



16221
27 July 2016

Carolyn McNally
Secretary
NSW Department of Planning and Environment
22-33 Bridge Street
SYDNEY NSW 2000

Attention: Amy Watson (Team Leader)

Dear Ms McNally,

**SECTION 75W MODIFICATION – HOURS OF CONSTRUCTION
CENTRAL PARK - COMBINED BASEMENT (EAST) – VARIOUS PROJECT APPLICATIONS**

We write to you on behalf of the proponent Frasers Property Australia, seeking amendments to the existing Project Approvals in accordance with S75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed modifications seek to allow unallocated car parking spaces within the existing combined basement, to be taken up by owners or occupiers within the Central Park Precinct.

The modifications seek to provide consistency/clarity between the various interlinking approvals, and important, do not seek to increase the number of car parking spaces already approved on site, and confirms the total number of spaces within the basement (being a net reduction of 41 due to a counting error in a previous modification).

This modification application relates to the following approvals on the Central Park Site.

- MP 09_0042 – Combined Basement (Blocks 2, 5A and 5B)
- MP 09_0041 – Block 5A + 5B
- MP 09_0078 – Block 2
- MP 10_0218 – Block 5C

This application identifies the instrument of approval, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in Section S75W of the EP&A Act. It should be read in conjunction with the Environmental Assessment Report (EAR) that provides a concurrent assessment of a

The application is accompanied by:

- Revised Basement Plans prepared by PTW (**Attachment A**); and
- Amended subdivision plans, prepared by Linker Surveying (**Attachment B**).

1.0 APPROVALS TO BE MODIFIED

1.1 Blocks 2, 5 and 9 Central Park (MP 09_0042)

The Planning Assessment Commission approved a Project Application (MP09_0042) for the construction of a combined basement providing parking for Blocks 2, 5, 9 and the Kensington Precinct. The approval gave consent for the following:

- Bulk excavation under Blocks 2, 5 and 9;
- Construction of a combined basement under Blocks 2, 5 and 9 containing 1,189 parking spaces and 53 motorcycle spaces; and
- Establishment of a shell for black water treatment plant within the basement under Block 5.

The application has been modified three times since approval, include most recently in April 2013, where a modification was approved for the redistribution of the basement parking allocation, operation of the recycled water treatment plans and stratum subdivision. Concurrent modifications were also made to applications

1.2 MP 09_0041 – (Block 5A + 5B, Central Park)

On 17 November 2010 the Planning Assessment Commission approved the construction of two residential buildings of nine and 20 storeys, with ancillary retail uses. Consent was granted for:

- 26,380m² of residential floor space containing 319 residential apartments;
- 1,696m² of retail floor space;
- construction of surrounding public domain; and
- stratum subdivision of the development.

The approval was subsequently modified on 22 December 2011. The modifications resulted in an increase in residential floor space (to 26,883m²) and a decrease in retail floor space (to 1,436m²). The number of apartments was also increased from 319 to 393. The application has modified several times since approval.

1.3 MP 09_0078 (Block 2 Central Park)

On 18 June 2010 the Planning Assessment Commission approved the construction of a mixed use retail, commercial and residential building consisting of two towers located above a podium, accommodating:

- 593 residential apartments;
- Associated parking allocation within the combined basement
- A food court, specialty retail and a supermarket; and
- Commercial floor space within the podium

The approved development also included installation of a heliostat which projects sunlight onto the landscaped platforms, construction of the surrounding public domain and stratum subdivision of the development. The application has modified several times since approval.

1.4 MP 10_0218 (Block 5C, Central Park)

The Planning Assessment Commission approved a Project Application (MP10_0218) on 21 February 2012 for the construction of a residential building on Block 5C at Central Park, Chippendale. The approval gave consent for the following:

- construction of a 27 storey building with a maximum height of RL107;
- provision of 413 residential apartments including 3 small office/home office units;
- construction of surrounding public domain; and
- stratum subdivision of Blocks 2, 5A & 5B, 5C & basement levels below.

2.0 DESCRIPTION OF PROPOSAL

This application seeks approval for the modification of conditions within various Project Approvals at Central Park order to allow currently unused car parking spaces (approved and constructed), to be taken up by owners or occupants within the Central Park site.

The modification includes amended basement plans (**Attachment A**) to identify the location of 'unsold separate utility' spaces that may be taken up by Central Park owners/occupants. The plans also re-confirm the total quantum of parking spaces, removing errors that were included in the previous modification (Modification 5 to MP 09_0042).

