

**ITEM 17 CARLTON AND UNITED BREWERIES SITE, CHIPPENDALE: DRAFT PLANNING CONTROLS FOR PUBLIC EXHIBITION**

**FILE NO: SO33483**

**SUMMARY**

This report recommends that the Council:-

- (a) endorse the public exhibition of a draft Local Environmental Plan (draft LEP) and draft Development Control Plan (draft DCP) for the Carlton and United Breweries site (CUB site), Chippendale, subject to finalisation of a planning agreement and procedural matters outlined in the report;
- (b) delegate authority to the Chief Executive Officer to finalise and enter into a planning agreement, to include matters outlined in the report, and that the proposed planning agreement be exhibited with the draft LEP and DCP;
- (c) note the draft Conservation Management Plan for the CUB site, with an alteration to the level of significance for Building 35C from “neutral” to “moderate” (and the building be listed as a local heritage item); and
- (d) exhibit the draft Conservation Management Plan as a supporting background study to the draft LEP, draft DCP and proposed planning agreement.

**RECOMMENDATION**

It is resolved that:-

- (A) The *draft Sydney Local Environmental Plan 2005 (Amendment No. 1) - Carlton and United Breweries site*, as shown at **Attachment A** (“draft LEP”) to the subject report, be endorsed for public exhibition for a period of at least 28 days in accordance with the requirements of Section 66 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning *Best Practice Guidelines 1997* (as part of the site is owned by the City), once the following has occurred:
  - (1) the Central Sydney Planning Committee also has endorsed the proposed public exhibition, and
  - (2) a Section 65 Certificate has been issued by the Department of Planning, and
  - (3) a draft voluntary planning agreement has been finalised;
- (B) The *draft Central Sydney Development Control Plan 1996 (Amendment No. 19) - Carlton and United Breweries site*, as shown in **Attachment B** to the subject report, be endorsed for public exhibition for a period of at least 28 days, concurrently with the draft LEP;
- (C) Entry into a voluntary planning agreement for the Carlton and United Breweries site is supported if the following public benefits are to be provided by the landowner to the City’s required standards at the landowner’s cost:
  - (1) A public park of at least 5,000 sq.m (including embellishments such as landscaping, deep soil planting, lighting and water recycling/reuse),

- (2) A new community facility of at least 1,000 sq.m in size or an upgrade of the Pine Street Community Centre,
  - (3) Creation and completion of roads within the CUB site, including dedication to the City,
  - (4) Signalised pedestrian crossings over City Road at Myrtle Street and over Regent Street to Prince Alfred Park,
  - (5) A child care centre (which maybe privately owned and operated),
  - (6) Necessary intersection upgrades including:
    - (a) Broadway/Balfour Street,
    - (b) Regent/Old Kent Road, and
    - (c) Abercrombie Street/O'Connor or Irving Streets (including a pedestrian crossing),
  - (7) External perimeter footpath and road upgrades,
  - (8) Appropriate embellishment of the public domain, and
  - (9) Public art in line with a public art plan;
- (D) The proposed planning agreement referred to in clause (C) may include provision for the reimbursement of section 61 levies (under the City of Sydney Act 1988) paid by the landowner, upon completion and transfer to the City of the public benefits described in that paragraph;
- (E) The draft voluntary planning agreement (once finalised) be exhibited for a period of at least 28 days concurrently with the draft LEP and draft DCP referred to in clauses (A) and (B) above;
- (F) Authority be delegated to the Chief Executive Officer to:
- (1) make drafting amendments to the draft LEP and draft DCP at **Attachment A** and **Attachment B**, in case of the following:
    - (a) changes to the draft documents after their consideration by the Central Sydney Planning Committee,
    - (b) redrafting to *Central Sydney Local Environmental Plan 1996* format if *Sydney Local Environmental Plan 2005* is not gazetted at the time of exhibition;
    - (c) changes required by the Department of Planning when issuing a s65 certificate;
    - (d) changes required by Parliamentary Counsel;
  - (2) finalise the terms of a voluntary planning agreement consistent with clause (C) above;

