



***ADDENDUM REPORT:
Central Park, Chippendale (Former Carlton
United Brewery)***

MP 11_0091

**Adaptive Reuse of the existing buildings on
Blocks 6 and 7**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

July 2013

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BACKGROUND

Frasers Broadway Pty Ltd (the Proponent) seeks Project Application approval for the reuse of existing buildings along the eastern side of Kensington Street for commercial and retail uses. The proposal relates to Blocks 6 and 7 as approved by the Concept Plan for the Carlton United Brewery Site (MP 06_0171).

Specifically, the proposal seeks the partial demolition and adaptive reuse of the existing buildings along the eastern side of Kensington Street for restaurants, cafes, bars, retail and commercial uses. In addition, landscaping, public domain works and parking spaces for 10 cars and 41 bicycles is proposed.

The application has been assessed by the Department. The Director-General's Environmental Assessment Report, dated June 2013 included an assessment of the proposed Project Application and recommended approval of the proposal, subject to conditions.

A copy of the report and draft instrument of approval, including conditions was placed on the Department's website on 18 June 2013.

Four submissions have been received from the public in response to the Department's report including from the Chippendale Residents Interest Group (CRIG). In addition, a submission was received from the Proponent requesting amendments to the recommended conditions of approval.

This addendum report provides consideration of the abovementioned submissions.

DEPARTMENT'S CONSIDERATION OF ISSUES

- a) All four public submissions raised concern that the proposed commercial and retail uses will potentially have adverse impacts on the amenity of local residents including acoustic impacts, future potential waste on local streets, and safety concerns relating to alcohol consumption.

The Department notes that the concerns raised were thoroughly considered in **Section 5.2** of the Director-General's Assessment Report. The Department remains satisfied that the proposed mix of uses, are consistent with the Concept Plan approval and would assist in facilitating an active street precinct, in a highly accessible, urban location. The Department is satisfied that the proposed uses are acceptable and subject to appropriate management, and compliance with recommended conditions, the proposed uses will not result in any adverse impacts on surrounding development and will make a positive contribution to the neighbourhood character and vitality of Kensington Street and the surrounding area. The specific impacts of uses on surrounding residents will be considered as part of future development applications, once specific tenants are identified.

- b) The submission from the CRIG requests that the local community be included in the development of the design of the public domain areas and location of the cycle bike racks in the Kensington Street precinct.

The Department acknowledges the local community's interest in the redesign of the proposed publically accessible open spaces, and relocation of bicycle spaces and facilities. However, the Department notes that the above issues were thoroughly considered in **Sections 5.3** and **5.4** of the Director-General's Assessment Report. In addition, the Department notes that recommended **Conditions B6, B20** and **B27** require Council to approve any proposed changes. The Department is satisfied that subject to the recommended conditions, the proposal will result in a positive streetscape impact to Kensington Street.

- c) The submission from the CRIG raised concern at the unsatisfactory level of community participation in the planning of the Kensington Street precinct.

The Department notes that the Proponent has undertaken an active communication process with the local community in the design and planning of the precinct including meeting with representatives of the CRIG in attempts to resolve their concerns. In addition, the Department is satisfied that it has satisfied its statutory obligations for community consultation as discussed in **Section 4** of the Director-General's Assessment Report.

- d) The submission from the CRIG has requested a Social Impact Assessment be prepared to consider the cumulative social impacts of the proposal.

The Department notes that social impacts of the proposed land uses were generally considered as part of the original Concept Plan. The Department remains satisfied that the proposed mix of uses, are consistent with the Concept Plan approval and would assist in facilitating an active street precinct, in a highly accessible, urban location.

- e) The submission from the CRIG noted that the Department procured the services of Urbis to assist with the assessment of the proposal. The submission notes that Urbis have previously carried out consulting work for the Proponent and therefore concerns were raised that Urbis may have a potential conflict of interest and have requested that the assessment be independently reviewed before any determination.

Urbis notes the perceived potential conflict of interest is a result of the specialist heritage advice provided by Urbis Heritage (business unit within the larger Urbis company) from 2008 to 2012. Urbis maintain however that no conflict of interest has occurred for the following reasons:

- the heritage advisory work has no crossover with Blocks 3A, 3B, 3C, 6, 7, and 10, and no active heritage advice has been provided in the last 6-9 months other than some isolated signage advice recently provided;
- Urbis has not carried out any planning advisory work for the Proponent; and
- strict internal protocols and operating arrangements are in place to ensure project confidentiality and independence is maintained to mitigate any conflicts of interest.

In consideration of the above, the Department is satisfied that no conflicts of interest have occurred as a result of engaging Urbis to assist with the assessment of the proposal. Further, the Department is satisfied that the final assessment of the proposal is the Department's assessment despite any work carried out by Urbis.

- f) One submission from the public raised concern with the provision of student accommodation and affordable housing as part of the wider former the Carlton United Brewery Site.

The matter raised does not specifically relate to this proposal.

- g) The Proponent's submission requested a number of modifications to the recommended instrument of approval. The proposed modifications and the Department's assessment is provided in **Table 1**.

Table 1: Table of conditions proposed (by the Proponent) to be amended with proposed text to be inserted in blue and proposed text to be deleted in red and struck through.