2.1 Allocation of existing parking spaces

Revised Basement Plans have been prepared by PTW to provide clarification to the number of spaces to be available for allocation of Central Park owners/occupants. These plans coincide with revised subdivision plans, and identify the area within the combined basement that will be available to the braider Central Park Precinct.

The proposed wording to the conditions provides for any owner/occupant to take up these spaces, requiring restrictions on use to be created pursuant to section 88B of the *Conveyancing Act 1919* (to Council's satisfaction), consistent with the existing conditions.

Whilst not restricted these, additional car parking is anticipated to be allocated to the following:

- Up to 30 spaces within Lot 306 to be used by tenants, residents, owners and occupiers of Block 11; and
- Up to 20 car parking spaces to be used by tenants, residents, owners and occupiers of the Brewery Yard.

2.2 Confirmation of Numbers

As part of the revision and recalculation of spaces, errors were identified in the total calculation that have been corrected. The result is that the total number of carp parking spaces is reduced from 1,192 (as approved in Mod 5 of MP 09_0042) to 1,178 – a reduction of 14 spaces. Further information is provided attached to this Report confirming the reason for the modification, including a table indicating the breakdown on car parking allocation for each block.

Importantly, the proposed modifications do not require the amendment of any other conditions relating to maximum number of car parking spaces for each building, except those set out below in Section 3.

2.3 Block 8 Car Share Spaces

Condition B21 of the Block 8 SSD (SSD 6092) identified a requirement for car share spaces in association with Block 8, being allocated within the basement below Blocks 2, 5 and 9. The condition is provided below [our emphasis added]:

Condition B21

Car parking on site shall be provided as follows:

- a) 103 residential car parking spaces (including 28 accessible spaces); and*
- b) 6 car share spaces, being 5 spaces within the basement area below Block 2, 5 and 9 and the other space along Carlton Street.*

The revised architectural plans identify these spaces within the basement, thereby satisfying this condition

2.4 Amended Stratum Subdivision

To facilitate the proposed amendments, revised Stratum Subdivision plans have been prepared and are provided with this modification (**Attachment B**). The plans will replace (as

relevant) those listed in Condition A2 of MP 09_0042. The revised plans simply confirm the Lots to which the unallocated car parking spaces may be taken up by other owners/occupants.

It should be noted that within Lots 301-303 the previously located car share spaces have been re-located so as to enable more efficient control of the B1 car spaces. These amendments have all been endorsed by the respective Strata Plan Body Corporates.

3.0 PROPOSED AMENDMENTS TO CONDITION S

To implement the redistribution of car spaces as described above, this application seeks to modify specific conditions within the various approval as set out below. The proposed amended wording of the relevant conditions is identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and works to be interested are shown in ***bold italics***.

3.1 MP 09_0042 –Block 2, 5, and 9 (Combined Basement)

Condition A2

Amend the approved plans list as follows:

<i>Architectural Drawings prepared for the Environment Assessment by PTW Architects</i>			
<i>Drawing</i>	<i>Name of Plan</i>	<i>Revision</i>	<i>Date</i>
A-PA-0A-005	Central Park East Basement parking Schedule	L <i>M</i>	17.01.2013 <i>07.04.2016</i>
A-PA-0A-042	Basement 5 – Parking and Storage Layouts	H <i>I</i>	16.11.2012 <i>29.03.2016</i>
A-PA-0A-044	Basement 4 – Parking and Storage Layouts	J <i>K</i>	16.11.2012 <i>15.01.2016</i>
A-PA-0A-045	Basement 2 – Parking and Storage Layouts	K <i>M</i>	16.11.2012 <i>29.03.2016</i>
A-PA-0A-046	Basement 1 – Parking and Storage Layouts	K <i>L</i>	16.11.2012 <i>07.04.2016</i>
<i>Stratum Subdivision Plans</i>			
<i>Amend the list of Stratum subdivision plans, replacing with those as relevant included at Attachment B</i>			

New Condition

Inclusion of the following new condition below

Notwithstanding any other condition of this approval, any 'Unsold separate utility' spaces within Lot 306 (SP89904), Lot 301(SP 88765), Lot 308 (SP88565), Lot 310 (SP 89257) and Lot312 (SP 89976) not taken up by the owners or occupiers of the relevant lots, may be used by owners or occupiers within the Central Park Precinct. No public car parking is permitted.