- (3) take steps to consider any proposal for reclassification of Council owned land along Abercrombie Street from community land to operational land should this be required or desirable under the voluntary planning agreement; and
- (G) The *Draft Carlton and United Breweries Site Heritage Conservation Management Plan*, as shown in **Attachment E** to the subject report, be noted and exhibited for a period of at least 28 days with the draft planning controls, with the exception of the findings in relation to Building 35C, which shall have its level of significance altered from “neutral” to “moderate” significance and subsequently be listed as a local heritage item.

## **ATTACHMENTS**

- Attachment A:** *Draft Sydney Local Environmental Plan 2005 (Amendment No. 1) - Carlton and United Breweries Site*
- Attachment B:** *Draft Central Sydney Development Control Plan 1996 (Amendment No. 19) - Carlton and United Breweries Site*
- Attachment C:** Previous Resolutions of the Central Sydney Planning Committee and Council in relation to the Carlton and United Breweries Site
- Attachment D:** Discussion of how the resolutions of May 2004 has been met within the draft LEP and draft DCP
- Attachment E:** Draft Conservation Management Plan by Noel Bell Ridley Smith, assisted by Godden Mackay Logan (executive summary and Conservation Policies - full copy available on request)
- Attachment F:** Executive Summary (and selected extracts) of the CUB Site Market Assessment Report by SGS Economics and Planning (full copies can be provided on request).
- Attachment G:** Submission to the Roads and Traffic Authority regarding the external Road configuration to the site
- Attachment H:** Guiding Principles as previously adopted by the Council and the Central Sydney Planning Committee, and a statement of policy consistency with these
- Attachment I:** Comments received in response to Section 62 Consultation

## BACKGROUND

1. The review of the planning controls for the Carlton and United Breweries Site (CUB site) and related matters has been the subject of several reports to the Council and the Central Sydney Planning Committee (CSPC). A copy of the prior relevant resolutions resulting from these reports is at **Attachment C** to this report.
2. A summary of the relevant resolutions is as follows:-
  - (a) **May 2004**: resolutions to prepare a draft LEP for the CUB site. The resolutions required the draft LEP to address a range of issues.
  - (b) **June 2004**: resolution noting the design jury recommendations.
  - (c) **August 2004**: resolution to establish a sub-committee of Council and the CSPC to guide the development of planning controls for the site.
  - (d) **October 2004**: the completion of draft consultant studies relating to traffic and transport, and open space and community facilities. These studies were then publicly exhibited for comment.
  - (e) **March 2005**: the outcomes of the exhibition of draft consultant studies were reported to Council and CSPC, as was the workshopping of the "Guiding Principles".
  - (f) **August 2005**: CSPC consideration of planning policy principles to inform the drafting of a draft LEP and draft DCP.
  - (g) **September 2005**: CSPC resolution to form a sub-committee to consider the draft planning controls in detail.
3. The resolutions of May 2004 were far-reaching in their content, as they set out the process that the Council and the CSPC expected to be followed in preparing the revised controls for the site, as well as specifying various technical studies that were required to inform the controls. It is considered that the resolutions of May 2004 have been met. **Attachment D** is a discussion of how the key components the resolutions have been met within the draft LEP and draft DCP.
4. The area to the immediate east of the CUB site was included as part of the "wider study area" in the initial resolutions to prepare a draft LEP. The study area was not intended to be part of the draft planning controls but was identified to ensure that planning controls considered this area, specifically its context and proximity to the CUB site.

## BACKGROUND - STUDIES UNDERTAKEN SINCE PRIOR RESOLUTIONS

5. There are four main matters which have not been previously reported to the Council. These are:-
  - (a) a draft Heritage Conservation Management Plan (draft Heritage CMP – prepared by Noel Bell Ridley Smith assisted by Godden Mackay Logan);
  - (b) a market assessment report (SGS Economics);
  - (c) two built form analysis undertaken by the site owner and the City; and

- (d) a traffic analysis, considering access to the site.

