

ASSESSMENT REPORT

Central Park – Allocation of Unused Parking Spaces

MP 09_0041 MOD 6, MP 09_0042 MOD 4, MP 09_0078 MOD 8 and MP 10_0218 MOD 4

1. INTRODUCTION

This report is an assessment of a request to modify the following Project Approvals (MP 09_0041 MOD 6, MP 09_0042 MOD 4, MP 09_0078 MOD 8 and MP 10_0218 MOD 4) in respect of the Central Park development in the City of Sydney local government area (LGA).

The request has been lodged by Frasers Property Australia (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend the aforementioned Project Approvals to allow currently unused and unallocated car parking spaces to be taken up by owners or occupants of the Central Park development.

2. SUBJECT SITE

The subject site is known as 26 Broadway, Chippendale and is the former Carlton and United Breweries site (CUB site), located at the south-western end of the Sydney Central Business District. The plan at **Figure 1** illustrates the land to which each of the four Project Applications applies in the context of the wider site.

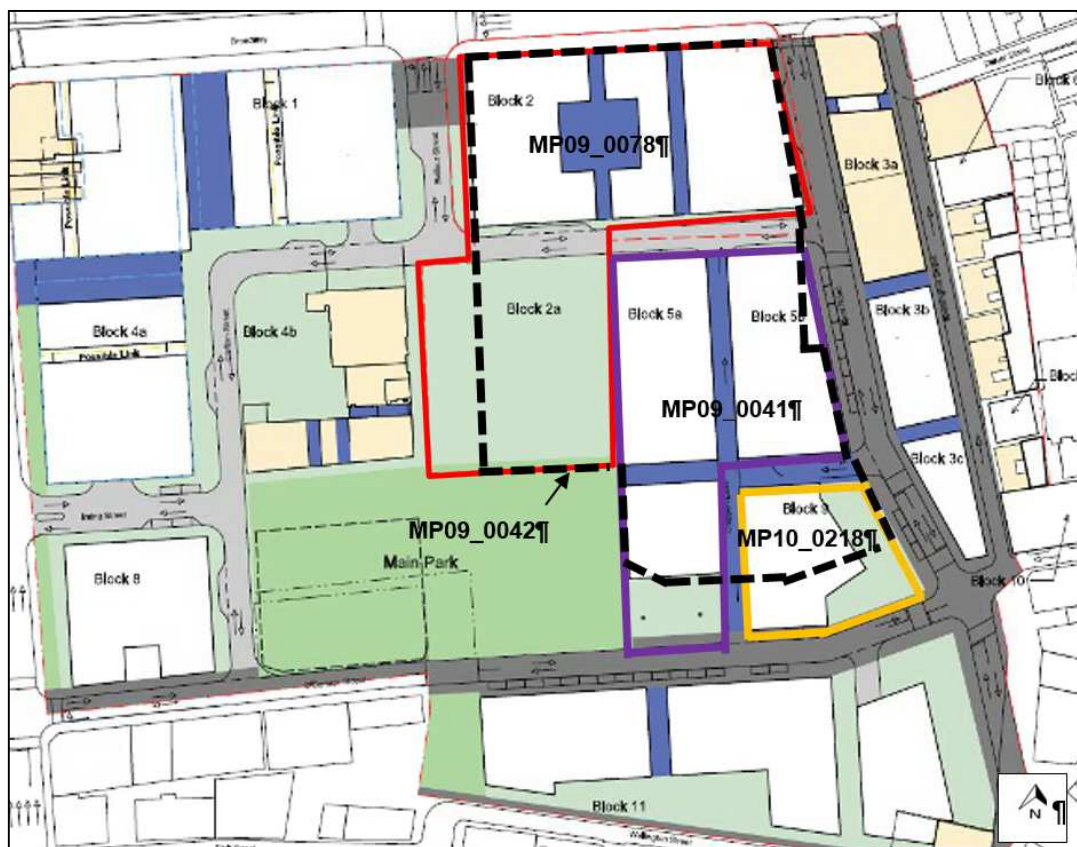


Figure 1: Site location and relationship of Project Applications: MP09_0041 outlined purple; MP09_0042 outlined black dash; MP09_0078 outlined red; and MP10_0218 outlined yellow (Source: Proponent).

