

06106
21 December 2006

Chris Wilson
Executive Director
Major Projects Assessments
Department of Planning
33 Bridge Street
Sydney NSW 2000

Attention: Antony Pedroza

Dear Antony,

CUB SITE – STUDY AND CONCEPT PLAN APPLICATION – PREFERRED PROJECT

We refer to the letter from Chris Wilson dated 18 December 2006 in relation to the Study and Concept Plan Application for the CUB site. The matters raised in schedule attached to the letter dated 18 December were responded to on 19 December 2006.

1.0 Key Comments

Following our meeting with Department of Planning (DOP) staff on 19 December 2006, we undertook to respond to the key comments outlined in the letter within a few days of the receipt of the letter. The key comments raised were the following:

- *The Department believes it is not possible to sustain a merit argument for a (public) car parking facility that is close to a major bus route and significant public transport hub;*
- *The Department is of the view the building envelopes for Blocks 9 and 11 do not appropriately respond to its due to excessive bulk and scale. These blocks must be revised to reduce their 'wall like' visual impact to the proposed large park and areas of Chippendale to the south.*
- *Old Kent Road's building envelopes appear to be incongruous, principally in their relationship between the blocks on the eastern side of the road and the scale relationship between the eastern and western sides of the road. The Department considers amendments are necessary to produce a more appropriate and consistent scale to Kent Road.*

2.0 Preferred Project Drawings

A further meeting with DOP staff was held on the 20 December 2006 at which the proposed amendments to the Concept Plan Application were presented. The proponent now proposes to amend the Concept Plan Application with the Preferred Project as described in the attached drawings prepared by COX/ATA dated October 2006 and numbered:

- Rev CP_04_A-01-02_06;
- Rev CP_04_A-05-01_07;
- Rev CP_04_A-09-01_06;
- Rev CP_04_A-10-01_06;
- Rev CP_04_A-11-06_06;
- Rev CP_04_A-11-07_06;
- Rev CP_04_A-11-14_07;
- Rev CP_04_A-11-15_06;

In addition, as part of the Preferred Project the proposed amendments arising as a result of the proponents response to submissions in relation to 7 and 9 Goold Street, and previously forwarded to you on the 19 December 2006. These drawings were prepared by COX/ATA and are dated October 2006 and numbered as follows:

- Rev CP_05_A-07-05_01A;
- Rev CP_05_A-07-04_01A;
- Rev CP_04_A-05-01_06

3.0 Public Car Parking Facility

At our meeting at the Department of Planning on 23 November 2006 we foreshadowed the following submission in relation to the public car park.

The Concept Plan Application includes the provision of a 250 car space public car park in the context of an existing approval for a 259 space car park. The City of Sydney recently commenced and subsequently withdrew proceedings in the Land and Environment Court, challenging the validity of the consent for the public car park. As part of an arrangement with the City of Sydney, the land owner has agreed to close the public car park component.

This submission has been prepared on a “without prejudice” basis. The submission is made to enable the Minister to determine the public car park on the ‘merits’ of the proposed car park without having to consider the existing consent and therefore without needing to defer determination of the Concept Plan Application.

3.1 State Environmental Planning Policies

Under Part 3A, the only planning instruments that have force are State Environmental Planning Policies (SEPPs). The SEPPs that are concerned with traffic are SEPP 11 and Draft SEPP 66.

We understand that Draft SEPP 66 has now been abandoned by the NSW Government and superceded by the section 117 Ministerial Direction No. 17, which only applies when a council prepares a draft LEP that creates, removes or alters a zone or provision relating to urban land for residential, business or industrial purposes.

SEPP 11 requires that when a consent authority receives a development application to carry out development specified in Schedule 1, the consent authority must refer the application to the Regional Traffic Authority to enable the Authority to make comment. The Concept Plan is of the kind described in Schedule 1 therefore the application is required to be referred to the RTA for its comment.