### Conservation Management Plan

6. After a considerable review process, the City received the final draft Heritage CMP in May 2005. The draft was also lodged with the NSW Heritage Office. The first draft of the draft Heritage CMP was prepared by Noel Bell Ridley Smith, and refined by Godden Mackay Logan (both on behalf of the owner of the site, Fosters Ltd). The City of Sydney appointed Otto Cserhalmi and Partners to undertake an independent review of the draft Heritage CMP.
7. Broadly, the draft Heritage CMP puts forward a three-level approach to the conservation and maintenance of the environmental heritage of the site:-
  - (a) **statutory controls** - proposed listings of items in the draft LEP, with suggested levels of significance;
  - (b) **non-statutory controls** - relating principally to urban design and form, and the successful integration, recognition and interpretation of the site's heritage within any proposed redevelopment; and
  - (c) **conservation policies** - providing a basis for the future maintenance, conservation and interpretation of the site's environmental heritage.
8. The site currently contains a number of listed heritage items. The draft CMP proposes to remove the existing listings for the Broadway streetscape, and a number of the Administration buildings on Kent Road (within the site). The City's heritage consultants have supported this as no reasonable heritage grounds could be identified for their original listing.
9. The City's heritage consultants raised one central issue - a difference of opinion on the significance of two buildings - buildings known as "33" and "35C". Building "33" is the old Malt Store and Building "35C" is part of the Irving Street Brewing Complex. The City's heritage consultants advised that these buildings are more significant than shown in the draft CMP. Central to the City's heritage consultants argument on these two buildings is their importance in maintaining a precinct that reflects the site's (and Metropolitan Sydney's) industrial heritage, and that maintains the existing heritage grid pattern of streets and access within the site.
10. **Attachment E** contains the policies contained within the draft Heritage CMP, the proposed heritage listings for inclusion in the draft LEP, and also identifies the two buildings that were disputed. Despite the City's consultant's views on the significance of building 33, it is the view of City planning staff that the building should not be listed as a local heritage item. The primary reason for this is the site already contains a more significant reinforced concrete building that will be listed (the old Barley Store) and the retention of building 33 could impede a quality design outcome for the area. The building has been inspected by Council staff and the CSPC.
11. The draft CMP also contains 68 separate policy recommendations for the retention, management, maintenance and adoption of heritage. Of particular importance are the policies relating to the retention and adaptation of heritage items on the site which are linked to the items level of significance (refer to **Attachment E**). The policy for each level of significance is as follows:-

- (a) *Items of exceptional and high significance should be retained and conserved;*
  - (b) *Items of moderate significance should be retained and conserved but may be considered for removal;*
  - (c) *Items of some significance should be preferably retained but may be removed if retention is not feasible.*
12. At its meeting on 1 June 2005, the Heritage Council of NSW endorsed the draft Heritage CMP, "*subject to the issue of the level of significance of Building 33 and building 35C being resolved to the satisfaction of the director*". The City made representations to this meeting seeking approval of the draft Heritage CMP with a change regarding the two buildings in question.
13. On 15 August 2005, the Director of the Heritage Office notified the City that the draft CMP had been formally endorsed the CMP as it was submitted (without identifying buildings 33 and 35C for listing). The Heritage Council has a role regarding the draft Heritage CMP due to the ovoid drain (an item identified with the draft CMP) being of recommended State significance (although it is not presently listed in *Central Sydney Local Environmental Plan 1996* or the State Heritage Register). However, the role of the Heritage Council in determining items of local significance is not clear, as it is usually the role of councils and consent authorities to put forward items of local significance for listing in local environmental plans. This means it is up to the Council and the CSPC to resolve to list the buildings notwithstanding the endorsement by the Heritage Council.

