

ASSESSMENT REPORT

Block 11 - Central Park, Chippendale SSD 6376 MOD 2

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) consent (SSD 6376) for a mixed-use development known as Block 11 at Central Park, in the Sydney local government area.

The application has been lodged by Frasers Broadway Pty Ltd (the Applicant) pursuant to section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for the amalgamation, conversion and rearrangement of apartments, internal and external modifications to the childcare centre, external amendments to facades and building materials, reconfiguration of basement levels and use of car parking spaces in Block 2/2A.

2. SUBJECT SITE

The Central Park site (previously known as the Carlton & United Breweries Site) is located on the south-western edge of the Sydney CBD. The site has a total area of approximately 5.8 hectares and is bound by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Wellington Street to the south.

The Central Park site comprises several high density mixed use and residential buildings (**Figures 1 and 2**).

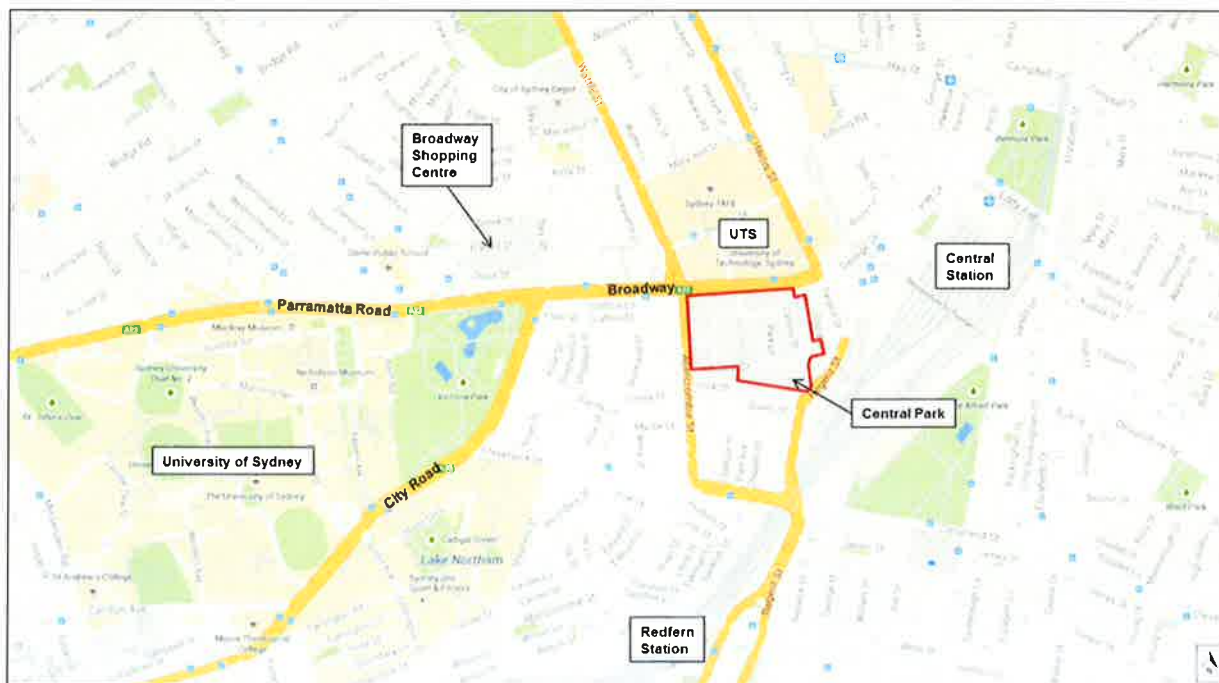


Figure 1: Site location (Base source: Nearmap)

Block 11 has a site area of 7,280 square metres (m²) and is located on the south-eastern corner of the Central Park site. The site is bounded by O'Connor Street to the north, Kensington and Regent Streets to the east, Wellington Street to the south and Balfour Park and Balfour Street to the west (refer to **Figure 2**).

The site is being redeveloped for a mixed-use development and the refurbishment of the Castle Connell Hotel (refer to **Section 3**). Residential and commercial buildings are located to the south and west of the site on the opposite side of Wellington and Balfour Streets. To the north of the site, within the Central Park precinct, the neighbouring blocks comprise high density, mixed use residential developments at Block 5a (9 storeys) and Block 5c (27 storeys) and public open space. Construction works have commenced on the site.

