Proposed (green) and approved (red) massing on the site viewed from north east.

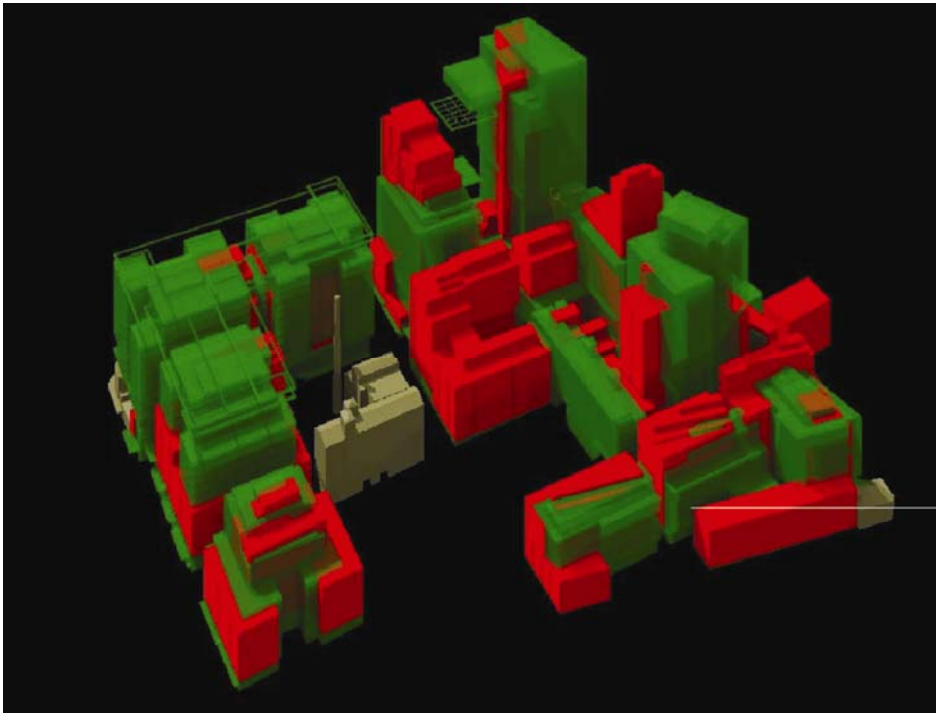


Figure 13 - Proposed (green) and approved (red) massing on the site viewed from south-west

“An amended block plan indicating increase and decrease in floor space / heights compared with that approved on a block by block basis across the site.”

A block plan showing the difference between the proposed and approved heights and GFA on a block by block basis is included at **Appendix C**.

2.4 Overshadowing

Off-site Overshadowing

Additional overshadowing diagrams that clearly indicate the extent of any additional loss or gain of solar access to surrounding residential properties/public open spaces on an hourly basis from 9am to 3pm mid winter and equinox compared to the existing approved development”

As mentioned in Section 2.1 above, several changes have been made to the proposed building envelopes, particularly along Abercrombie Street and Wellington Street, so as to improve the off-site overshadowing impacts. Revised shadow diagrams and sun views showing the results of the proposed amendments are included at **Appendix D**.

It is noted that the residential dwellings on Abercrombie Street all receive 2 hours or more on March 21 and that the proposal is therefore consistent with the solar access requirements of the Central Sydney DCP. Furthermore, the changes also result in increased solar access on June 21 such that the majority of properties receive solar access from 10.30 onwards. None of the residential properties are affected by the proposed development after 11.30am on June 21.

Further to the above, the reintroduction of the ‘slot’ into the building envelope on Block 11 results in additional sunlight (similar to that of the approved concept plan) to those residential properties located on the southern side of Wellington Street.

The shadow diagrams also show that there are significant improvements to the amount of solar access that is provided to public open space on the site, particularly on June 21 between the hours of 12pm and 2pm.

“The specific shadow arising from breaches with the sun access planes are to be indicated on these plans”

For purposes of readability, separate shadow diagrams have been prepared to show the specific overshadowing impacts of those buildings which breach the solar access plane (**Appendix D**). The diagrams show that the proposed breaches do not result in any unacceptable overshadowing impacts on a residential property or public open space.

2.5 SEPP 65

2.5.1 Solar Access compliance

“Details of solar access for the residential component of the modified development (overall percentage and block by block between 9am and 3pm) midwinter is required to ascertain the extent of solar access to residential apartments compared with the existing approved development.

