



Courtesy City of Sydney Archives
Chippendale Residents Interest Group
Email: chippendalecommunity@gmail.com

25 May, 2013

Department of Planning & Infrastructure
Bridge Street
SYDNEY NSW 2000

Email: Caroline Owen

Dear Caroline

Central Park Blocks 6 & 7 Kensington Street
MP 11_0091 - Proponent's "Response to Submissions"

Thank you for the opportunity to make further comment. Our comments follow.

Background Information

We refer to our recent submission to the proposed application for Building 4S. This provides a detailed briefing on Chippendale, highlighting a number of key challenges. This includes:

- its small geographic area
- the interface between the precinct and Chippendale (the precinct is an inherent part of Chippendale not the CBD). Any change for Chippendale as an inherent part of the CBD has not been agreed to and not disclosed previously.
- a very high population base and very low amount of open space with residents are more reliant on the little green space Chippendale has for quiet amenity and exercise
- inherent issues around residential amenity and the interface between commercial and residential use, particularly in relation to noise due the nature and location of building forms (and low ambient noise at night)
- inherent issues around traffic and on-street parking with some of the cities heaviest roads intercepting the immediate area

As such, the introduction of a high concentration of food and beverage venues and substantial student population will have a direct and corresponding impact on the inherent challenges Chippendale already faces.

The proponent's strategy to introduce a large scale entertainment zone fails to consider the decision making and discussions with the larger residential community that were the precursor to the approval of the initial and revised concept plans (in 2007 and 2009). Since then, community engagement has been very limited with insufficient data presented until very recently (as a consequent of the realisation of what is actually being proposed).



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

As part of the approval process, we note the residential population was limited to 2,500 with the commercial space mainly used for office not retail use (so to reduce the impact from a larger influx of visitors into the area at nights). Since then a number of modifications have increased the residential population to 4,000 residents (or a higher count if Block 4S and 1N are approved for residential use). In addition are an estimated, 3,500 workers (Fraser's Fact Sheet dated 25 May).

The introduction of a high scale "entertainment" zone was not previously considered in discussion with the wider residential community - rather representations were for a low scale retail/community interface that would not detract from the quiet amenity of the area (that is often described as a quiet haven). Likewise the substantive increase in student populations was unknown and did not form part of previous representations.

In summary, the introduction of a very high number of "food and beverage" venues in a very small area will have a major impact on the challenges Chippendale already faces, compromising the improvements that have been gained by the introduction of Chippendale Green and other initiatives.

Building Envelope and Amenity Impact

The design and scale of the building will have a significant impact in terms of amenity on the immediate homes in Dwyer, Goold and Outram/Regent Streets.

The addition of outdoor roof terrace decks is detrimental to the amenity of local homes and not supported as the noise will impact residents throughout the day and evening. We note many residents are shift workers - who already face the impact from poor residential amenity. Reducing their amenity further cannot be supported.

Further, the addition of the single storey buildings along the rear of the terraces on Kensington Street is not supported, as it is considered an overdevelopment of Kensington Street with implications on noise amenity.

The proponent's response in relation to the likely high concentration of licensed venues fails to address many of the key issues raised. We make further comment in subsequent points that follow.

Proposed Uses and Scale of Development and Management

The proponent makes the following comment (page 4):

"In response to the concerns around the proposed uses and their cumulative impact, it is noted that the uses within the Kensington Street precinct are consistent with the approved Concept Plan. In developing the Concept Plan, the Department required that Fraser's create a vibrant retail and dining precinct in this part of the site, consistent with its location at the edge of the Central Park site, near Broadway, Central Station and closest to the City. The desire to activate the precinct has been enforced by the Department as part of each subsequent Project Application, with the need to activate and reuse building within Kensington Lane include as one of the Director General's Requirements (DGRs).