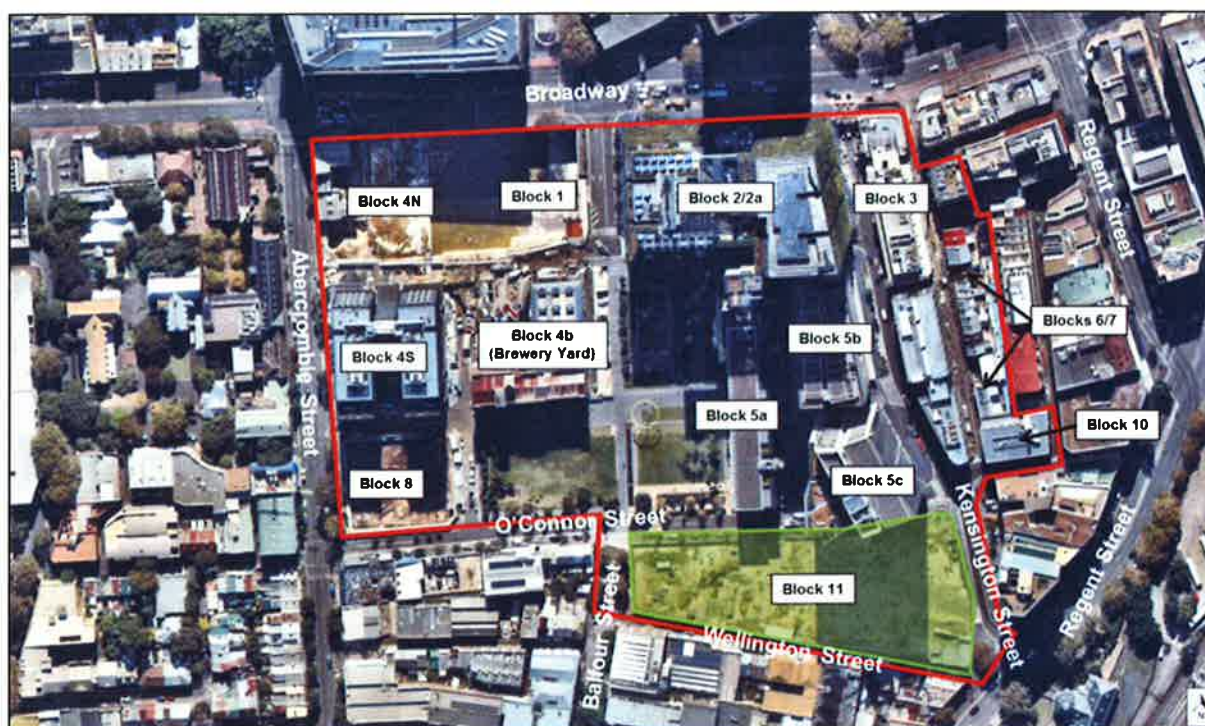


Figure 2: Concept Approval site boundary (outlined in red) and the location of Block 11 (highlighted green) within the site (Base source: Nearmap)

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 site for a mix of residential, commercial, retail uses and public open space development (Concept Approval). Key aspects of the Concept Approval (as modified) include:

- maximum 255,550 m² GFA (including a maximum 195,985 m² of residential and minimum 59,515 m² of non-residential)
- a new park (6,000 m²) and open space areas
- a contribution of \$32 million for the provision of affordable housing within the locality
- retention of 33 heritage items associated with the former brewery and its adaptive reuse of existing buildings.

The Concept Approval established the framework for the assessment of subsequent detailed applications within the Central Park Precinct and has been modified on 12 occasions. Block 11 was the final development block within Central Park.

3.2 Project Approval

On 2 March 2016, the Planning Assessment Commission (Commission) granted SSD Consent for the development of Block 11 for a mixed-use building SSD 6376 (the SSD Consent) including:

- construction of a 10 to 13 storey building (maximum height RL 64.17) over two basement levels
- total GFA of 25,220 m² comprising, 292 residential apartments, 758m² GFA retail, and 655m² childcare facility (90 child capacity)
- retention, refurbishment and alteration of the Castle Connell Hotel (external only)
- 174 on-site car parking spaces (including 10 car share spaces) and two service vehicle spaces, six regular and three short term on-street car parking spaces and 448 bicycle parking spaces
- 3,300 m² of open spaces, public domain works and landscaping
- subdivision and strata subdivision
- signage zones.

The proposal has been previously modified on one occasion. On 4 November 2016, the Commission approved modification 1 for the deletion of wind Conditions B7, B8 and B9 relating to wind assessment and mitigation measures.