Any residential development no compliant with SEPP 65 solar access requirements should demonstrate how energy efficiency is addressed”

A revised daylight report has been prepared by Heggies Pty Ltd (**Appendix E**) which outlines the level of solar access achieved overall and on a block by block basis between the hours of 9am and 3pm. **Table 4** below provides a comparison of the levels of solar access achieved to the approved and proposed concept plan. The table shows that the modified concept plan will achieve a greater level of compliance with SEPP 65 than that of the approved concept plan.

Table 4 – Solar Access comparison

Block	Approved Concept Plan 7.30am – 4.30pm	Approved Concept Plan 9am – 3pm	Modified Concept Plan 7.30am – 4.30pm	Modified Concept Plan 9am – 3pm
Block 2	90%	72%	81.4%	74.5%
Block 3B	-	-	100%	100%
Block 4	71%	57%	-	-
Block 5A	16%	12%	36.1%	28.3%
Block 5B	84%	57%	57.6%	46.3%
Block 8	58%	55%	52.6%	50.9%
Block 9	56%	54%	84.2%	75.8%
Block 11A	95%	95%	55.0%	45.6%
Block 11B	53%	41%	86.1%	80.6%
Average	70%	57.5%	70.7%	63.8%

As submitted in the original concept plan it is noted that there are many aspects to residential amenity that need to be considered in the overall assessment of the application. It is noted that the apartments proposed as part of this development will achieve a high level of amenity due to the following aspects:

- Size and layout of apartments;
- Outlook across the park and views towards the retained heritage items on the site;
- Close proximity to major public transport infrastructure;
- Close proximity to shops and other local facilities; and
- Access to a large park and other leisure and entertainment uses.

The information submitted with the original concept plan (included at **Appendix F** for convenience) also demonstrated that there are sound reasons to support the consideration of a broader time period when considering solar access to a residential apartment.

These arguments were considered by the previous assessing officer who concluded the following:

“It is worth recalling that solar access is a component of residential amenity and that other components, particularly views and other internal comfort factors, suggest that the proposed Concept Plan will achieve better than average residential amenity for future occupants. In this context, solar access does not provide sufficient grounds to refuse the development and is considered adequate, noting development within the Sydney CBD can provide less solar access than the current proposal.”

With regard to the energy efficiency of the apartments it is noted that energy and water sustainability features on the site are being planned on a whole of site basis. The introduction of a tri-generation plant and black water treatment plant will ensure that the supply of water and energy to the apartments will be significantly more sustainable than many other apartment buildings currently being constructed in Australia.

Further to the above it is noted that Fraser's are seeking to go beyond the minimum compliance requirements outlined in BASIX (refer to the sustainability report at Appendix K of the EAR). The detailed design of the apartment buildings will be provided in subsequent project applications. SEPP 65 statements will accompany these applications which will demonstrate the high level of amenity and sustainability that will be achieved on the site.

2.6 Carparking and Vehicular Access

2.6.1 Management of On-site Parking Spaces

“Further details on the proposed centralised car parking scheme, including residential parking allocation and further management to ensure it is not used as a ‘commercial car park’.

In order to alleviate the DoP's concerns regarding the operation of the combined basements the following management structures have been proposed. A revised commitment to this effect has been included to provide further certainty on this issue:

Residential Car Parking Spaces

The parking spaces for the residential aspects of the development will be provided in accordance with the maximum parking ratios outlined in the Central Sydney LEP and included in the draft SEPP amendment at Appendix G of EAR.

However, rather than providing the spaces individually with each apartment it is proposed that the parking spaces will be retained in common ownership by the body corporate of the respective block the entitlement is vested. The body corporate will only be able to lease the spaces to those people residing in the building and will not be able to allocate more than the following number of spaces to each apartment type:

- 1 bedroom / studios – 1 parking space
- 2 bedroom units – 1 parking space
- 3 + bedroom units – 2 parking spaces

The benefits of retaining the parking spaces in common ownership are:

- Those who don't require a car space allocated to their unit will not be able to lease the space to a commuter; and
- Should enforcement be required, the relevant authority need only deal with the Body Corporate rather than individual occupants.

Commercial Parking Spaces

As per the residential spaces, it is proposed that the number of commercial parking spaces provided on the site will be in accordance with the maximum parking ratios outlined in the Central Sydney LEP and in the draft SEPP amendment for the site.