The number and variety of uses proposed will result in a sustainable mix of uses, and will directly contribute to the creation of a lively and vibrant site more broadly. The style of uses which are proposed within the Kensington Precinct, being a range of small scale food and drink premises (including



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

restaurants, cafes/ coffee shops and small bars) and small scale commercial uses, are consistent with the Concept Plan approval and will assist in activating the precinct as required by the DGRs. The cumulative impacts of the proposed uses were considered as part of the assessment of the Concept Plan and were considered acceptable.

Further, the design of the Kensington Precinct, including the height, bulk and mass of the forms in Kensington Lane, will help to integrate the high rise and high density scale of Blocks 2 and 5 with neighbouring residential uses. In this regard, it is noted that both the student accommodation and in particular Blocks 6 & 7 developments are smaller than permitted under the Concept Plan. Frasers' desire to create a low rise development, with a focus on the precinct's heritage significance, has also resulted in the proposed GFA on Blocks 6 & 7 being lower than the Concept Plan approval."

Due process and previous understandings

At no stage, was the wider residential community properly consulted about the extent of venues that is now proposed. The statement that *"the Department required that Frasers create a vibrant retail and dining precinct"* was not disclosed and at the very least is subjective and open to interpretation.

While the City has more recently introduced an Open Sydney Strategy, the strategy is subject to public input with policy and planning guidelines to be developed. Further, the priorities for a Global Sydney and objectives for the area which are shown in the draft Metropolitan strategy that is now on exhibition have not been endorsed and are still subject to public input and a process that will follow the introduction of a new planning system.

Indeed at the time of the approval of the initial Concept Plan (in 2007) and subsequent modification in 2009, there was no mention of an entertainment area of the scale and extent, which approval is now being sought. Further the proposed plans are not of a *"small scale"* given the number, size and concentration of proposed *"food and beverage"* venues.

While, the proponent's response suggests there has been some kind of implied understanding, it is appropriate that the application be considered on its merits. This includes considering evidence that clearly shows the link from the concentration of licensed venues on local amenity as well as its wider social impact. To not do so, would raise questions about due process and what prior understandings have been assumed as well as the Department's/State Government's role in the process. This in turn would raise a question about any donations/payments made to the State Government or associated parties. As such, it is appropriate that the Department clarify what understandings are assumed and that all documents/discussions with the proponent (and its associates) be disclosed including representations from lobby groups, such as the UTA, AHA and other parties. In the interim any recommendation should be deferred until the community is able to view the files and make further representations.

Cumulative impact from size and scale of the *"food and beverage"* venues

The plans submitted for Kensington Precinct indicate there will be at least 20 licensed venues (taking into consideration Blocks 3A, 3B, 3C, 6, 7 and 10). As such, the *"small scale"* nature stated by the proponent is misleading. Rather the number and scale of the *"food and beverage"* venues will be significant.



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

Specifically, no 2-12/14 Kensington Street (which is essentially one building) is proposed to cater for nearly 500 patrons. However this building may well cater for more people given that the BCA allows a greater number of patrons. Further, this building is directly opposite a hotel complex which is proposed to house three venues opening directly onto Kensington Street. These venues are to be managed independently from the hotel operator. In addition, a larger scale bar is proposed for no 46-48 Kensington Street. In addition there are a number of other nearby venues.

The statement that a "range of small scale food and drink premises is planned" is misleading. Further, the proponent's response states that the patron capacities are maximum numbers. This fails to consider two crucial concerns - that the numbers in the venues are already very high in relationship to the scale of the street and concentration of venues; and that on busy nights maximum counts are a likely to be achieved with patrons waiting on streets or in nearby public domain areas (impacting a much wider part of Chippendale).

Further the estimates fail to consider that the venues could collectively cater for nearly 2,000 patrons (under the BCA code) and that the application does not limit the number of patrons rather it suggests this will be the case. Given the proponent is now also asking for Blocks 6 and 7 to be subdivided into four separate lots, it is highly likely that the lots will be sold off as is the case for Blocks 3A and Blocks 3B, 3C and 10. Without limitations on the number of patrons, it is likely some venues will be merged and larger population counts applied.