The proponent is to include restrictions on use, created pursuant to section 88B of the Conveyancing Act 1919, to Council's satisfaction;

- a. the initial deposited plan subdividing the site; or***
- b. the appropriate strata plan/s subdividing a lot created by the plan.***

3.2 MP 09_0041 – Block 5A + 5B

Condition E5 - Restriction on Use of Car and Storage Spaces

The following conditions apply to car parking and storage where those spaces affect Strata Lots 308 (SP 88565) and 310 (89257):

- a) *The on-site car parking and storage spaces within lots 301, 302, 303, 308, 310, 311 and 312 are not to be used other than by an owner or occupant of the subject lots*
- b) *The on-site car parking spaces within lot 305 (Note: Lot 309 does not have any car spaces) ~~are not to shall~~ be used ~~other than~~ by an owner or occupant of the subject lot.*
- c) *The on-site car parking and storage spaces within 306 are to be used by tenants, residents, owners and occupiers of Blocks 3, 6, 7 and 10. ~~On-site car parking spaces can also be used by owners or occupiers of lots 310, 311 and 312.~~*
- a) *Notwithstanding condition (a) or (c), any 'Unsold separate utility' spaces within Lot 301, 302, 303, 306, 308, 310, 311 and 312 may be used by owners or occupiers within the Central Park Precinct, if not taken up by the owners or occupiers of the relevant lots within 24 months of the registration of the respective Strata Plan. This includes, but is not limited to:*
 - i. *Up to 30 spaces within Lot 306 to be used by tenants, residents, owners and occupiers of Block 11; and*
 - ii. *Up to 20 car parking spaces to be used by tenants, residents, owners and occupiers of the Brewery Yard.*
- d) *The proponent is to include restrictions on use, created pursuant to section 88B of the Conveyancing Act 1919, to Council's satisfaction addressing Conditions ~~E2~~ E5 (a) to ~~(d)~~ (d) in either,*
 - i. *the initial deposited plan subdividing the site; or*
 - ii. *the appropriate strata plan/s subdividing a lot created by the plan referred to in ~~(d)~~(e)(i).*

3.3 MP 09_0078 – Block 2 Approval

Condition E2 - Restriction on Use of Car and Storage Spaces

The following conditions apply to car parking and storage where those spaces affect Strata Lots 301(SP 88765), 302 (SP 89262) and 303(SP 87881):

- a) *The on-site car parking and storage spaces within lots 301, 302, 303, 308, 310, 311 and 312 are not to be used other than by an owner or occupant of the subject lots*
- b) *The on-site car parking spaces within lot 305 ~~are not to shall~~ be used ~~other than~~ by an owner or occupant of the subject lot.*
- c) *The on-site car parking and storage spaces within 306 are to be used by tenants, residents, owners and occupiers of Blocks 3, 6, 7 and 10. ~~On-site car parking spaces can also be used by owners or occupiers of lots 310, 311 and 312.~~*
- b) *Notwithstanding condition (a) or (c), any 'Unsold separate utility' spaces within Lot 301, 302, 303, 306, 308, 310, 311 and 312 may be used by owners or occupiers within the Central Park Precinct, if not taken up by the owners or occupiers of the relevant lots within 24 months of the registration of the respective Strata Plan. This includes, but is not limited to:*
 - iii. *Up to 30 spaces within Lot 306 to be used by tenants, residents, owners and occupiers of Block 11; and*
 - iv. *Up to 20 car parking spaces to be used by tenants, residents, owners and occupiers of the Brewery Yard.*
- d) *The proponent is to include restrictions on use, created pursuant to section 88B of the Conveyancing Act 1919, to Council's satisfaction addressing Conditions E2 (a) to ~~(d)~~ (d) in either,*
 - a. *the initial deposited plan subdividing the site; or*
 - b. *the appropriate strata plan/s subdividing a lot created by the plan referred to in ~~(d)~~(e)(i).*

3.4 MP 10_0218 – Block 5C Approval

Condition E4 - Restriction on Use of car and Storage Spaces

The following conditions apply to car parking and storage where those spaces affect Strata Lots 311 (SP 89975) and 312 (SP89976):

