

STATEMENT OF ENVIRONMENTAL EFFECTS

SECTION 4.55(1A) AMENDMENT OF INSTRUMENT OF APPROVAL MP 11_0089



THE OLD CLARE HOTEL

1 KENSINGTON STREET, CHIPPENDALE

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Introduction

This Statement of Environmental Effects (SEE) is prepared in support of an application pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 for modifications to the Old Clare Hotel located at 1 Kensington Street, Chippendale.

The NSW Department of Planning and Environment (DPE), under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act), approved Project Application numbered 11_0089 on 5 April 2013.

The consent allowed adaptive reuse of buildings within Block 3A of the former Carlton United Brewery site and included the use of the former administration building and the Old Clare Hotel as a 60-room boutique hotel with a rooftop pool and bar, and three food and drinks premises within lower levels of the premises.

In accordance with Part 4 of the EP&A Act, this application seeks approval for the physical works to convert an existing office on Level 1 and an existing restaurant on Level 2 into a total of 7 additional hotel suites and to approve the associated change of use. In addition, minor alterations are proposed to the CUB Suite which is currently used as a guest suite on level 2, to allow its use as an adaptable space as a guest suite/lounge/function room with a maximum capacity of 50 patrons.

The proposal is substantially the same development as the approved development. Accordingly, the matter may be determined under S4.55(1A) of the EP&A Act.

Site and its Context

The subject site has a street address of 1-3 Kensington Street, Chippendale (Lot 6/DP1142053) and 20-24 Broadway, Chippendale (Lot 1/DP191024).

Block 3A is located on the eastern edge of the Central Park (formerly known as Frasers Broadway) Development. The site has street frontages to Broadway to the North, Kensington Street to the east, and Carlton Street to the west.

The site is part of a dense mixed-use area, comprising student housing, residential apartment buildings and retail and commercial premises. The precinct is also characterised by significant ambient noise, arising from the surrounding road network, the operation of adjacent premises and rooftop plant and equipment.

Both buildings within Block 3A are identified as heritage items under Sydney LEP 2005 as the County Clare Inn (Item 5007) and the Administration Buildings part of Carlton United Brewery site (Item 008A).