3.3 Other Relevant Approval

On 23 December 2016, the Executive Director, Key Sites and Industry Assessments approved a section 75W modification application (MP 09_0078 MOD 8) to Block 2/2A of the Central Park development to enable unsold/unused car parking spaces to be used by other owners or occupiers within the Central Park development.

In approving the modification application, the Department amended Condition E2 of the consent, allowing for:

E2 – Restriction on Use of Car and Storage Spaces

- ...
- d) ... any 'Unsold separate utility' spaces within Lot 301, 302, 303, 305, 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 (being Block 2/2A) to be used by tenants, residents, owners and occupiers of Block 11'
- ...
- f) The allocation of any car parking spaces in accordance with d) shall:
- i) not result in any re-allocation of spaces between different land uses; and
- ii) not exceed the maximum permissible car parking rate for each land use within each building, in accordance with the Sydney LEP 2005.
- g) Prior to the reallocation of spaces in accordance with d) ... evidence of compliance with f) must be submitted and approved by Council.

4. PROPOSED MODIFICATION

On 6 February 2016, the Applicant lodged an application (SSD 6376 MOD 2), which was subsequently amended by the Response to Submissions (RtS) (refer to **Section 6.2**). The modification (as amended by the RtS) seeks approval for the following:

- increase of one apartment (from 292 to 293 apartments) resulting from:
 - conversion of two, 2-bedroom apartments into four, 1-bedroom apartments
 - amalgamation of two, 2-bedroom apartments into one 4-bedroom apartment
- increase of 93 m² non-residential GFA and decrease of 93 m² residential GFA

- internal reconfiguration of apartment layouts
- removal of a jacuzzi on Level 9 and reconfiguration of communal open space
- modification of the childcare centre façade line and addition of 1.8 m glazed wind screen
- removal of enclosure around the hydrant booster within the O'Connor Street Park
- amended soffit design beneath the childcare centre fronting Wellington Street
- use of 30 car parking spaces within Block 2/2A in accordance with MP 09_0078 MOD 8
- reconfiguration of basement layout, including car parking, residential storage and lift access
- amendments to external façades, materials and inclusion of CCTV.

The modification is requested on the following grounds:

- the development has evolved as part of the design development of the project
- the changes enhance the architectural expression of the building's design
- the modification results in a neutral change to GFA and positive improvements to the childcare centre.

The proposed modifications are shown at **Figures 3 to 8**.



Figure 3: Approved (top) and modified (bottom) Levels 7 and 8 layout including the creation of two, 1-bedroom apartments (Base source: Applicant's EIS)



Figure 4: Approved (top) and modified (bottom) Level 3 layout, including the creation of a 4-bedroom apartment (Base source: Applicant's EIS)