In addition, the proponent's response suggests that provisions must be made for internal facilities – that greater patron numbers cannot be achieved. This is incorrect. Dependent on the actual use, far greater numbers can be achieved. Further we note the detailed matrix submitted showing the population has already made allowances for the inclusion of some requirements. Similarly while a plan may now indicate a café/restaurant, this can be easily changed as no specific details form part of this application. In short the proponent's response fails to adequately respond to the detailed estimates provided in the submission. As such a far greater population may be introduced at a later stage.

Clearly the impact and case for a high concentration of licensed venues has not been made. Whether a precinct is upmarket or not, or focuses on the sale of food, makes little difference to the impact such a high number of venues will have on local amenity. In short the intention to introduce the number and concentration of 'night time' venues were not disclosed. Rather representations were made that the precinct would be low key and the retail component limited. Further, the proponent's intentions which are mentioned in the draft "art strategy" have only been recently sighted (in response to another application). This states that a 24 hour entertainment zone is planned. This is alarming. Whether the precinct is intended for a 9pm close, or midnight or 3am is unknown. Irrespective to allow such a high concentration of "food and beverage venues" in such a small area, brings with it some inherent issues, making the scale of the proposed development unsuitable.

The suggestion that not all venues will be licensed is subjective and unlikely to be the case. Rather once the land use is approved, market forces are likely to dictate the outcomes rather than a planned approach that adequately considers the public interest and impact on local amenity. Further the business case for a small venue catering to about 20 patrons (as shown on the plans) is unlikely to be successful. This is likely to see a number of the smaller premises, particularly those at the rear merged together. Further given Block 3A and Block 3B, C and 10 are being sold and will be managed independently from Central Park; plans for the venues are more likely to be subsequently



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

up-scaled. This is likely to see population counts increased, as allowable by the BCA. Hence the implications in terms of land use must be considered now (particularly due to its location and scale).

High concentration of venues is not in the public interest

The number and concentration of the number of “food and beverage” venues is significant, particularly given its location near an existing number of licensed venues on Broadway. This will exacerbate the impact on local residential amenity.

Further, a number of other licensed venues are proposed on Central Park. This includes venues on Carlton Street, the “retail” podium in the east/west tower (some venues are proposed to “spill over” onto the public domain areas at Central Park). In addition, we have just been advised that a large scale bar/restaurant venue potentially catering to hundreds of patrons is under consideration for the Brewery Yard.

As such we estimate it is likely there will be at least 40 licensed venues in the immediate area. This is in addition to 29 venues that already exist in Chippendale. Not only will the increase in venues, devastate local amenity but this also has significant and far wider reaching public and social implications.

In short, the implications from what is effectively a large scale entertainment zone in and nearby several residential areas are significant. While media reports last year indicated the plans, notably enquiries to the relevant authorities at the time were denied.

Further, a previous plan to introduce a late night trading area in and around Regent Street was rejected by the City of Sydney, as it was not considered appropriate for the area nor in the public interest. Further approvals for the extension of trading hours in the past for the Clare Hotel were specifically rejected due to the impact on residential amenity (and that Kensington Street is the local interface that feeds pedestrian movement directly into nearby residential areas).

Further, the draft public art strategy document that indicates the current plans for Kensington Precinct, did not form part of the documents on exhibition for approval of the concept plan in 2009, nor was made known. Documentation relating to its approval and the exhibition process (by the City of Sydney) cannot be found.

While the proponent suggest a reliance on the future application process, applications for venues under 60 patrons will now be expedited under the Small Bars Act. This reduces the ability for the cumulative impact to be assessed. Further, a Plan of Management will not address the impact from hundreds if not thousands of patrons in a small locality.

In conclusion, it would be irresponsible to approve the high concentration of “food and beverage” land use that is proposed or alternatively shift responsibility to Council by relying on a DA process that is likely to be substantially different under the proposed new planning system for NSW that is currently on exhibition. As such it is critical that the current application is considered on its merits, giving due consideration to the longer term public interest rather than relying on future development applications that may fail the public and local residents.