Figure 1 - Aerial image of the site

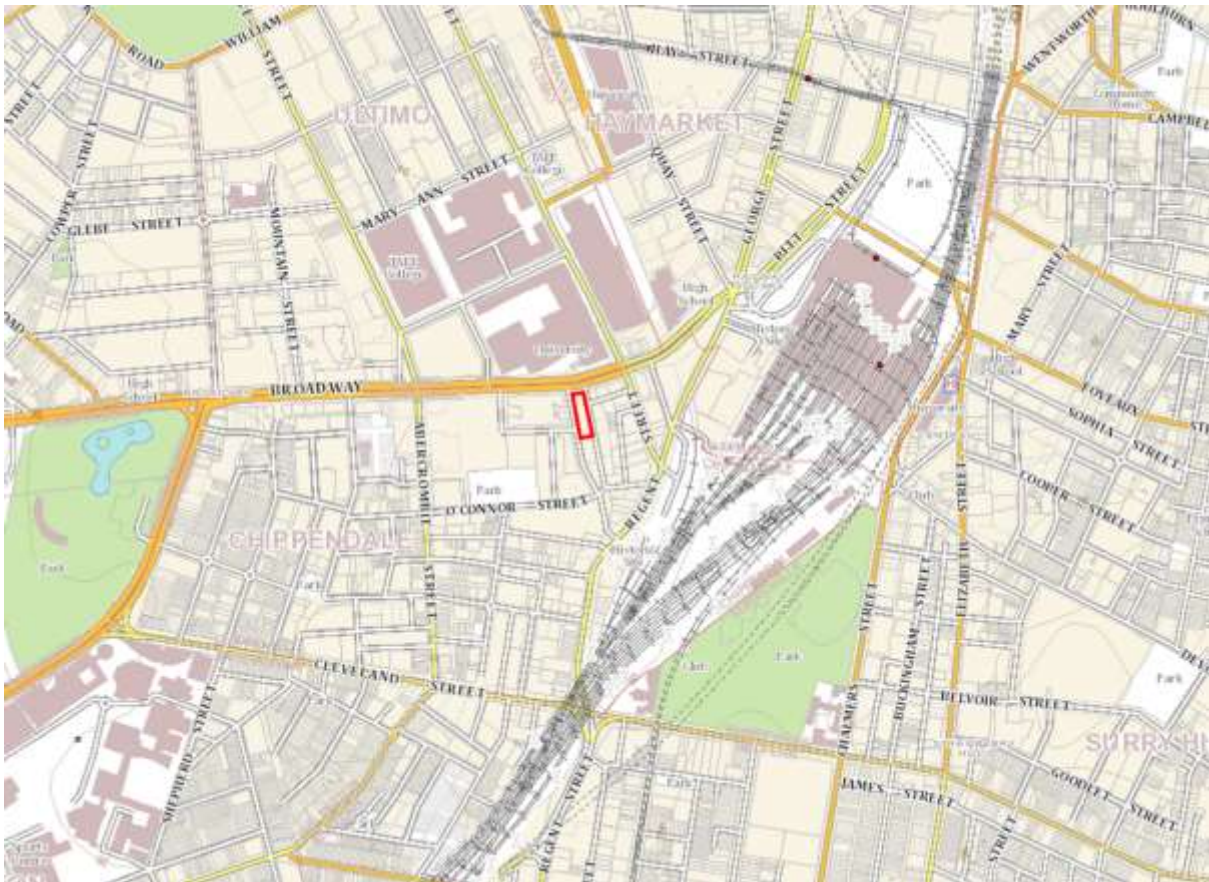


Figure 2 - The site in the broader context

Site History

MP 11_0089

On 5 April 2013 approval was granted for the “adaptive re-use of the existing Country Clare Hotel and administration building as a boutique hotel and food and drink premises”. The approval allowed for 60 hotel rooms. The approval had a total GFA of 4,595.9m² with 1,098m² of GFA for food and drink premises including three restaurants and a lounge.

MP 11_0089 Modification 1

On 1 March 2014 approval was granted for “various internal and external amendments”. These amendments were relatively minor and did not substantially alter the approved development.

MP 11_0089 Modification 2

On 28 July 2015 approval was granted for “modification to heritage conservation methodology for faience on northern building elevation of Old Clare Hotel. Modification of Conditions B17 and B18”. The modification related to the timing of required heritage conservation works.

MP 11_0089 Modification 3

On 27 November 2017 approval was granted to:

“construct a 98m² pergola above an existing approved rooftop pool terrace including three toilets (WCs), within Block 3A, Central Park. To regulate the use and to minimise the potential impacts of operation, it is proposed is to:

- *Limit the capacity of the rooftop bar to 150 patrons;*
- *Limit the hours of operation of the rooftop to between 7.00am and 10.00pm, 7 days, and restrict the sale of alcohol to between 12.00midday and 10.00pm, 7 days”*

MP 11_0089 Modification 4

On 26 March 2018 approval was granted for “minor additions and alterations to the basement of the Clare Hotel to establish a day spa for the hotel”. This modification increased the GFA in the Old Clare by 110m².

MP 11_0089 Modification 5

On 6 September 2018 approval was granted for the modification of condition B23 which relates to the approved materials for the construction of the 98m² pergola approved under Modification 3.

Proposal

The proposal seeks to make the following alterations to the Old Clare Hotel:

Level 1 - Manager's office

- Conversion of the Manager's office and adjoining bathroom into a hotel suite.
- Removal of partition walls and a new opening to the bathroom.
- Associated fitout of the suite and bathroom.

Level 2 - Restaurant

- Conversion of the existing restaurant into 6 hotel suites and an access corridor.
- Fitout of the hotel rooms.
- Associated AC plant will be modified to be made suitable for hotel suite use.

Level 2 - CUB Suite

- Conversion of the CUB suite from a guest suite into an adaptable room capable of use as a guest room, lounge or function room with capacity for up to 50 patrons.
- Associated minor alterations to include
 - Removal of a 2015 free standing room divider bed head and minibar
 - Existing pendant light relocated to its original position
 - New carpet, minibar with sink, suspended brass curtain track, and LED lighting
 - A new door added to the existing 2015 steel jamb between bathrooms
 - A new toilet and glass screen installed in the non-heritage bathroom

All new hotel suites are to receive acoustic internal glazing as per the existing heritage approved glazing applied throughout the hotel.