3.2 Sydney Local Environmental Plan 2005 – Car parking provision

Under the provisions of Part 3A local planning instruments have no force. The current planning instrument is Sydney Local Environmental Plan 2005 (SLEP 2005). However, to enable the Minister to assess the extent to which a proposed public car park on the site would be consistent with the public car parking provisions of SLEP 2005 the following assessment is submitted.

Sydney LEP 2005 states that parking provisions in the plan are based on discouraging commuter car parking by limiting the development of tenant and public parking facilities, reducing traffic congestion, improving existing street amenity for pedestrians, and **providing reasonable parking levels to facilitate business and residential activities.**

On site parking for residents, tenants and visitors

Consistent with SLEP 2005, the development proposes 1,634 car spaces for future residents based on residential mix advocated by the City of Sydney and related to the number of bedrooms per dwelling.

Consistent with the 'other' category of uses calculated as a proportion of GFA to site area, **57** parking spaces are proposed for 12,093m² GFA of retail and **419** spaces for 88,809m² GFA of commercial. This equates to an average parking rate of 1 space per 212m² GFA or a total of **476** car spaces.

3.3 Requirement for public car park

The provision of public parking at the CUB site is required to support the proposed business, retail and other uses.

The 12,093m² of retail area proposed includes provision for a 3,000m² (approximately) supermarket on site. Given the large population proposed on this site, a medium sized supermarket would be an appropriate retail anchor. The need for a key anchor retail premises such as a supermarket is required to provide support for the smaller retail premises.

3.4 Colliers Jardine Public Car Park Report

In July 2001 Collier's Jardine¹ undertook a 'public' car park study of the Sydney CBD. The area encompassed by this survey was as follows:

- Northern Boundary Sydney Harbour
- Eastern Boundary Macquarie St – College St – Wentworth St – Elizabeth ST
- Southern Boundary Eddy Ave – Harbour St – Broadway
- Western Boundary Hickson Rd – Harbour St – Hay St – Darling Drive.

This report found that within this study area of the Sydney CBD there was a total 'public' parking provision of:

- 17,233 spaces in 66 car parks
- 4,445,500m² of commercial floor space, and
- 564,500m² of retail floor space

The study area was broken down into 5 precincts to determine the proportion of 'public' car parking provided for office and retail floor space. This is summarised in Table 1. It can be seen that parking rates for commercial and retail uses throughout the CBD vary significantly depending on the location.

Table 1- Proportion of 'public' car spaces by precinct

Location	Office Floor Area (m ²)	Retail Floor Area (m ²)	No. of Public Parking Spaces*	Spaces per total comm./retail m ²
The Rocks	41,600	29,200	1,010	1 space per 70.1m ²
City Core	2,198,800	144,800	5,638	1 space per 415.7m ²
Midtown	912,300	245,300	2,758	1 space per 419.7m ²
Western	898,400	46,500	3,023	1 space per 312.6m ²
Southern	394,400	98,700	4,804	1 space per 102.6m ²
Overall CBD	4,445,500	564,500	17,233	1 space per 290.7m²

*The parking rate for commercial and retail uses in the Sydney CBD relies on off street parking that is available throughout the CBD in either public or private car parks.

As mentioned above, consistent with SLEP 2005, the development proposes a total of **476** car spaces for a total of 100,902 m² of retail and commercial GFA.

¹ Sydney CBD Public Car Parking Study – Colliers Jardine 2001

As the site is located on the southern fringe of the Sydney CBD, application of the parking rate recorded for the southern section of the study area would be more appropriate. Applying this rate equates to a total retail / commercial parking provision of **984** spaces, some **508** spaces more than is proposed.

3.5 Broadway Fair Shopping Centre

In July 2005 Broadway Fair Shopping Centre, located on the northern side of Broadway to the north west of the CUB site, submitted a development application for a minor increase in floor space at the centre. At the time, the centre had 111,468.2m² of retail floor space and 1,824 parking spaces. This equates to 1 space per 61m².

The DA proposed an increase to the maximum permissible floor space (130,554.6m²) and parking provision (1,872 spaces) in accordance with the original DA approval for the centre. The resultant parking rate is 1 space per 69.7m² retail GFA.