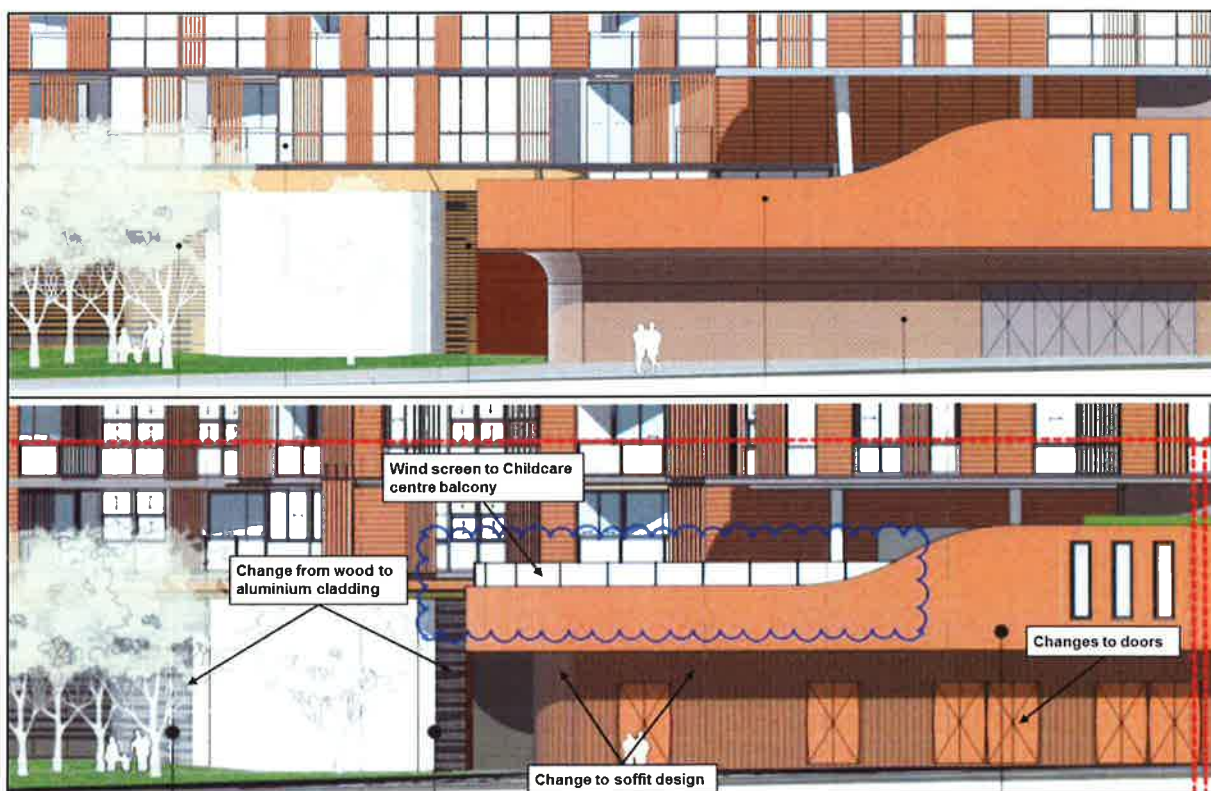


Figure 5: Approved (top) and modified (bottom) southern elevation fronting Wellington Street (Base source: Applicant's EIS)

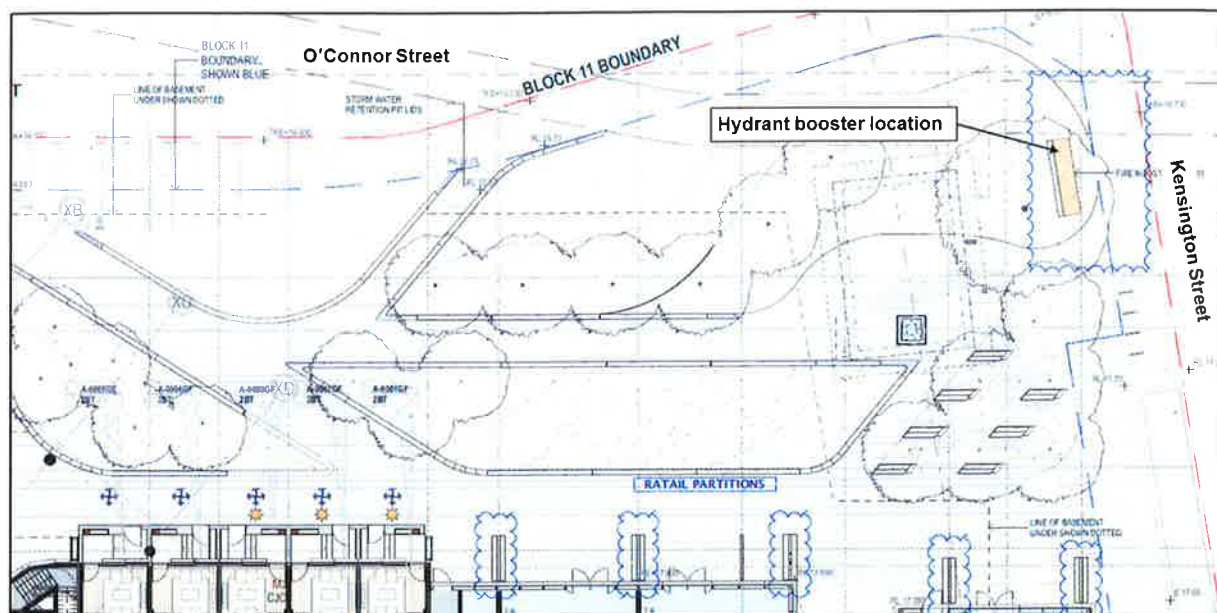


Figure 6: Hydrant booster location (Base source: Applicant's EIS)



Figure 7: Revisions to childcare centre façade line (bordered in red) and corresponding change to non-residential GFA (Source: Applicant's EIS)