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

Acoustic Impacts

The proponent response fails to address the concerns that were raised in some submissions (and in person) to Frasers and the Department. Rather the report relies on past assumptions, which modeling is incorrect.

The assumption made by the consultants that the noise at night does not significantly vary demonstrates that the readings were not taken at the appropriate locations or alternatively suggests the equipment used may not have been calibrated properly or relevant criteria used. Clearly the evidence shows that when standing in streets such as Goold and Dwyer Streets at night, there is very little background noise and that any upsurge in noise is due to social loitering and the like (and activity associated with building works on Central Park).

Further we note that the reports and actual modeling blocks (when viewed at Frasers Sales Pavilion) do not correctly identify the location and scale of many of the residential homes. This includes the scale of the terrace homes on Goold Street. We also note that a report provided to the Expert Panel in 2008 for the purpose of providing additional information for the purposes of considering the overshadowing/solar access incorrectly identifies a number of residential homes around the site as commercial premises. This report has only recently been sighted. This raises a number of questions as to the assumptions and basis of information that was previously provided to the Department.

Further the some of the modeling and plans have subsequently changed. Likewise the traffic data since the Heggies report has similarly changed. This has not been adequately considered.

In response we request the Department arrange for an independent acoustics report to take new readings and verify the assumptions and address the concerns raised.

Traffic Generation, Pedestrian Safety and Access

We believe there is a key and inherent issue between pedestrian safety on such a small narrow street and the introduction of so many food and beverage venues. Further access to the Hotel complex and its loading dock from Kensington Street is not supported.

While we understand the proponent is keen to get the project underway, key issues like this need to be resolved now before any approval can be granted. Further, in response to our enquiries to the City of Sydney we understand that a dedicated pedestrian zone is not supported, rather a shared zone is under consideration. We believe it is essential the traffic arrangements be reviewed now and addressed as part of the current proposal as we do not believe a shared pedestrian/traffic zone is sustainable. Instead it will result in serious injuries due to the number of licensed venues and interface with the street.

Further, a potential proposal for access from Broadway, turning right into Kensington, and then left into Dwyer Street has been raised by Fraser's Chairman, Dr Quek. This would necessitate a change in traffic direction for Goold and Outram Streets. While the proposal has not been publicly discussed as yet, our initial impression was favorable. However we emphasised that this must be considered as part of a new local traffic and pedestrian plan which addresses a number of key issues that have emerged due to the site's redevelopment. We have since sought a meeting with Council to consider and discuss the local traffic plan and what changes are needed.



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

We suggest these issues need to be resolved and ask the Department to help facilitate these discussions. This should include issues such as the drop off and pick-up from the hotel (which we suggest should be off Broadway, preferably from Carlton Street so to limit access from Kensington Street) as well as addressing issues in relation to O'Connor Street (and its integration with Abercrombie Street which has significantly impacted local traffic). Similarly access to hotel dock from Carlton Street needs to be considered.

Further the detailed design for Kensington Street should have more input once the scale and extent of the food and beverage use is known.

While the proponent argues that it is likely the local catchment of residents and workers will visit the site, the response fails to address the concerns raised in relation to the impact from social loitering and patrons visiting or returning from the precinct (particularly as they walk/travel/cycle through local and quiet residential streets).

Further, comparisons with Manly Wharf, in terms of drop off by private vehicles and taxis are inappropriate. This fails to understand or consider what happens locally in Chippendale or the number of venues that are proposed. Our evidence shows that one function (e.g. a gallery exhibition night) usually results in the immediate area in and around the eastern side of Chippendale being "parked out". Specifically, the evidence shows the majority of visitors to the area at night do not use public transport – rather they drive and park in the area or use taxis. In particular the use of rail travel from Central Station is not well used. This is because the walking distance to the actual platforms at Central is a significant distance - typically about 700m from the mid-section of Kensington Street to the actual platform (for suburban lines) rather than the 250m indicated in the proponent's response. We note the JBA response makes this assumption on the basis of a distance of 150 metres to the Broadway bus interchange and another 100 metres to Central Station. These assumptions are incorrect. Indeed the GTA report dated May 2013 indicates the distance to Central Station is at least 500 metres. Our review shows the distance is about 700 metres - nearly twice the suggested distance of 400 metres to readily accessible public transport. Likewise the distance to access light rail is anticipated to be more than 500 metres away (and likely to be about 700 metres).