Applying the same rate to the retail areas proposed at the CUB site results in a parking provision of **174** spaces for the proposed retail floor space of 12,093m².

3.6 Proposed Supermarket

It is estimated the redeveloped CUB site will have a resident population of some 2,800 people. While the proposed supermarket will be supported by these residents, it will also provide a service to residents of Chippendale who would travel to the supermarket by car. Carrying the weekly groceries on public transport or by walking is a difficult task.

Supermarkets are normally planned to serve a population of 10,000 persons. With a population of 2,800 people at the CUB site, approximately 70% of the supermarket trade will be supported by workers, visitors and residents who live outside the CUB site. This equates to some 2,100m² of supermarket floor space.

The RTA suggests a parking rate of 4.2 spaces per 100m² of GFA of **supermarket**. Therefore, for the supermarket alone, there would be an expected parking demand for some 88 spaces (2,100m² divided by 100m² x 4.2 spaces).

3.7 Summary of public car park requirement

Consistent with the 'other' category of uses calculated as a proportion of GFA to site area, **57** parking spaces are proposed for 12,093 m² GFA of retail.

3.8 Public Car Parking CSLEP 2005

Clause 66 (1) and (2) contain the relevant provisions in relation to public car parking. They state as follows:

Clause 66 Public car parking restrictions

(1) Restrictions that apply in all cases.

Before granting consent to development for the purpose of any public car parking, the consent authority must be satisfied that the public car parking:

(a) will not prejudice attaining the objectives of this Part, and

Clause 64 contains the objectives for car parking controls generally:

'(a) to acknowledge that public transport is the most important and efficient means of moving people to and within Central Sydney, and

Response: The proposed development will provide a ready access to public transport. Investigations of the car use in the inner city area confirm that it is proximity to work and access to public transport that are the critical determinants of commuter car use.

(b) to encourage commuting by public transport to Central Sydney in order to reduce the number of motor vehicles travelling through and to Central Sydney, and to improve overall environmental quality and pedestrian amenity, and

Response: The TMAP for the CUB site proposes to encourage public transport by facilitating the use of public transport.

(c) to improve the attractiveness and competitiveness of Central Sydney for retail and commercial activities by providing a reasonable level of tenant and short-stay public car parking whilst discouraging commuter car parking, and

Response: Investigations of the demand for public car parking indicates that a short stay, non commuter car park is required to support the commercial and retail GFA proposed and envisaged supermarket within the CUB site, necessary to render the retail component to have sufficient 'critical mass' to ensure its financial sustainability. Without a supermarket and associated convenience retailing on the site, residents will need to make trips beyond the site for these needs.

(d) to encourage residential development in Central Sydney, and

Response: Car parking spaces consistent with the proposed number of residential dwellings and unit mix are provided.

(e) to minimise adverse urban design impacts, in particular by discouraging the provision of above ground parking, and

Response: All parking is provided in basement locations, minimising the impact at street level. In addition access and egress to parking is limited to combined access and egress points wherever possible and off lanes proposed as 'shared zones' as compared with major pedestrian streets to limit the impact on unrestricted pedestrian movement along footpaths.

(f) to minimise adverse traffic impacts, in particular conflicts between pedestrian and vehicular traffic, and

Response: See comments above.

(g) to discourage the provision of public car parking, and

Response: As stated in relation to objective (c) a short stay, non commuter car park is required to support the retail component and visitors to other business and residential units. Of particular concern is the need for parking to support the envisaged supermarket within the CUB site. This will also assist the attractiveness and economic sustainability of the proposed new Chippendale 'high street' as well serve to support the surrounding entertainment and educational precinct of Ultimo.

(h) to ensure that tenant car parks are not occupied by persons other than occupiers of the building or land on which the car park is situated.'

Response: Tenant car spaces are required as a standard condition of consent to be tied by title to respective residential dwelling/commercial/retail units and enforced by Council.

Considering the above responses, the proposed development will therefore not offend the objectives of the general objectives in relation to car parking.