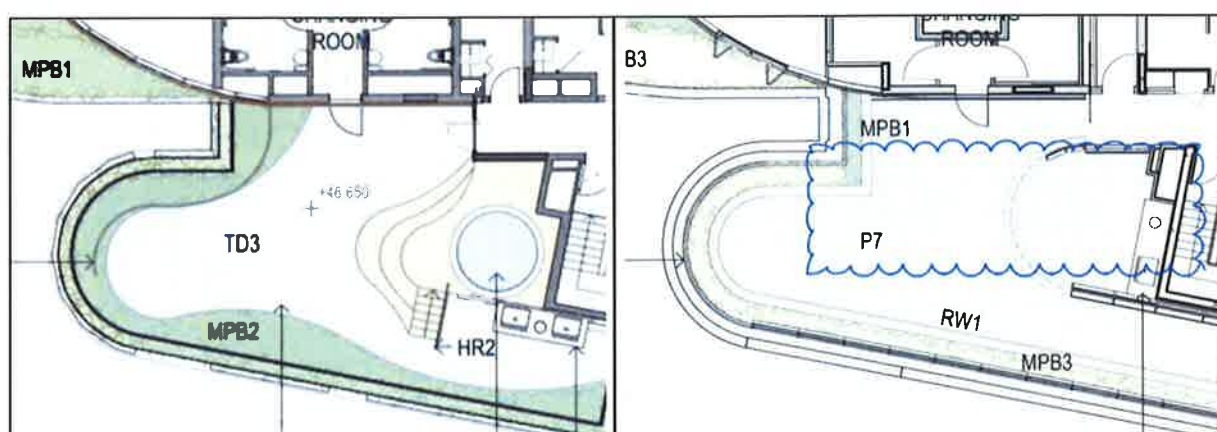


Figure 8: Deletion of the jacuzzi on Level 9 and reconfiguration of communal open space (Source: Applicant's EIS)

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department considers the proposed modifications will have minimal environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes which would not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as originally approved.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received one submission on the proposal from Sydney City Council. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development & accompanying Apartment Design Guide (ADG)
- Sydney Local Environment Plan (SLEP 2005)

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs and the Sydney Development Control Plan (SDCP 2012) in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not change the project's consistency with the EPIs.

5.3 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
- a political disclosure statement has been made in relation to a previous related application
- there are no public submissions in the nature of objections.

6. CONSULTATION

6.1 Consultation

The modification application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The application was made publicly available on the Department's website and referred to the City of Sydney Council for comment. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

Council did not object to the modification application and provided the following comments:

- additional changes are included on the plans and elevations not listed in the application, including changes to, and insertion of more windows, deletion of fins to balconies and provision of additional apartments on Level 7
- the soffit below the outdoor childcare space fronting Wellington Street should be light in colour and include appropriate lighting
- lowering building costs is not a valid reason to reduce the design excellence of the development
- clarification is needed of the proposed changes to materials.

There were no **public** submissions received on the proposal.

6.2 Response to Submissions (RtS)

Following notification of the modification application the Department requested the Applicant provide a response to the issues raised in Council's submission.

On 3 April 2017, the Applicant provided a RtS, which was subsequently updated on 19 June 2017, 20 July 2017 and 4 and 13 September 2017 (**Appendix A**). The RtS contains further information and clarification of the issues raised by Council. The Applicant has confirmed the proposal includes the following changes, not noted within the application:

- conversion of two apartments at Levels 7 and 8 from 2-bedrooms to 1-bedroom apartments and creation of two, new 1-bedroom apartments
- reconfiguration of the layouts of apartments within the building
- changes to materials
- amendment to the design of the soffit beneath the childcare centre fronting Wellington Street
- amendment to balcony designs and some window treatments
- changes to design of ground floor entry doors
- revised residential storage at basement level
- correction of proposed changes to non-residential and residential GFA.

The Department made the RtS publicly available on its website and referred the RtS to Council. No public submissions were received and Council did not provide any additional comments.

7. ASSESSMENT

The Department considers the key issue for consideration relates to the amendments to apartments. All other issues are considered at **Table 2**.

7.1. Amendments to apartments

The proposal includes an increase of one apartment (from 292 to 293 apartments) resulting from the:

- conversion of two, 2-bedrom apartments (Levels 7 and 8) into four, 1-bedroom apartments (**Figure 3**)
- amalgamation of two, 2-bedroom apartments (Level 3) into one 4-bedroom apartment (**Figure 4**).

A comparison of the Apartment Design Guide (ADG) minimum apartment size requirements and the proposed apartment sizes is provided at **Table 1**.

