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16 September 2016

Carolyn McNally  
Secretary  
NSW Department of Planning  
23-33 Bridge Street  
Sydney NSW 2000

Attention: Natasha Harras (Team Leader) + Fiona Gibson (Planner)

**S96(1A) – MODIFICATION APPLICATION – SSD 6376  
RESPONSE TO SUBMISSIONS  
BLOCK 11, CENTRAL PARK**

The letter has been prepared on behalf of Frasers Broadway Pty Ltd in response to the submissions made by City of Sydney Council to the S96 Modification (SSD 6376 MOD 1).

As demonstrated in the Environmental Impact Statement (EIS) and Wind Assessment Letter, the application seeks to modify conditions of consent that are not feasible or achievable on the site without having other adverse amenity impacts such as overshadowing from planting (particularly in winter), views across the site, clutter of ground plane, and safety and security impacts.

The intent of the conditions (B7-B9) of the Planning Assessment Commission (PAC) to improve pedestrian wind amenity are undisputed, however at the time the conditions were imposed, analysis of whether the specified 'pedestrian sitting criterion' was feasible/achievable was not provided by the PAC. This analysis has subsequently been prepared by the expert wind engineer and provided with the modification.

Council's submissions provide broad and imprecise statements relating to the proposal, and have been prepared in isolation of any considered consequential amenity impacts that would arise from compliance with the subject conditions B7-B9. Council has not based their submission on any evidential basis of the ability to achieve the prescribed amenity criterion, nor do they comment on technical Wind Assessment provided with the modification.

The submission crudely states that the proposal is "clearly unacceptable". Similarly, the submission states that the "application involves the deletion of wind conditions that will result in a diminished pedestrian environment". These statements clearly disregard, or overlook, the physical modifications proposed to retail tenancies and childcare (as specified in the modification and architectural plan provided), in order to meet the criteria specific by Condition B7-B9.

The physical modifications, proposed to be incorporated in the approved plan list (Condition 1), satisfy the criterion established by the PAC in these locations. As stated in the Conclusion of the EIS, "The revised wind assessment [prepared by CPP] confirmed that with the inclusion of additional vertical fins, the retail dining areas to O'Connor Street Park will achieve the pedestrian sitting criterion. Based on testing by incorporating the final building geometry, balustrade and landscaping, the childcare terrace will also be suitable for pedestrian sitting".

Councils submission fails to recognize these modifications, made in order to improve the pedestrian wind environment, in order to comply with the conditions imposed by the PAC.

Regarding O'Connor Street Park, the Wind Assessment identified that with the current proposed landscaping (as per the approved SSD), the comfort rating of pedestrian standing would be expected. This level of amenity is typical of open park areas, such as Hyde Park, and the Domain, but also representative of smaller protected areas such as Wynyard Park, and Tumbalong Park.

Furthermore, the wind outcome arising from the submitted design of the O'Connor Street Park be the same or slightly better than that currently occurring in Chippendale Green which has been well received by the community.

Most locations in the Sydney region would require some level of local shielding to meet the pedestrian sitting criterion.

The Wind Assessment, which was not referenced by Council's submission, states clearly that vertical screening offers protection to an area extending below the top of the screen, to a horizontal distance at ground level about 5 times the height of the screen downwind. Using a conservative estimate, this would require dense screen planting of between 5-8m around the perimeter of the park (comparable to a windrow/windbreak) in order to achieve the criterion within the extent of the Park. Even then, the wind amelioration from the perimeter screen planting would only apply to the vertical component of the flow, and not the horizontal wind effects.

Therefore, to meet the sitting criterion, it would be expected that mature trees (to a height of approximately 5-8 metres) would need to cover the extent of O'Connor Street Park perimeter. As can be seen on the shadow diagrams provided with the Concept Plan and the Block 11 SSD, due to the surrounding buildings, O'Connor Street Park receives limited solar access particularly in the cooler months of the year. As such, preservation of the remaining sunlight to the Park is crucial to the amenity of the space.

Dense planting, to a height that would successfully achieve the identified criterion, would therefore eliminate remaining sunlight received by the Park, having a net negative impact on the amenity of space. The current level of planting will provide local shielding and achieve a criterion of pedestrian standing (comparable to many open space areas in the CBD), and allow sunlight to the remainder of the park.

Given that Council has maintained their objection to the modification, it is understood the application is required to be determined by the PAC. On this basis, we kindly ask that the Department of Planning and Environment seek to progress the application without delay.

We trust this response to submission provides helpful explanation of the issues, and assists in the assessment of the proposal for consideration by the PAC.

Should you require any further information please feel free to contact me on 9956 6962 or [sgouge@jbaurban.com.au](mailto:sgouge@jbaurban.com.au).

Kind Regards,



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