(b) will not encourage commuter car parking nor reduce the proportion of public transport users travelling to the city each day, and

The proposed car park will be operated as a short term car park with an inverse fee structure to ensure that it is not used as a car park by commuters and provides the turn over of vehicles desired to support retail activities.

(c) will be used for short-stay public car parking only that is regulated by a restriction in opening hours or fee structure, or both, and

The proponent is willing to accept as any condition of consent a requirement that limits the opening times of the car park (not before 9.30 am). This early morning curfew coupled with the pricing structure is used by the City of Sydney to successfully curb or prevent commuters from parking in public stations and enable a reasonable turnover of spaces for casual parkers needing to visit the site (or immediate surrounds) for whatever reason.

(d) will be located underground, and

The public car park is located underground below Block 5.

(e) will be included for the purpose of calculating floor space ratio in the floor space area of the building in which it is situated, and

The GFA 7,744m² of the public car park has been included in the calculation of total GFA for the site. By locating some of the site's GFA allocation below ground, the size of the buildings above ground (and the consequent impact) is reduced.

(f) will be consistent with, and does not compromise, high quality urban design of buildings on the land and adjacent to the land on which it is situated, and

The car park is located below grade and will therefore not be generally visible at street level, apart from a combined vehicular access and egress at ground level, which will also serve as access to tenant and resident parking. However, the location of access and egress to the car park is shown located in Chippen Lane, which is proposed to be a shared lane to limit visibility of the car park access from the major street frontages and preserve pedestrian movement along the main street frontages. The design of the access/egress to the car park will be a matter for future detail, and will need to ensure that the design of the opening is designed having regard to its location within a shared zone, used by and visible to pedestrians.

(g) is not likely to cause or increase adverse pedestrian impacts or local or city-wide vehicular traffic impacts, and

As mentioned above, the location of the public car park access has been located in a shared zone to preserve pedestrian movement along the dominant street frontages. No adverse effects arising from the proposed number of car spaces proposed to be included in the CUB site, including the car park have been identified by the modelling undertaken by the RTA and MWT traffic consultants.

(h) in the opinion of the consent authority, is not likely to cause or contribute to an unacceptable level of vehicle saturation of intersections in the vicinity, or an unacceptable reduction of environmental capacity of roads in the vicinity, of the public car park.

No significant adverse effects arising from the proposed number of car spaces proposed to be included in the CUB site, including the public car park have been identified by the modelling

undertaken by the RTA and MWT traffic consultants. Some increase in delays will be experienced but the level of service is maintained at D and C at Broadway, and A at Abercrombie and Irving Streets and B at Kensington and Regent Streets.

Table 2– Existing Versus Future Intersection Performance

Location	Intersection Performance	
	Existing PM Peak	Future PM Peak
	Delay in seconds (Level of Service) ²	Delay in seconds (Level of Service)
Broadway/Harris Street	45 (D)	55 (D)
Broadway/Balfour Street	N/A	40(D)
Broadway/Abercrombie Street	19(B)	31(C)
Abercrombie Street/Irving Street	10(A)	13(A)
Blackfriars Street	-	-
Kensington Street/Regent Street	N/A	24(B)

Clause 66 (2) New public car parks

Sub clause (2) states in relation to the provision of new public car parks as follows:

*'Consent may be granted to development for the purpose of public car parking on land where no public car parking already exists, but only where the consent authority is satisfied that the public car parking directly services **major retail, cultural, recreational or entertainment uses** which, in the opinion of the consent authority, are not reasonably or adequately serviced by either:*

- (a) public transport (either existing or planned), or
- (b) existing public car parking.'

The proposed retail GFA within the CUB site is proposed as the focus for a new discrete retail facilities or 'high street' for Chippendale as well as the cultural and educational facilities associated with the UTS. Some 57 tenant/visitor spaces can be provided under the provisions of SLEP 2005. However, to service the retail GFA it is estimated that a public car park for the supermarket alone is likely to require some 88 car spaces.

