

**ITEM 6. OWNER'S CONSENT – CARLTON AND UNITED BREWERIES SITE
CHIPPENDALE****FILE NO:****SUMMARY**

Council is the owner of Balfour Street, Irving Lane and Kensington Street, Chippendale. Fosters has lodged a concept plan application with the Department of Planning for the redevelopment of the Carlton and United Breweries (CUB) site, Chippendale which includes three pieces of Council land as follows:

- (a) parts of Irving Lane and Balfour Street, to be included as part of a proposed 5,000 square metre park;
- (b) part of Balfour Street, to create a new pocket park;
- (c) part of Kensington Street, to alter traffic access arrangements from Regent Street.

Fosters has requested Council's consent as owner to enable that land to be included in the determination of the concept plan application. This report recommends that authority is delegated to the Chief Executive Officer to determine the request.

The next steps in relation to the proposal for Council land would be:

- (i) the concept plan including these items being approved,
- (ii) a further report to Council to close the parts of Balfour Street and Irving Lane as road, and to enable the works to proceed;
- (iii) the road closure process, which includes advertising the proposal approval by the Minister for Roads;
- (iv) a detailed application being prepared by Fosters, and lodged with the Minister for Planning (or, if the Minister so decides, by Council).

RECOMMENDATION

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the request for Council's consent as owner of Balfour Street, Irving Lane and Kensington Street Chippendale to the inclusion of Council land in the concept plan application lodged with the Department of Planning for the redevelopment of the CUB site;
- (B) Council request that, prior to determining the request for owner's consent, the Chief Executive Officer give consideration to:
 - (i) the terms of the proposal to dedicate the public park of approximately 5,000 square metres incorporating the City's land;

- (ii) the process to determine detailed design, timing of works to the proposed public park and Balfour Street park, and timing of the proposed transfer of land to the City; and
 - (iii) any other matter the Chief Executive Officer considers relevant to protect Council's interests.
- (C) Council note that:
- (i) if owner's consent is granted, it will not preclude the Balfour Street pocket park from being carried out by Council, rather than Fosters; and
 - (ii) this resolution does not grant approval to the closure and dedication as public reserve of that part of Balfour Street and Irving Lane or the carrying out of works within part of Kensington Street as described in the subject report, which will require a further resolution of Council.

ATTACHMENTS

Attachment A: Letter from Fosters (including plan) requesting owner's consent

Attachment B: Resolution of Council on 28 August 2006.

Attachment C: Plan showing location of Council land as part of proposed public park

Attachment D: Carlton and United Breweries Concept Plan - a Submission by the City of Sydney

BACKGROUND

1. The CUB site is a 5.795 hectare site on the southern edge of Sydney's CBD, proposed for redevelopment for a new commercial, residential and retail precinct.
2. This report follows a previous Lord Mayor Minute which was considered at the Council meeting of 28 August 2006. Council's resolution of 28 August 2006 is at Attachment B to this report.
3. At the Council meeting of 28 August 2006, Council resolved to work with the local Chippendale community to gain public commitment from the Minister for Planning to give full consideration of the findings of the Central Sydney Planning Committee and Council on the CUB site, including the extensive research, heritage studies, public consultation and draft planning controls. Refer to clause (A) of the resolution.
4. At the same meeting Council, at clause (B) and (C), resolved that the Minister also publicly commit to a clear process and timeframe, including public consultation, for assessing Fosters' proposal to redevelop the CUB site and a further public meeting to ensure comprehensive and informed public debate on issues unresolved or unaddressed at the public meeting on 15 August 2006.
5. Foster's Group by letter dated 12 October 2006 (Attachment A) advised the City that it proposed to lodge its concept plan application with the Department of Planning for the redevelopment of the CUB site at Broadway, Chippendale. The concept plan has been lodged and includes some lands owned by the City of Sydney and as such Foster's have requested the City's consent as owner to include that land in the concept plan application. The City's consent is required prior to the concept plan application being determined.
6. The three areas of City land included in the concept plan are as follows:

- (a) An area of approximately 519 square metres of land, currently part of Balfour Street and Irving Lane, to be included in the proposed public park (of approximately 5,381 square metres), marked "A" in Attachment A and Attachment C.

The inclusion of this land as part of the proposed public park is generally consistent with the public benefits proposed under the draft Voluntary Planning Agreement (VPA) which had been negotiated between the City and Fosters.

- (b) An area of approximately 479 square metres of Balfour Street, between O'Connor Street and Wellington Street, to be landscaped as a pocket park, marked "B" in Attachment A.

The inclusion of this land as a new pocket park is generally consistent with the public benefits proposed under the draft Voluntary Planning Agreement (VPA) which had been negotiated between the City and Fosters.

The proposal for Balfour Street pocket park has also been identified as part of the 'local area action plan' process.

- (c) Traffic changes in Kensington Street near the intersection with Regent Street.

This is a new proposal which was not included in the draft VPA and is marked "C" in Attachment A. Further consideration needs to be given to the proposed changes.

KEY IMPLICATIONS

7. The proposals for incorporation of the City's land for the major public park and the Balfour Street park are generally consistent with the draft VPA and is supported. Inclusion of the City's land will contribute to the provision of open space at the CUB site and in Chippendale generally.
8. However, matters relating to the timing, detailed design and cost, as described in the draft VPA between Fosters and the Minister, are different from the draft VPA between the City and Fosters. Also, the City may wish the Balfour Street pocket park to proceed at an earlier date, to be provided either by Fosters or the City (in which case the City would wish to be reimbursed by Fosters).
9. Accordingly, this report recommends that authority be delegated to the Chief Executive Officer to finalise these matters prior to determining whether to grant owner's consent.
10. If owner's consent is given by the Chief Executive Officer, the next steps would be as follows:
 - (a) the concept plan is determined by the Minister for Planning;
 - (b) if the concept plan is approved including the works for which owner's consent is given, there would be a further report to Council to take steps to close the roads required for the public park and Balfour Street pocket park (in addition to requiring permits under the Roads Act).

FINANCIAL IMPLICATIONS

11. In the draft VPA between the City and Fosters, it was not proposed that the City would seek any payment for the incorporation of the City's land in the public park to be provided by Fosters. This approach is still generally supported, provided that the other terms relating to the provision by Fosters of the proposed public park are consistent with the draft VPA.

RELEVANT LEGISLATION

12. The City is owner of the relevant land as the roads authority under the Roads Act 1993.

OPTIONS

13. The City may decline to give owner's consent for the inclusion of the City's land in the concept plan application. If this occurs, Fosters has indicated that these works will be excluded from the concept plan (and accordingly, the land will remain in use as public road). This would result in less open space being provided and the major public park comprising two areas which would be separated by City land (which is currently road).

PUBLIC CONSULTATION

14. The concept plan, including the request by Fosters for the City's consent as owner, is available at the Department of Planning website and the project website, cubproject.com.au.

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