3. APPROVAL HISTORY

3.1 Concept Approval

On 9 February 2007, the then Minister for Planning approved a Concept Plan (MP 06_0171) for redevelopment of the CUB site for a mix of residential, commercial, retail uses and public open space. The Concept Plan has been subsequently amended on numerous occasions to make variations to the development.

3.2 Project Approval MP 09_0042 – Basements of Blocks 2, 5 and 9

On 26 May 2010, the Planning Assessment Commission (The Commission) approved a Project Application MP 09_0042 for bulk excavation within Block 2 and parts of Blocks 5A, 5B and 5C; construction in 2 stages of a combined basement to ground level for use by Blocks 2, 5A, 5B and 5C and the Kensington Precinct; and establishment of a 4 storey outer wall for the recycled water treatment plant within the basement, under Blocks 5A, 5B and 5C.

The Project Approval has been modified three times, including various changes to basement design, access, parking numbers and allocation, loading docks, services, changes to the water treatment plant location and stratum subdivision. As currently modified, the proposal includes a total of 1,192 parking spaces.

3.3 Project Approval MP 09_0041 – Blocks 5A and 5B

On 17 November 2010, the Commission granted approval to a Project Application (MP 09_0041) for the construction of 2 residential buildings with ancillary retail uses, comprising 26,380 m² of residential floor space containing 319 residential apartments and 1,696 m² of retail floor space, as well as construction of the surrounding public domain and stratum subdivision of the project.

The Project Approval has been modified five times, including change to the building envelope, floor space, changes to number of apartments, the apartment mix and layout, and various other minor changes. Condition E5 restricts the use of the on-site parking and storage spaces on various lots to owners and occupants of the same lot.

3.4 Project Approval MP 09_0078 – Block 2

On 18 June 2010, the Commission granted approval to a Project Application (MP 09_0078) for a mixed use residential (593 units), retail, and commercial development on Block 2 consisting of two towers (east tower measuring 133 m above AHD and the west tower measuring 79.5 m AHD), located above a podium.

The Project Approval has been modified seven times, to increase the number of dwellings to 623, delete commercial floor space, modify the façade design and internal layouts, modify construction staging and hours and various other minor changes. Condition E2 restricts the use of the on-site parking and storage spaces on various lots to owners and occupants of the same lot.

3.5 Project Approval MP 10_0218 – Block 5C

On 21 February 2012, the Deputy Director-General of Development Assessment and Systems Performance granted approval to a Project Application (MP 10_0218) for the construction of a residential flat building on Block 5C (previously referred to as Block 9) with a height of 27 storeys, providing 413 residential apartments, public domain works, landscaping and stratum subdivision.

The Project Approval has been modified three times to reduce the number of dwellings to 412, modify the building and landscape designs, modify construction hours and various other minor changes. Condition E4 restricts the use of the on-site parking and storage spaces on various lots to owners and occupants of the same lot.

4. PROPOSED MODIFICATION

On 27 July 2016, the Proponent lodged four section 75W modification applications in respect of MP 09_0041, MP 09_0042, MP 09_0078 and MP 10_0218. The applications seek approval for the modification of conditions within each of these Project Approvals to allow currently unused ("unsold separate utility"), but approved and constructed car parking spaces, which are currently restricted to use by owners and occupants of the same lots, to be taken up by other owners or occupants on any lot within the Central Park site.

The application also includes amended plans (relevant to MP 09_0042 MOD 4) which corrects errors in the Car Parking Schedule approved under MOD 3. This results in a reduction of car parking spaces from 1,192 to 1178 (14 spaces). These plans are consistent with the revised subdivision plans, which also form part of this application, and confirm the lots within the combined basement that may be taken up by other owners / occupants in the Central Park Precinct.

The revised architectural plans also identify car share spaces which were required to be provided by the consent issued in respect of SSD 6092 for Block 8.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The projects were all approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the projects remain 'transitional Part 3A projects' under Schedule 6A of the EP&A Act, and hence any modification to the approvals must be made under the former section 75W of the Act.

The Department of Planning and Environment (Department) is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has been made, but only in relation to a previously related application; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with the Council of the City of Sydney (Council) about the proposed modification.

Council advised it did not support the proposal as the reallocation of car parking spaces could exceed Council's car parking controls for each use / building.