- a) *The on-site car parking and storage spaces within lots 301, 302, 303, 308, 310, 311 and 312 are not to be used other than by an owner or occupant of the subject lots*
- b) *The on-site car parking spaces within lot 305 ~~& 309 are not to~~ shall be used ~~other than~~ by an owner or occupant of the subject lot.*
- c) *The on-site car parking and storage spaces within 306 are to be used by tenants, residents, owners and occupiers of Blocks 3, 6, 7 and 10. ~~On-site car parking spaces can also be used by owners or occupiers of lots 310, 311 and 312.~~*
- c) *Notwithstanding condition (a) or (c), any 'Unsold separate utility' spaces within Lot 301, 302, 303, 306, 308, 310, 311 and 312 may be used by owners or occupiers within the Central Park Precinct, if not taken up by the owners or occupiers of the relevant lots within 24 months of the registration of the respective Strata Plan. This includes, but is not limited to:*
 - v. *Up to 30 spaces within Lot 306 to be used by tenants, residents, owners and occupiers of Block 11; and*
 - vi. *Up to 20 car parking spaces to be used by tenants, residents, owners and occupiers of the Brewery Yard.*
- d) *The proponent is to include restrictions on use, created pursuant to section 88B of the Conveyancing Act 1919, to Council's satisfaction addressing Conditions ~~E2~~ E4 (a) to ~~(d)~~ in either,*

4.0 PLANNING AND ENVIRONMENTAL ASSESSMENT

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if "it is satisfied that the proposed modification is of minimal environmental impact". The following assessment demonstrates that the development, as proposed to be modified in respect to the extended hours of construction, will be of minimal environmental impact.

4.1 Compliance with the Central Park Concept Plan

The modified approvals remain consistent with the conditions of consent imposed under MP06_0171 (Concept Plan) in that:

- The development provides on-site parking consistent with Part 5, Chapter 2 of Sydney Local Environmental Plan 2005;
- The combined basement has a maximum of 1,178 total cars, a reduction down from the prior calculation of (1,192), which is less than the 2,000 permitted on the site;
- The modifications do not affect the level of compliance with the Concept Plan conditions A4 and A5 relating to Site Servicing and Street Activation; and
- The modification does not provide public car parking on site – consistent with Condition A8 of the Concept Plan.
- The total overall status of all parking on site is 1,738 using the above figure of 1,178 plus Blocks 1 and 4N (232); Building 8, (103), Block 11 (206) and Brewery Yard (19).

4.2 Consistency with Project Approvals

The proposed modifications seek to provide a pragmatic approach to car parking on the Central Park Site, and will not result in any perceivable changes to any of the existing applications, as approved.

In short, the application seeks to allow flexibility to the allocation of existing unused car parking space to tenants, residents, owners and occupiers of Central Park. These spaces have

already been constructed within the combined basement, and have not been taken up by owners within the original lots.

The total number and allocation of car parking achieves the objectives of the original Project Approvals.

Importantly, all of the relevant conditions in relation to specific car parking numbers and allocation within each block are listed in the conditions to be amended above.

4.3 Car Parking

The revised plans submitted with this application (**Attachment A**) correct errors of the previous revision of the calculation table, with a consequential reduction of 50 car parking spaces. As noted above, the result of the modification further reduces on-site car parking, remaining below the maximum of 2,000 (specified in the Concept Plan).

4.4 Traffic and Access

The proposed modification will not affect the original traffic modelling and impact assessment prepared with the original application. Allowing currently vacant space in the basement to be utilised by Central Park owners/occupants is also expected to reduce the demand for on-street parking surrounding the site.

The modification does not seek any variation to existing entry and exits points, or access to and from the basement car park. As shown on the revised subdivision plans, access for owner/occupants not provided direct access to the basement via their building, will be via the shuttle lift adjacent to Block 2A (on the southern side of Central Park Avenue, opposite Block 2).

4.5 Security Management

Access to the basement will be restricted to the owners and occupants of the basement in accordance with the access arrangements outlines above. As noted above, no public access or public parking will be provided as part of this modification.

5.0 CONCLUSION

The modifications proposed in this section 75W application relates to minor modifications to the approved basement, and allows for a more efficient and practical provision of car parking spaces on site. The concurrent modifications to the various Project Applications ensure consistency of approvals across the site.

The proposed modifications will not give rise to any additional environmental impacts, and the developments as modified will be substantially the same as those previously approved. This Environmental Assessment Report has demonstrated that the amendment is consistent with the approved Concept Plan applying to the site and the Sydney Local Environmental Plan 2005.

In light of the above, we recommend that the Department approve the proposed modifications described above. We trust that this information is sufficient to enable assessment and approval of the proposed modification request. Should you have any queries about this matter, please do not hesitate to contact 9956 6962 or sgouge@jbaurban.com.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Stephen Gouge', with a stylized, cursive script.

Stephen Gouge
Principal Planner