The proposal modifies the use and fitout of existing floor space but does not result in a change to the Gross Floor Area (GFA) of the site.

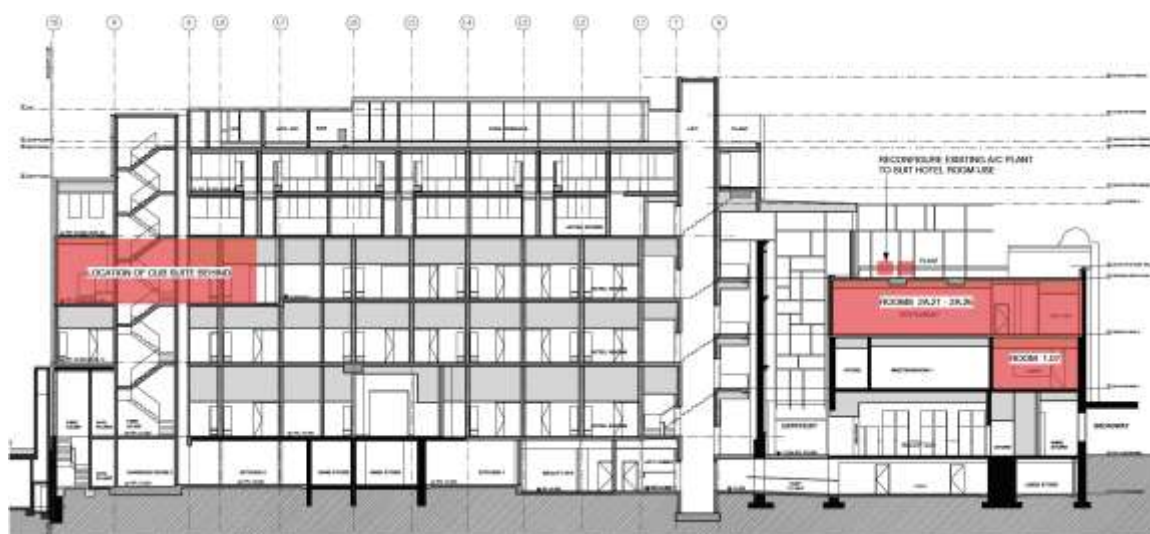


Figure 3 - Section identifying the location of the proposed modifications



Figure 4 - Existing Level 1 Manager's Office