One **public** submission was received. It raised issues in relation to an alleged valet parking service provided by the Old Clare Hotel on Carlton Street, some planter boxes in an unspecified location obstructing the footpath and alleged use of some basement parking spaces by the Old Clare Hotel for commercial purposes. The matters raised in the public submission do not directly relate to the subject modification. Rather, they relate to alleged non-compliances with other existing approvals on the site. The submission was therefore referred to the Department's compliance team.

Response to Submission (RtS)

On 2 December 2016, the Proponent clarified there is no intention to re-allocate spaces between land uses and the Sydney Local Environmental Plan 2005 (LEP 2005) would continue to apply to

the site. The Proponent also included an amendment to the proposed conditions which would allow Council to consider any re-allocation of car parking against the LEP prior to the event, rather than post allocation.

Following the Proponent's RtS the Council confirmed it had no concerns with the proposed modification.

7. ASSESSMENT

The key issues associated with the proposal have been considered in Table 1 below.

Table 1 - Assessment of key issues

Issue	Consideration	Recommendation
<i>Reallocation of Car Parking Spaces</i>	- The proposal seeks to modify the approvals to enable unused basement car parking spaces to be reallocated to other owners or occupiers of the Central Park Site. - The Department considers reallocating some of the unused car parking spaces to other owner / occupiers of the Central Park site is acceptable as it would result in an efficient use of the existing spaces and it would not result in any material increase in traffic generation. - The Department notes the proposal is consistent with the requirements of the Concept Plan approval as the reallocated car parking spaces would not exceed the maximum permissible car parking rates specified in Council's LEP 2005 and public car parking would also remain prohibited on the site. In addition, the spaces could only be used by Central Park owners and occupiers and no spaces would be re-allocated between land uses. - The Department also notes Council's initial concerns were addressed by the Proponent's recommended condition, which requires evidence to be submitted to Council demonstrating that any re-allocated car parking spaces would comply with Council's LEP 2005 for each use and building. - The Department is therefore satisfied the proposal is acceptable as it would remain consistent with the requirements of the Concept Plan and it would not result in any additional impacts beyond those already assessed and approved.	The Department has recommended an amended condition allowing unused spaces to be re-allocated subject to compliance with Council's LEP 2005.
<i>Car Parking Numbers</i>	- The revised plans submitted with the application correct errors in the previously approved parking schedule. - The previously approved car parking schedule calculated the total number of car parking spaces within the basement to be 1,192 spaces. The correct number of car parking spaces is 1,178 which is 14 spaces less than previously calculated. - The Department considers the proposal is acceptable as it simply corrects a calculation error and no physical changes to the approved basements are proposed. - Further, while the total number of spaces is less than the number previously assessed and approved, the proposal remains consistent with the Concept Plan and Council's car parking controls which seek to suppress car parking at the site given its inner city location and access to public transport, amenities and services.	The Department has recommended an amendment to Condition A2 of MP 09_0042 to refer amended plans.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modifications are appropriate on the basis that:

- the proposal would continue to comply with the requirements of the Concept Plan approval and Council's maximum car parking controls; and
- the proposal would not result in any additional impacts beyond those already assessed and approved.

Consequently, it is recommended the modifications to MP 09_0041 MOD 6, MP 09_0042 MOD 4, MP09_0078 MOD 8 and MP 10_0218 MOD 4 be approved subject to the recommended conditions.

9. RECOMMENDATION

It is RECOMMENDED that the Executive Director Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the applications under section 75W, subject to conditions; and
- **signs** the notices of modification (**Appendix A**).

Anthony Witherdin
Director
Modification Assessments

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

MP 09_0042 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7741

MP 09_0041 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7761

MP 10_0218 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7763

MP 09_0078 MOD 8:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7762

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification requests

MP 09_0042 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7741

MP 09_0041 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7761

MP 10_0218 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7763

MP 09_0078 MOD 8:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7762

2. Submissions

MP 09_0042 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7741

MP 09_0041 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7761

MP 10_0218 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7763

MP 09_0078 MOD 8:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7762

3. Response to Submissions

MP 09_0042 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7741

MP 09_0041 MOD 6:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7761

MP 10_0218 MOD 4:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7763

MP 09_0078 MOD 8:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7762