Given the number of licensed venues alone in Kensington Street are likely to be about twenty (not three as indicated in the sample comparison for Manly Wharf), and that evidence to date clearly shows a large number of patrons either drive or use taxis to visit local venues, the trip generation to and from the area will be significant. Further Chippendale's location within a two kilometer radius of the CBD makes the use of taxis more likely when compared to taxi use in Manly. Hence the assumptions in the proponent's response in terms of drop offs and pick-ups are misleading and the statement it is "*unlikely to create any adverse impacts*" implausible. Further evidence for the Broadway shopping centre clearly shows what can happen when inadequate traffic planning occurs. In short, when you consider the addition of the number of venues proposed in Kensington Street and other venues under the East and West Tower and in and around the Brewery Yard, it makes the case for a rethink in terms of the number of venues and access a key and wider public issue.

Signage

The revised plans indicate the introduction of signage and branding into the precinct. This is not supported nor is the larger scale signage that proposed for the east/west towers, as it is considered visually obtrusive and as such is not in the public interest.



Courtesy City of Sydney Archives
Chippendale Residents Interest Group
Email: chippendalecommunity@gmail.com

Kensington Street as a Shared Pedestrian/Cycle/Traffic Zone

A shared zone is not supported, given the high number of patron that will be using the street and likely number of licensed venues. Rather we believe the street should be closed to traffic. Comparisons with Pitt Street are inappropriate: Pitt Street mall is a very wide retail boulevard that does not have a number of high concentration of licensed venues.

Further the assumption that pedestrians will exercise care when stepping out from a licensed venue onto to the street is seriously flawed. The plan for a shared road reserve and removal of historic and separate footpath area is likewise flawed.

Loading Dock

The loading dock area is insufficient to accommodate large trucks, with access via a shared zone on Kensington Street inappropriate. Previous comments in this regard are reiterated.

Bicycle Parking

We note the proposed number of bicycle parking spaces has been increased. In discussion with Frasers the use of the public domain area near Outram Street for a site specific parking area was discussed. While the concept of a large scale parking area is supported, the loss of public domain is not encouraged.

Rather we suggest a specific area be set aside, say as part of the commercial space or using the basement car parking area. Further comment follows.

Pocket Park and Landscaping

We note a number of changes have been made. This includes the introduction of deep soil planting for the pocket park and the increase in the allocation of bicycle parking spots. Both changes are commended.

However the location of 16 spots in front of the pocket park is not supported, as it restricts the public domain space at this location and spoils the vista from Carlton Street through to Kensington Lane. We note similar concerns were recently expressed by Dr Quek, who suggested the introduction of a bike station area close by. Picking up on this idea, we suggest a dedicated bike station be introduced at street level on the other side of Kensington Street under Blocks 3B or 3C.

In addition, we ask that more trees be introduced along Kensington Street to soft the elements and emphasis more green space; this could be incorporated along one side of the street, thereby containing traffic movement (if the zone cannot be made into a dedicated pedestrian space). The details and selection of trees should be made in consultation with the local community.

While the revised landscape plans indicate a number of materials for a shared zone, we are hopeful further revisions can be made to the plans for a dedicated pedestrian zone. As such, we suggest the materials be confirmed once a final decision about "the roadway" is made, e.g. if a dedicated zone cannot be achieved, we suggest a more robust, cobblestone be used to contain the speed of vehicles rather than rely on drivers to contain



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

their vehicle speed (e.g. using say materials as the cobblestone surfaces shown on page 15 of the Landscape Plans). As such, further consultation with the community should occur regarding the road design at that time.