A public car park would minimise on–street parking impacts on Chippendale which are already experiencing high levels of competition between residents and visitors to the neighbourhood and adjoining areas. The existing car public park provides a facility that services the needs of the existing neighbourhood. If not replaced competition for on street spaces between visitors and residents will be exacerbated. The existing level of service within reasonable proximity of the site in terms of public car parking is poor and will not provide for the legitimate need of all visitors and users of the CUB site. See attached map prepared by The City of Sydney showing the location of public car parks.

Not shown on the map is a public car park off Thomas Street underneath the UTS building along with a gravel car park off Jones Street. The other nearest public car park to the south is the Seymour Centre more than a 5 minute walk. Broadway shopping centre to the west is a 7 to 8 minute walk. No public parking is located to the east.

3.9 Conclusion

² Level of Service: A – Good operation; B – Good with acceptable delays and spare capacity; C – Satisfactory; D – Operating near capacity; E – At capacity, at signals will ^{cause} excessive delays; F – Extra capacity required.

Based on the comparisons of parking studies and other approved developments in close proximity to the CUB site, we consider a 250 space public car park necessary to support the proposed business, retail and other uses and to be reasonable in the context of this development.

4.0 Blocks 9 and 11

The building envelopes for blocks 9 and 11 have been revised to reduce their 'wall like' visual impact to the park and Chippendale to the south.

4.1 Block 9 (facing the park): The upper part of the envelope that is between approximately 25 metres and 60 metres in height has been reduced by setting it back further from the park. This part of the envelope is now setback 21 metres from the Chippen Lane frontage with a 3 metre articulation zone projecting forward of this.

To ensure that at least 60% of these apartments maintain effective sun access for two hours in mid winter a small additional form has been introduced, 10 metres high, with a narrow frontage to the park side, setback from Kent Road within the 45° plane recommended by the Expert Advisory Panel and setback obliquely to the south within the sun access to plane from Wellington Street.

This revision reduces the 'wall like' visual impact to the park.

4.2 Block 11 on O'Connor Street: Approximately at the mid point between Chippen Lane and Kent Road a 6 metre wide full height slice of the building envelope has been deleted. This breaks the building volume into two shorter parts each of a different height.

To maintain the level of sun access and to reduce the apparent 'ziggurat' effect, the building to the east of the new 'break' has been simplified to eliminate the 25 metre part by increasing a small part at the south end of Kent Road from 25 metres to 35 metres. This addition is above the sun access plane projected from Wellington Street but does not produce additional midwinter overshadowing to any residential properties or public open space. Given the proximity of this part of the building envelope to Regent Street, the height fits into its immediate context to the east and north and the adjoining 15 metre building envelope provides an appropriate transition to the south.

When viewed from the park and from areas of Chippendale to the south where it is visible this revision reduces the "wall like" visual impact.

In combination these revisions reduce the floor space and slightly increase the overall percentage of sun access.

5.0 (Old) Kent Road Building Envelopes

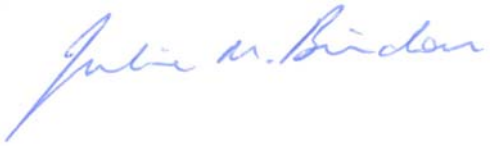
After careful study of the building envelopes along Kent Road, additional horizontal and vertical articulation elements have been introduced to make a more congruent the scale relationship between the eastern and western side of the road. In particular, opposite the administration building and its southern extension a horizontal articulation has been introduced at the height of its parapet.

6.0 GFA Calculations

The modifications result in the reduction of floor space from 245,250 m² to 243,604 m² GFA equivalent to a FSR of 4.204:1 (or a FSR of 4.330:1 FSA). The estimated total number of apartments (based on an average size of apartments) is reduced from 1,690 to 1,675.

Please do not hesitate to call on 9956 6962 should you wish to discuss any of the matters contained in our response.

Yours faithfully

A handwritten signature in blue ink that reads "Julie M. Bindon". The signature is written in a cursive style with a long, sweeping underline.

Julie Bindon
Partner