Condition	Proponents Comment	Departments Comment
Condition B13 Mechanical Ventilation Systems Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a the relevant Construction Certificate.	The proposed amendment was included in the mark-up and allows for the potential of staged CCs. The current condition would require the mechanical ventilation details to be provided prior to a CC for demolition.	Supported – Consistent with other CUB approvals and provides for staging of CCs. In addition, mechanical ventilation system details would not be required at demolition stage.
Condition B20 Landscaping of the Site d) Prior to the issue of a the relevant Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority.	The proposed amendment was included in the mark-up and allows for the potential of staged CCs. The current condition would require the landscape maintenance plan to be prepared and approved by the PCA prior to a CC for demolition.	Supported – Consistent with other CUB approvals and provides for staging of CCs. In addition, maintenance plan for landscaping would not be required at demolition stage.
Condition B26 Alignment Levels a) Prior to a Construction Certificate being issued, footpath alignment levels for the building must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor, architect/public domain designer or suitability qualified person and must be in accordance with the City of Sydney's Public Domain Manual.	The proposed amendment was included in the mark-up, consistent with other approvals on Kensington Street, Central Park. It allows the public domain architect or Architect to prepare the relevant details.	Supported – Consistent with other CUB approvals.
Condition B33 Physical Models a) Prior to a Construction Certificate Occupation Certificate for above ground works being issued, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and b) Prior to an Occupation Certificate being issued, an accurate 1:500 scale model of the development as constructed, must also be submitted to Council for placement in the City Model at the City Exhibition Space.	This was included in the mark-up. It was proposed to provide both of these models to be provided prior to the issue of the OC consistent with previous approval instruments for Central Park and Kensington Street.	Supported – Recent approval for three student accommodation buildings at Central Park have required the model of the approved development be submitted at Occupation Certificate.
Condition D24 Positive Covenant a) Prior to the issue of an Occupation Certificate for the development, a documentary Positive Covenant is to be created and registered on the Titles of Lots 2, 3 and 4, appurtenant to Council. The Positive Covenant is to be created in terms indemnifying Council against any claims and damages arising from the use of the Right of Public Access, and is to require the maintenance of a \$20,000,000 public indemnity insurance policy and is to require the maintenance, upkeep, repair and lighting of the Right of Public Access in accordance with Council's requirements and to the satisfaction of Council acting reasonably.	Given condition E12 that requires the Right of Access to be created appurtenant to Council, to Council's satisfaction. It is proposed that detailed regarding the positive covenant and indemnity could be addressed as part of Condition E12, as part of agreement with Council. If removal of the condition is not suitable, then the	Disagree – The proposed deletion of the condition is not supported as the condition is required to clarify details of the positive covenant. The additional wording is not clear or properly defined therefore is not supported. Condition has also been relocated to

	additional wording to the end is proposed.	Section E.
Condition E24 Environmental Performance The proponent is to provide documentation, prepared by a suitably qualified consultant, indicating that the development achieves a minimum performance standards equivalent to a 5 star 'As-Built' Green Star Rating prior to the issue of the final Occupation Certificate. The Proponent is to provide documentation, prepared by a suitably qualified consultant, indicating that the development has been constructed designed in accordance with the principles of a 5 star Green Star Building, consistent with Condition B12 of Concept Plan Approval MP 06_0171 (Concept Plan) as amended. Evidence of the projects ineligibility and its consistency with Green Star Principles shall be provided prior to the issue of the final Occupation Certificate.	The first part of the original condition (shown in red) was inadvertently not deleted in our mark-up sent to the DPI. It should be amended (consistent with condition B32). The note as part of our markup on the draft conditions stated "Proposed to update this condition to be consistent with the Concept Plan Modification MP 06_0171 MOD 5 as per other Pas for Central Park and Kensington Street".	Supported – The proposed amendment is consistent with the approved Concept Plan (as modified) MP06_0171 MOD 5. However, some minor amendments to the additional wording is recommended to provide clarity surrounding the projects ineligibility under the Green Star Rating system.

CONCLUSION

The Department has considered the comments received from submissions and reiterates the Department's previous assessment of the management and operation of the development as provided in the Director-General's Environmental Assessment Report. The Department is of the opinion that this matter has been carefully considered and no additional comment is required.

An amended modifying instrument is proposed taking into consideration the Proponent's comments.

RECOMMENDATION

It is recommended that the Executive Director of Development Assessment Systems and Approvals, as delegate for the Minister for Planning and Infrastructure:

- **consider** the findings and recommendations of the Director-General's Environmental Assessment Report;
- **consider** the findings and recommended of this addendum report;
- **approve** the Project Application subject to conditions; and
- **sign** the attached updated instrument of approval (**Appendix B**).

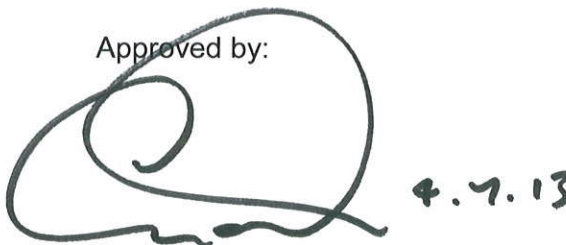
Endorsed by:



2/7/13.

Heather Warton
Director
Metropolitan and Regional Projects

Approved by:



Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A SUBMISSIONS IN RESPONSE TO REPORT