### **Market Assessment Report**

14. The City appointed SGS Economics and Planning to provide advice on the potential land-use mix at the CUB site, and the planning measures that might support this in September 2004.
15. The completed report (refer to **Attachment F**) for executive summary - full copy available on request) was submitted in May 2005, and its principal findings are summarised below:-
- (a) land use should be predominantly residential, rather than commercial. The report supports a land-use mix of 70% residential, 30% commercial;
  - (b) the intensity/density of development should be determined on urban design and amenity principles rather than be based on market forces;
  - (c) retention of the Irving/Carlton Street heritage grouping (the "Carlton Precinct") could assist in enriching the character and amenity of any development, and in "branding" or marketing the site and surrounding area; and
  - (d) educational uses at the site will tend to reinforce existing creative industry clusters, and provide a vital link in the creative/cultural crescent that extends from Pymont to Sydney University through the CUB.
16. Primary to this report has been the support of a 70% residential, 30% non-residential land use split and advice highlighting the potential of retaining the heritage buildings in the heritage precinct to enrich the area and to "brand the site".

## **Built Form Analysis**

17. The owner of the site, Fosters Ltd, engaged Cox ATA (a combined team from Cox Richardson and Alexander Tzannes and Associates), who were the designers of the preferred scheme for the CUB site design competition. It is understood that Cox ATA was given a brief to further refine and analyse built form for the site.
18. The City engaged Bligh Voller Nield (BVN) to undertake separate and independent analysis of the site, to inform built form controls for the CUB site.
19. Both the BVN and Fosters schemes have been valuable tools that have allowed the visualisation of differing development options for the CUB site.
20. Extracts of work undertaken by both firms is contained have been reported previously and are available on request. Discussion of the options/analysis is following. The BVN "preferred scheme" reaches an FSR of approximately 3.5:1 while the Fosters Ltd scheme reaches an FSR of approximately 4:1. Other differences included location of the park, retention of heritage buildings, the location of height, street layout and configuration.
21. Despite these differences, both schemes share the approach of providing of sunlight access to the park while allowing additional height in the north east quadrant of the site where this does not overshadow the park.

## **Traffic Management In and Around the Site - Internal Road Layout and Circulation**

22. The draft DCP contains an indicative road layout structure that builds upon the site's heritage grid pattern. The draft DCP requires the site be further broken up by additional streets indicated in the Heritage Street Grid Map (refer to F10 of **Attachment B**).

## **Traffic Management In and Around the Site - Proposed External Road Configuration**

23. To support the proposed development, a number of external road configuration changes have been proposed. This work has been managed by officers of the City with the assistance of traffic and transport consultants TTPA (commissioned by the City) and with the input of Masson Wilson Twiney (commissioned by Fosters Ltd).
24. A summary of the preferred position is as follows:-
  - (a) two-way of Abercrombie Street between O'Connor Street and Cleveland Street. The configuration for this street would be one parking lane (eastern side of street), one south bound lane and two north bound lanes.
  - (b) new intersections at:
    - (i) Broadway and Balfour Street: full right hand turn in and out intersection including a pedestrian crossing;
    - (ii) Regent and "Old Kent" Streets: right hand turn in, no right hand turn out; and
    - (iii) Abercrombie and Irving Streets: right and turn in, no right hand turn out including a pedestrian crossing to Blackfriars.

- (c) an amended configuration on Broadway between Railway Square and Abercrombie Street that reduces the number of westbound lanes to two car lanes and a bus lane (from three car lanes and a bus lane), moves the bus only right hand turn at Jones Street to Wattle Street.
  - (d) a pedestrian crossing across City Road at Myrtle Street.
25. All of these changes are contingent on RTA approval which has not been obtained. **Attachment H** to this report is a submission made to the Roads and Traffic Authority (RTA) on these proposed changes. It contains more detail on the nature and rationale of the proposed changes.
26. Modelling undertaken by Fosters Ltd's consultants of the changes outlined above suggests that these changes could be integrated into the arterial road network without significantly impacting on the functionality of these roads. However, development of the site can occur without RTA concurrence with other options, although this would not be optimal for the wider area.