The commercial spaces will be owned by the owner(s) of the relevant commercial building and will be subject to a carpark management system which will allow for the spaces to be used outside of office hours for patrons visiting the restaurants and other facilities on the site. As the application is only at concept plan stage, the operational details have not yet been fully resolved. It is therefore proposed that the following commitment will be made to ensure that the concerns about its use as commercial car park during the day:

Commitment: A car park plan of management will be submitted with every project application proposing construction of a car parking area. The plan of management will detail measures that will be implemented to ensure that the commercial spaces do not operate as a commercial (long stay) public car park between the hours 6am and 5pm (i.e. the short stay parking provisions applied in the Central Sydney Controls which discourage commuter parking will be applied).

The benefit of retaining the car park in common ownership is that it can be used for dual purposes of commercial tenant parking during the day and public car parking at night. This will reduce pressure on existing on-street parking in the areas surrounding the site, particularly at night when it is expected that patrons of restaurants and retail tenancies will visit the site.

2.6.2 Vehicular Access into Block 1

The revised concept plan drawings at **Appendix A** show the revised vehicular entrance into Block 1 and also the introduction of a two way system along Carlton Street and Tooth Avenue. These changes have resulted following discussions with the City of Sydney.

In addition to the above changes a new vehicular entrance has been introduced into Block 5. A letter regarding the potential impacts of these road and vehicular entrance changes has been prepared by Masson Wilson Twiney and is included at **Appendix G**.

2.7 Sustainability

2.7.1 Location of Blackwater Treatment Plant

In order to increase the amount of deep soil planting within the main park, the proposed black water treatment plant has been relocated to the basement on Block 5. The revised layout of the basements on the site is shown on drawing A-1269_08.

2.8 Crime Prevention through Environmental Design

“The issues arising from the size of the car parks and cantilevered platforms in Block 2A on safety of users has not been addressed in the Preliminary CPTED report. Information including adequate measures for public safety is required.”

The CPTED report submitted with the concept plan modification (Appendix W of the EAR) is an overarching document which outlines what principles relating to public safety and crime will be applied during the detailed design of the site. The report outlines that Safety Management Plans will be submitted with each Project Application which will address issues related to building design, car park design and operation, surveillance (natural and electronic), public safety, etc. The Safety Management Plan which will be submitted with the project application for Block 2 will address the detailed safety aspects of the proposed green plates and also the operation of the car park below.

In addition to the above, the report notes that the NSW Police will be consulted during the preparation of future project applications.

Commitments 29 through to 31 reflect the above intention and should satisfy the DoP's concerns in relation to this issue.

2.9 Staging

In response to the current market climate and also the revised staging of the remediation works on the site, a revised staging plan has been prepared and included with the concept plan drawings. The proposed changes will not impact on Fraser's commitment to deliver the main park as one of the first stages of the redevelopment of the site. A Preliminary Environmental Assessment for a Project Application proposing construction of the main park has been submitted to the Department of Planning for assessment.

2.10 Revised SEPP Controls

As the massing of the buildings on the site has been amended it is necessary to amend some of the SEPP maps which were submitted with the original application. These have been included at **Appendix A**.

In response to public submissions and at the request of the DoP, the zoning map has also been amended to reflect the different types of public open space proposed on the site.

Draft amendments to the wording of the SEPP have also been prepared and are included at **Appendix H**.

3.0 Conclusion

This PPR has been submitted in response to the issues raised by the DoP and in public submissions. It includes the following changes:

- Minor reconfiguration of building envelopes and floor space (particularly along Abercrombie Street);
- Reduction in floor space by 1,500m²;
- Adjustment of connecting bridges on Blocks 1, 2 and 4; and
- Reconfiguration of some vehicular entrances (Blocks 1 and 5) and introduction of a two-way street around the Main Park and Brewery Yard.

The PPR has demonstrated that the modified proposal:

- provides a better built form transition along Abercrombie Street;
- improves solar access to residential dwellings located on the opposite sides of Abercrombie Street and Wellington Street;
- improves solar access to the main park;
- improves traffic circulation in and around the site; and
- improves visual site lines to and from the site.

In addition the above, future project applications will provide more detailed information on:

- car park management schemes and measures to be applied such that the site does not incorporate any commuter parking; and
- incorporation of CPTED principles and key public safety aspects – in particular the detailed design of the proposed green plates.

The Fraser's Broadway site, by virtue of its size and access to infrastructure, presents a rare and significant opportunity to create a new mixed use precinct in the southern CBD. We believe the proposed amendments improve on the approved concept plan and the modified scheme originally submitted and recommend that the project be approved in accordance with the submitted plans (**Appendix A**) and Statement of Commitments.