Figure 5 - Proposed Room 1.07 in former Level 1 Manager's Office

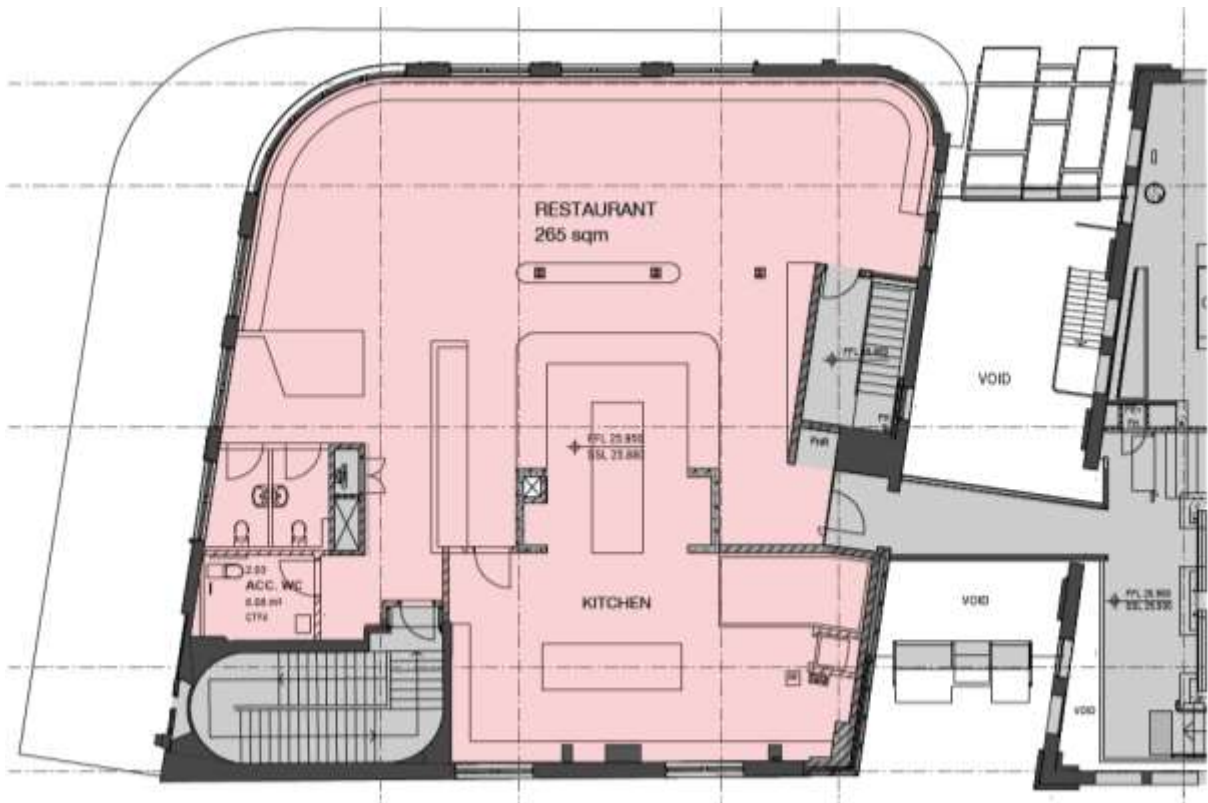


Figure 6 - Existing Level 2 restaurant



Figure 7 - Proposed hotel suites in form Level 2 restaurant

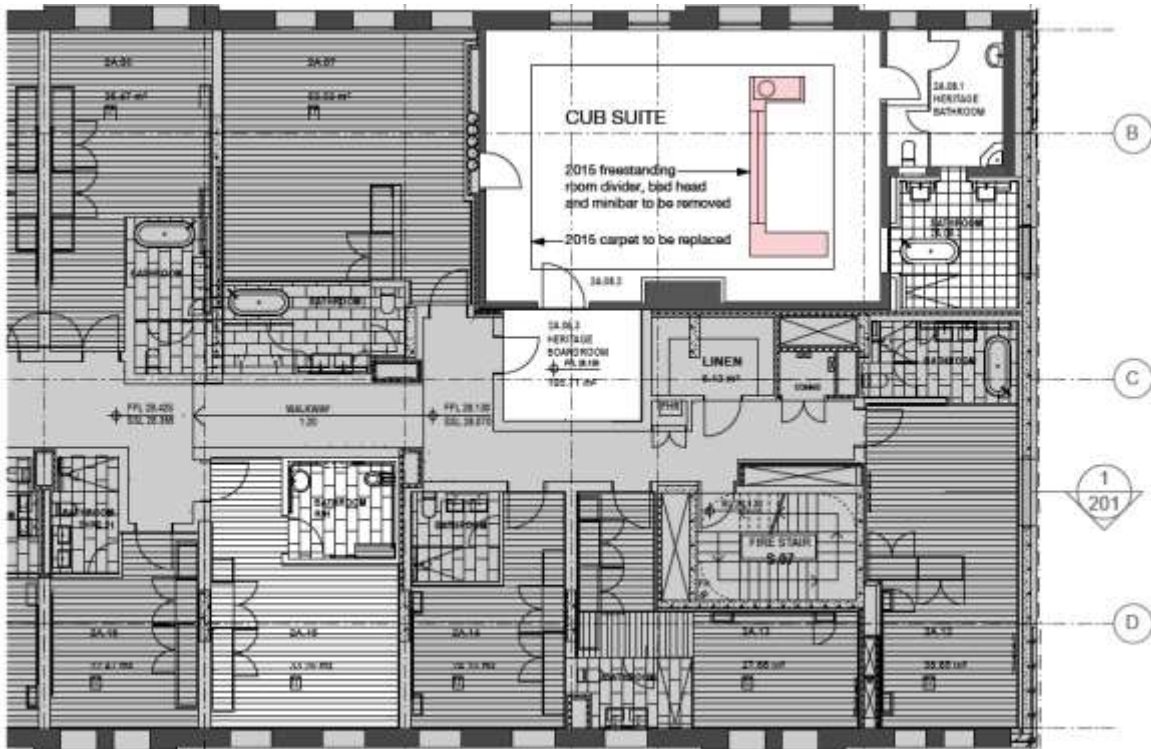


Figure 8 - Existing CUB suite

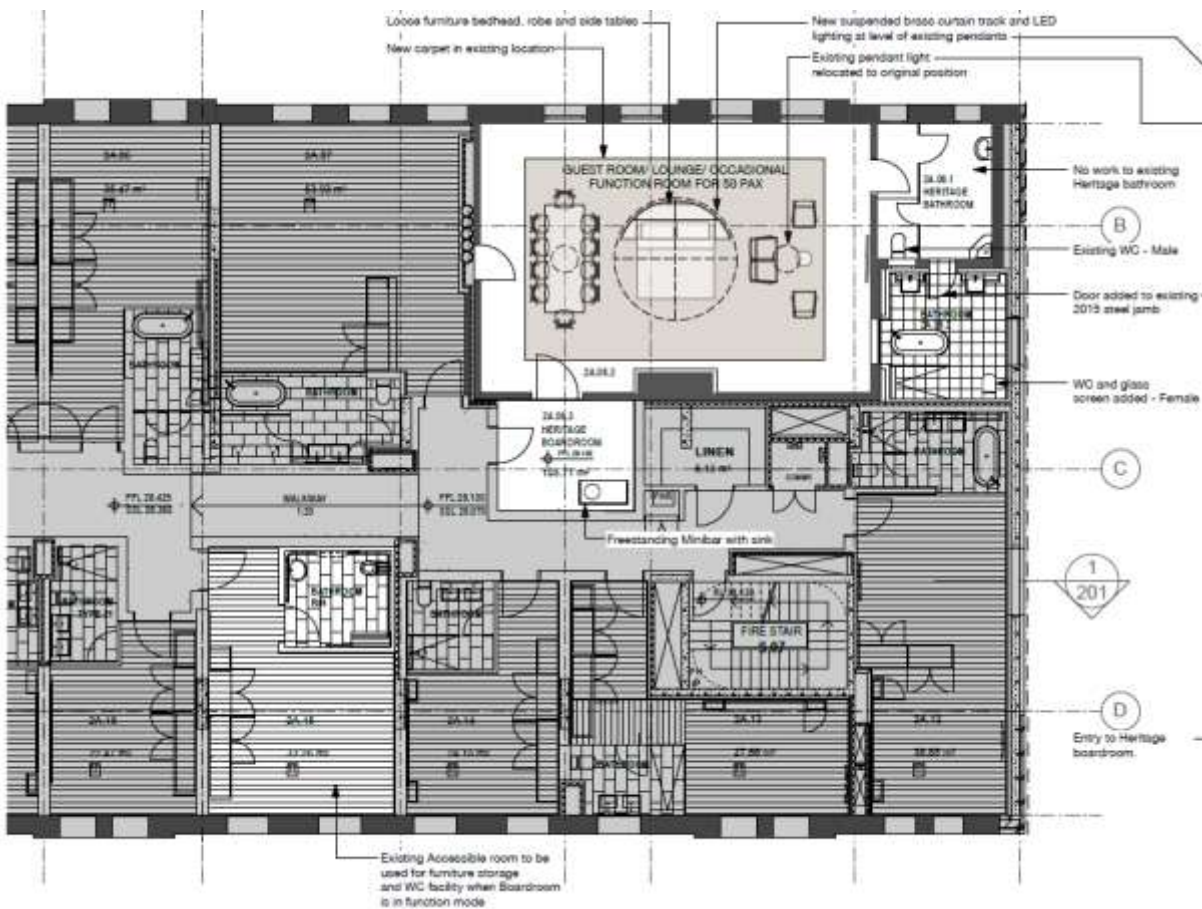


Figure 9 - Proposed adaptable space in former CUB suite

Modification Under Section 4.55(1A) of the Environmental Planning and Assessment Act

This application is made in compliance with Part 4 of the EP&A Act which allows for modification of State Significant Developments under Section 4.55(1A).