### **Car Parking Rate**

27. While the CUB site's excellent location in regards to public transport and services is acknowledged, any parking rate must be applied equally and fairly across the City. As such, the Central Sydney Planning Committee resolved at its meeting on 18 August 2005 that:

*"The residential parking rate for the site be set at the current rate as set by the Central Sydney Local Environmental Plan, noting that a review of parking provisions for the whole Local Government Area will be undertaken and any changes resulting from such a review will be applied equitably to all developments".*

### **THE DRAFT LOCAL ENVIRONMENTAL PLAN**

28. The draft LEP recommended for exhibition is at **Attachment A** to this report.
29. The draft LEP, as far as possible, seeks to allow for the positive aspects of the work undertaken to date.
30. The draft LEP is framed as an amendment to the yet-to-be-gazetted draft *Sydney LEP 2005*. Redrafting of the draft LEP may need to occur if *draft Sydney LEP 2005* has not been gazetted at the time of exhibition.
31. The draft LEP contains provisions including the following:-
- (a) **revised height limits (refer to maps in Attachment A):** the recommended height controls seek to provide a gradation of height from the northern part of the site down to the southern part of the site. Seven (7) building height limits have been set that allow this gradation to occur while offering additional height where sun access planes apply (that protect sunlight access to the site's park and brewery square). The draft LEP amends the current height limit as it applies to the site by setting predominant heights as follows:
    - (i) Existing height: a notation that acknowledges that the height of an existing building is the predominant and permissible height. This mechanism is used in other parts of the CBD, usually to regulate the height of selected buildings.

- (ii) 9 metres (located behind the old workshop in the south eastern corner of the site)
  - (iii) 12 metres (located on the eastern edge of the site in the “Kensington Precinct”, where the form of existing development is essentially low in scale);
  - (iv) 15 metres (located on the southern fringe of the site, adjoining Chippendale - this is essentially the existing height limit proposed in draft Sydney LEP 2005, Additional height (of up to one levels) maybe considered as part of a development plan and subject to performance criteria for some buildings along Kent Street, however 30 metres is proposed to be permissible on Abercrombie Street and at the end of O’Connor Street);
  - (v) 30 metres (located along Abercrombie Street and in the South Western Corner);
  - (vi) 45 metres (located in the south - eastern area of the site, known as the “Park and Transition Precinct” and essentially retaining the existing maximum height limit for the site). However, to achieve the 45m height limit certain performance criteria that provide a gradation of heights from north to south must be met; and
  - (vii) Sun access planes (location in the north western corner of the site known as the “Carlton Precinct” and the north eastern corner of the site known as the “Broadway Precinct”). The sun access plane for the Carlton Precinct is taken from the Brewery Square, while the sun access plan for the “Broadway Precinct” is taken from the CUB site park. There are also performance criteria for the achievement of maximum heights in this area. The sun access planes is designed to enable movement laterally, to facilitate the location of the park.
- (b) **additional provisions regarding height** (refer to Clause 50(8) of **Attachment A**): this clause gives more direction to the placement of height on the CUB site by stipulating a number of conditions that relate notations (iv(a) to iv(c)) on the height map. These provisions are designed to allow for an appropriate scale and character of the built for in the “Carlton Precinct”, an appropriate gradation in heights in the south eastern corner of the site and buildings sympathetic to the height and scale of heritage buildings
- (c) **provisions regarding public open space**: the draft LEP introduces a new clause relating for a central piece of public open space in the form of a park to be provided with the development. These criteria include a minimum park size of 5,000 sq.m, the street frontage height of buildings surrounding the park, a general location in the southern part of the site and the provision for deep soil planting.
- (d) **provisions requiring a minimum 30% non residential land use and a minimum 30% residential uses.**
- (e) **sun access planes controlling overshadowing onto the park and “Brewery Square”**. The sun access planes ensure that buildings will not overshadow open space. Flexibility for the location of the park is provided, consistent with the CSPC resolution of 18 August 2005.