We also suggest the incorporation of some water features on walls in the rear sections in and around the bars/cafes to reduce the noise impact. This would also introduce a calming element/interface into the area offsetting noise impact from the use of hard surfaces and their interface in smaller areas.

Office Space

We are concerned that some of the office and retail space currently indicated on the plans is likely to be converted to say "food and beverage" use at a later stage, given the areas are unable to be adequately separated from say a bar or café area (e.g. 46-48 and 42-44 Kensington Street). This issue was not addressed in the proponent's response.

We ask that the Department closely review the plans to ensure that this situation is currently considered and the likely land use outcomes disclosed and agreed at this time.

Land Use

The land use should be specifically made and agreed at this time. While the proponent has consistently argued that future applications should serve to consider the merit of each application, by that stage, the approval process for land use is too late. Rather the actual land use needs to be considered now, including its impact in terms of noise and disturbance. Given the recently introduced Small Bars Act is likely to expedite approval for applications for the smaller venues, with trading hours to midnight (if not later). As such, the potential (and cumulative) impact on the local community must be considered now not when a future application is made.

Further we note many of the individual concerns were not adequately addressed in the proponent's response or in Appendix A. Specifically representations suggesting that the number of venues is likely to be smaller, the actual plans submitted with the proponent's application show this is unlikely. As such, any decisions should be made on these facts and that most venues if not all, are likely to operate until midnight (at the very least).

Subdivision of Blocks 6 & 7 into four lots

While the plans indicate four sections, plans to subdivide Blocks 6 & 7 were not known (and not mentioned in any of our recent discussions with Frasers).

Given it is likely the blocks may be subdivided for future sale this is likely to result in the potential merger of some venues with a corresponding impact on amenity. As such, the potential lots should be considered now with its corresponding impact on amenity.

Approval

The proponent's summation indicates approval for 2997.2m² retail GFA for Blocks 6 and 7; specifically the use of the ground floor of terraces and industrial buildings for retail/food and beverage use and upper terrace levels as



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

non-public commercial space and/or storage space. It appears the inclusion of GFA for the external courtyard areas is not included despite its impact in terms of increase population counts and local amenity.

Further, it appears likely that level 5 at 2-10 Kensington Street could later be used as an additional “food and beverage” area. The proponent’s response also appears not to lock in specific food and beverage GFA. Given the likely sale of the lots at some future stage, this leaves the land use and potential merger of some of the venues more open ended. This is not supported.

Rather, we believe the approval must be specific and the determination made on population counts and impact that is likely on residential amenity.

Public Art

To date there has been little input from the local residential community about the public art strategy or has the wider residential community had the opportunity for input. The local community has a long history with the arts community. As such it is particularly disappointing that there has been a lack of participation in the process.

In response, we ask that representatives from the local residential community be included (outside of the CCP business group). Further that this process be extended to other blocks on Central Park including plans for the open space areas under Park Lane and the Mark.

Safety and the Public Interest

The EIS report indicates feedback from the local police was obtained. Appendix A, suggests that feedback was not forthcoming. This differs from our understanding, where we understand local police have serious concerns however was unaware of this particular application. In our discussions we noted their concerns about another more recent application, i.e. for a restaurant proposed for the corner of Dwyer and Kensington Street.

We are happy to supply a copy of the email from the local Police to Council about that particular application which confirms concerns about the impact on local amenity from the high concentration of venues locally.

General Comments

A number of the key concerns have not been addressed or adequately responded to in the Proponent Response. Further reviewing Appendix A and the consultant’s response (GTA report) highlights a number of discrepancies.

Conclusion

The proponent’s response fails to address a number of key and crucial concerns. We believe it pertinent that we meet with the Department / Planning Assessment Committee on site, so that we are able to better illustrate the issues raised.



Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

In the interim, we would appreciate if the Department could keep us informed about these applications and all future applications/modifications.

Yours sincerely

CHIPPENDALE RESIDENTS INTEREST GROUP