The purpose of this report is to:

- Assess the proposal against all relevant statutory controls;
- Consider whether the proposal is acceptable within the existing and likely future built form of the area;
- Consider whether the proposal is acceptable within the context of the applicable planning controls; and
- Address all significant environmental and external impacts, where applicable.

The application has considered all pertinent matters required under Section 4.15 of the EP&A Act, including the Sydney Local Environmental Plan 2005 and Sydney Development Control Plan 2012. This assessment concludes that the development is of minor environmental impact and that the development, as proposed, is substantially the same development as that approved by the Minister and may be determined.

Sydney Local Environmental Plan 2005

ASPECT	DETAIL	ASSESSMENT
Zoning	The site is zoned City Edge in the LEP.	Use as a hotel is permitted with consent and continues the existing approved use. A function room ancillary to the existing hotel is permitted with consent.
Height	No numerical height limit is set for the site. Clause 50(8) states that consent must not be granted for the erection of a building unless its height will complement the height of buildings on adjacent land.	No change to the approved height is proposed.
Floor Space Ratio	The site has a Floor Space Ratio of 4:1 (Hotels) in the Local Environmental Plan.	The proposal does not change the approved FSR. All areas to be modified were previously included in the GFA calculation and will continue to be under the proposal.
Car parking	Hotels and Clubs generate a maximum car-parking requirement of 1 space per 5 bedrooms, and 4 spaces per 100 square metres of function room area, in the Local Environmental Plan.	Car parking provision for the site has been assessed and approved by the Minister as part of the Project Plan. Ten car-parking spaces for boutique hotel guests are located in the basement car parking areas of adjoining blocks. The proposal increases the suites available on site by a total of 7, however, it reduces the GFA allocated to food and drink premises commensurately. Given the site's close proximity to an array of public transport options, and active pedestrian and road networks that support walking, taxis and ride sharing, as well as car parking stations on nearby land, any further demand that arises from increased hotel suites or the use of the CUB suite for functions, can be easily accommodated by the transport infrastructure.
Heritage	Both buildings located in Block 3A are identified as Heritage Items pursuant to Sydney Local Environmental Plan 2005. Clause 67A of the LEP contains objectives for development relates to Heritage Items.	The proposal will not have an adverse heritage impact on the buildings on the site as discussed in detail in the attached Heritage Impact Statement by Paul Davies Pty Ltd.

Sydney Development Control Plan 2012

Aspect	Detail	Assessment
3.9.1 Heritage Impact Statements	<p>(1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:</p> <p>(a) heritage items identified in the Sydney LEP 2012; or</p> <p>(b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.</p>	<p>Complies.</p> <p>The site is a heritage item under the Sydney LEP 2005.</p> <p>A HIS by Paul Davies Pty Ltd is attached to this application and is summarised under the Consultant Reports section of this SEE.</p>
3.11 Transport and Parking	<p>3.11 of the SDCP 2012 seeks to ensure that adequate access is available to car and bicycle parking.</p>	<p>Complies.</p> <p>No change is required to the existing parking and transport arrangements on site.</p> <p>The requirement for bicycle parking is reduced under the proposal as 7 hotel suites require less bicycle parking than the existing restaurant. The use of the CUB Suite as an occasional function room is not expected to increase demand for bicycle parking due to the nature of the venue and the access to transportation alternatives.</p> <p>Car parking is addressed in the LEP table.</p>
3.12 Accessibility	<p>3.12 of the SDCP seeks equitable access and facilities for all people where upgraded or intensified uses in existing buildings are proposed.</p>	<p>Complies.</p> <p>The existing building contains a BCA compliant number of accessible units.</p> <p>As per the BCA Assessment by City Plan Services, the CUB Suite is capable of complying with the BCA.</p>
3.14 Waste	<p>Section 3.14 of the SDCP 2012 relates to waste management, including requirements for a Waste Management Plan and an appropriate waste storage area.</p>	<p>Complies.</p> <p>A Waste Management Statement was submitted with the original application MP 11_0089. The same waste management procedures will continue to be used. The expected volume of waste being produced on site will be reduced as hotel suites produce less waste than restaurants.</p>