- (f) **identification of the north-western “Carlton Precinct” of the site as a new “Special Area”.** A character statement for this proposed Special Area is included in the draft LEP in a form and content that is generally consistent with other Special Areas.
  - (g) **the addition of new heritage listings (and some minor removals).**
  - (h) **floor space ratio controls (FSR).** This report recommends a range of 3.5:1-4:1.
32. The draft LEP is considered to be consistent with all relevant State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs) and S117 Directions (of the *Environmental Planning and Assessment Act 1979*). A statement outlining this consistency will be provided to DoP when a s65 certificate is requested and with the plan when publicly exhibited.
33. Of particular note is the S117 direction “*Direction No. 21 – Residential Zones*”. This direction requires that:
- “Local Environmental Plans for residential purposes.. shall not contain provisions which will reduce the permissible residential density on any land to which the plan applies”*
34. The draft LEP proposed for exhibition is consistent with the above direction as it maintains the achievable (and thus permissible) density on the site by shifting permissible height from the park location to additional height in the north eastern quadrant. The FSR range proposed better reflects the achievable density and allows a more appropriate distribution of bulk.
35. An area of road owned by the City on Abercrombie Street is currently designated as “community land”. It may be beneficial to have a building to the existing street alignment, however no specific recommendation is included. This matter will be further considered with the planning agreement and any changes further exhibited with any future development application.

## **THE DRAFT DEVELOPMENT CONTROL PLAN**

36. The draft DCP recommended for exhibition is at **Attachment B** to this report. The draft DCP forms an amendment to the *Central Sydney Development Control Plan 1996* (DCP 1996). Because the new development control plan is an amendment, it only contains provisions that are beyond those in the existing DCP 1996. In the event of any inconsistencies between the amending draft DCP for the CUB site and any other parts of the DCP 1996, it is intended the provisions of the amending draft DCP will prevail.
37. The draft DCP contains provisions applying to the following areas:
- (a) Objectives: the draft DCP includes the *Guiding Principles* developed by the City to guide the redevelopment of the CUB site.
  - (b) Land use.
  - (c) Building design and form.
  - (d) Residential amenity/*State Environmental Planning Policy No. 65* (SEPP 65) application.

- (e) Staging.
- (f) Public open space.
- (g) Pedestrian amenity.
- (h) Sustainability.
- (i) Traffic and access.

## **POLICY CONSISTENCY WITH THE GUIDING PRINCIPLES**

38. The draft planning controls are considered to meet the earlier endorsed “Guiding Principles” (refer to **Attachment I** for Guiding Principles). A Statement outlining how the controls are consistent with the Guiding Principles is at **Attachment I**.

## **VOLUNTARY PLANNING AGREEMENT**

39. At the time of writing this report the terms and items in the voluntary planning agreement had yet to be finalised. Generally planning agreements are in two sections:
- (a) The contractual agreement; and
  - (b) A schedule of items to be provided by the development.
40. From a planning perspective there is a priority to negotiate the desired outcomes for the development prior to the completion of the contractual section of the agreement.
41. There are a number of items that the City expects to achieve from the development. These items are broken down into two categories:-
- (a) Items that are provided and reimbursed against the s61 levy - These are items in the opinion of the City that are beyond what can be statutorily required from the site.
  - (b) Items that will be provided with the development - These are items that are required to support the development of the site and should be included in a stage 1 development application.
42. Broadly, the following items are expected to be provided by the development through either of the above mechanisms:-
- (a) A Park of 5,000 sq.m (including embellishments),
  - (b) A new community facility of 1,000 sq.m in size or an upgrade of the Pine Street Community Centre,
  - (c) Completion and dedication of internal roads to City standards,
  - (d) Necessary intersection upgrades including:
    - (i) Broadway/Balfour Street,
    - (ii) Regent/Old Kent Road, and