<p>4.4.8</p> <p>Visitor Accommodation</p>	<p>Section 4.4.8 of the SDCP 2012 provides controls to ensure visitor accommodation in the City has acceptable levels of health, safety, cleanliness, amenity and administration for guests while controlling the impact on the amenity of the surrounding locality</p>	<p>Complies.</p> <p>Previous approvals have addressed the considerations under this section. The proposed rooms are similar in design to the existing rooms on site and comply with all relevant standards. The existing site management practices as will continue to be applied across the site.</p>
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Consultant Reports

Building Code of Australia Assessment

An assessment of the proposal against the BCA has been prepared by City Plan Services in support of the application. The assessment found that:

“The design as proposed is capable of complying with the Building Code of Australia, and will be subject to construction documentation that will provide appropriate details to demonstrate compliance. This report has identified areas of non-compliance with the deemed-to-satisfy provisions and indicates the design intent to modify the design or demonstrate compliance with the Performance Requirements of the BCA. Whilst the performance based solutions are to be design developed, it is my view that the solutions will not impact on the current design.”

Performance based solutions will be developed in the detailed design stage to ensure compliance with the BCA as per the recommendations of the BCA Assessment by City Plan Services.

Heritage Impact Statement

A Heritage Impact Statement has been prepared by Paul Davies Pty Ltd in support of the application. The HIS found that the proposal will have no adverse effects on the heritage fabric of the building and will support its ongoing use and conservation. The HIS concluded that:

“The proposed internal alterations to Levels 1 and 2 of the hotel will have no adverse impacts on significant internal fabric within the hotel, will enhance the setting of a retained fireplace to Level 1, and will result in returning Level 2 and part of Level 1 to hotel accommodation rooms (the original uses of these levels of the hotel) and altering the use of the former CUB boardroom to level 2 to a use closer to the original use (allowing use of the room as a function room or guest lounge as well as a hotel guest room).

The proposal will have no adverse heritage impacts on the hotel, while also enhancing the continued successful operation of the building as a boutique hotel, and supporting the ongoing conservation of the buildings.”

Structural Adequacy Statement

A Structural Adequacy Certification was provided by Core Project Consulting in support of this application. It concluded that:

“The structural integrity of the existing building will not be unduly affected by the proposed works”

Environmental Planning and Assessment Act 1979 S4.15 Assessment

Section 4.15(A) Relevant Planning Instruments

The relevant planning instruments are the Sydney Local Environmental Plan 2005 and the Sydney Development Control Plan 2012. They have been considered in detail throughout this SEE.

Section 4.15(B) Other Impacts of the Development

Noise

Acoustic internal glazing is to be applied to all new hotel suites as per the existing heritage approved glazing that is in use throughout the hotel. The new suites will not receive any more acoustic impact from the surrounding environment than the previously approved suites. The acoustic output of the site will be reduced due to the conversion of the restaurant to hotel suites.

Privacy

The proposal provides adequate privacy for guests of the hotel by virtue of the separation between the suites and neighbouring buildings. Curtains are also provided for the privacy of guests.

The privacy impact for the neighbouring apartments in the Central Park Building is minimal as an appropriate separation exists between the buildings.

Section 4.15(C) Suitability of the Site for the Development

The site is an existing hotel. It is well located for greater density of tourist and visitor accommodation due to its proximity to the city and public transport.

Section 4.15(E) Public Interest

The provision of additional tourist and visitor accommodation near to public transport supports the economy of the locality. The proposal is not incompatible with the public interest.

Conclusion

The proposed modification of the Level 1 Manager's office, Level 2 restaurant and the CUB Suite are consistent with the existing use of the site as a hotel. The modifications will protect the heritage fabric of the building, remove unsympathetic elements and continue the conservation and use of the site.

The development, as amended, is substantially the same development as the approved development and may be determined in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act. The development complies with the provisions and objectives within the Sydney Local Environmental Plan 2005 and the Sydney Development Control Plan 2012.

It is considered that the matter being dealt with does not increase the potential for adverse environmental impact and so the proposal is recommended for approval.