- (iii) Abercrombie Street/O'Connor or Irving Streets (including a pedestrian crossing),
  - (e) Signalised pedestrian crossings over City Road at Myrtle Street and over Regent Street to Prince Alfred Park,
  - (f) A child care centre (which maybe privately owned and operated),
  - (g) External perimeter footpath and road upgrades,
  - (h) Appropriate embellishment of the public domain, and
  - (i) Public art in line with a public art plan.
43. Under S. 30A(1)(1) and S. 32(2) of the *Redfern-Waterloo Authority Act 2005* the Minister for the Redfern Waterloo Authority may prepare a contributions plan (or enter a planning agreement) for affordable housing contribution in the operational area of the Redfern Waterloo Authority. At the time of writing this report neither the City or the site owner had received confirmation from the Redfern-Waterloo Authority on the contribution to be made. The site owners have maintained that they are unable to finalise a planning agreement with the City in the absence of a known contribution to be made to the Redfern-Waterloo Authority.
44. This report recommends the Chief Executive Officer be granted delegated authority to finalise the terms of the planning agreement providing certain criteria are met. If the planning agreement cannot be negotiated to include these items then it is recommended that a further report on the planning agreement be submitted to Council and the CSPC in the new year.

## **FINANCIAL IMPLICATIONS**

45. A planning agreement is a mechanism for the provision of necessary infrastructure as there will be a range of items required to support the development that are not included in a S94 (of the *EP&A Act 1979*) or S61 Plan.
46. The main financial implication of the voluntary planning agreement will be to allow a reduction of the required S61 contribution (approximately \$8-\$10 million) required for public benefits.

## **RELEVANT LEGISLATION**

47. The relevant legislation is:
- (a) *Environmental Planning and Assessment Act 1979*;
  - (b) *City of Sydney Act 1988*; and
  - (c) *Redfern-Waterloo Authority Act 2005*.

## **PUBLIC CONSULTATION**

48. The timing of the exhibition depends on the finalisation of a voluntary planning agreement. If this occurs during then “holiday period” then an extended exhibition will be given. The planning package proposed for exhibition includes:
- (a) The draft LEP at **Attachment A**,
  - (b) The draft DCP at **Attachment B**,
  - (c) A draft voluntary planning agreement that allows for the provision of parks, community facilities, street upgrades and the like,
  - (d) All relevant background material and supporting studies.
49. The exhibition will include:
- (a) updating the CUB web page with all exhibition material;
  - (b) a letter box drop to residents in Chippendale;
  - (c) placing exhibition material at each of the City’s customer service and neighbourhood centres and at Pine Street Creative Arts Centre; and
  - (d) A forum for staff to explain the draft controls.

## **Section 62 Consultation**

50. The draft LEP has considered all agency advice gained through the S.62 (of the *Environmental Planning and Assessment Act 1979*) consultation. **Attachment J** contains a summary of all submissions and how issues raised in each submission have been addressed and or considered in site planning. Agency submissions were received from:
- (a) NSW Department of Education and Training;
  - (b) Rail Corporation NSW;
  - (c) NSW Department of Community Services;
  - (d) NSW Department of Housing;
  - (e) NSW Heritage Office;
  - (f) Roads and Traffic Authority;
  - (g) Sydney Water;
  - (h) Notre Dame University;

- (i) Catholic Archdiocese of Sydney; and
- (j) State Transit Authority.

## **CONCLUSION**

- 51. The draft planning package recommended is considered to provide controls and items that will lead to a high quality, mixed use and environmentally sustainable development. These planning controls meet the original objectives of Council and the CSPC when it was resolved to prepare draft planning controls for the site in May 2004 and further meet the objectives of the *Guiding Principles* developed by the City to guide the development of policy for the site.
- 52. Essentially the controls will provide greater heritage protection and more appropriately distribution bulk and height across the site. This will allow land to be used for a major public park and will provide other public benefits.

### **JASON PERICA**

Director City Planning

(Ben Hendriks, Senior Specialist Planner)