Table 1: ADG size requirements and proposed apartment sizes

Apartment	ADG min. size requirement	Proposed size	Difference (+/-)
E-704 (1-bed)	50 m ²	44 m ²	-6 m ²
E-705 (1-bed)	50 m ²	51 m ²	+1 m ²
E-804 (1-bed)	50 m ²	44 m ²	-6 m ²
E-805 (1-bed)	50 m ²	51 m ²	+1 m ²
WV-0305 (4-bed)	150 m ²	194 m ²	+44 m ²

Apartment size was a key consideration for the Commission in its determination of the original application. On this matter, the Commission concluded apartments should not be more than 4 m² to 5 m² below the ADG minimum size requirement to ensure an appropriate standard of residential amenity for future residents.

The Department notes two of the proposed 1-bedroom apartments are 6 m² below the ADG minimum size requirement. The Department raised concern about the amenity of these apartments and in response, the Applicant agreed to amend these 1-bedroom apartments to studio apartments to address the shortfall. The Department recommends a new condition requiring the submission of amended plans to ensure these apartments comply with the ADG minimum size requirements.

The proposed apartments would otherwise have acceptable layouts, outlook and meet the ADG minimum balcony size requirements. The Department considers, subject to the above condition, the apartments would provide an acceptable level of residential amenity.

With regard to the proposed 4-bedroom apartment, the Department notes it has an appropriate layout, is north facing, exceeds the ADG minimum internal and balcony space standards. The Department therefore considers the proposed apartment is acceptable. The Department also considers the addition of a 4-bedroom apartment would add further variety to the development's dwelling mix.

In addition, amendments have been made to the shape/layout of balconies to some apartments in the building and to the layout of two apartments at each level fronting Kensington Street. These changes do not alter the size of the apartments or their balconies. The Department considers these internal changes result in only minor alterations and the apartments would continue to provide an acceptable standard of residential amenity.

Overall, subject to amending the two 1 bedroom apartment's to meet the ADG minimum size requirements the Department considers the modified apartments would still achieve an acceptable level of residential amenity.

7.2. Other Issues

Table 2: Assessment of other issues

Issue	Consideration	Recommendation
Consistency with the Concept Approval	- The Concept Approval includes the following GFA restrictions and requires that on-site car parking comply with the SLEP 2005: - maximum 255,500 m² site-wide GFA for the Central Park Precinct - maximum 195,985 m² residential GFA - minimum 59,515 m² non-residential GFA - maximum 25,220 m² Block 11 GFA. - The modification proposes a 93 m² increase in non-residential GFA (from 1,413 m² to 1,506 m²) relating to the childcare centre and ground level retail units and a corresponding 93 m² decrease of residential GFA (from 23,807 m² to 23,714 m²). The total Block 11 GFA is unchanged. - In light of the above changes to the GFA, the proposal would not exceed the maximum site-wide (255,500 m²) or Block 11	No additional conditions or amendments necessary.

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	(25,220 m²) GFA requirements. - The proposed increase in non-residential GFA would exceed the Concept Approval minimum (59,515 m²), and the reduction in the residential GFA would not exceed the Concept Approval maximum (195,985 m²). The Department is therefore satisfied the proposal would continue to comply with the maximum and minimum Concept Approval GFA requirements. - The proposal would not result in a change to the total number of car parking spaces or car share spaces provided on-site, and the proposal would continue to comply with the SLEP 2005 car parking requirements. - The Department is satisfied the proposal remains consistent with the Concept Approval.	
<i>Off-site car parking</i>	- The Department approved a modification to the Block 2/2A Approval (as summarised at Section 3), which allows unsold/unused car parking spaces to be taken up by other developments within the Central Park Precinct, should they wish to do so. - The modification seeks an amendment to Condition B19 Car Parking to allow future residents of Block 11 to take up car parking within Block 2/2A in accordance with the above approval. - The Department notes the approval of modification application MP 09_0078 MOD 8 allows Block 11 to use up to 30 car parking spaces within Block 2/2A, if they are not already in use or sold. - The Department's assessment of MP 09_0078 MOD 8 concluded the alternative use of car parking spaces remains consistent with the Concept Approval and would not result in additional impacts beyond those already assessed and approved. In addition, the condition includes limitations to ensure any reallocation of car parking spaces continues to comply with the SLEP 2005. - In light of the above, the Department has no objection to the amendment of Condition B19 to clarify that future residents of Block 11 may take up car parking in Block 2/2A in accordance with the requirements of MP 09_0078 MOD 8.	The Department has recommended modified Condition B19 allowing the use of car parking spaces in Block 2/2A in accordance with MP 09_0078 MOD 8.
<i>Modifications to childcare centre</i>	- The proposal seeks to modify the childcare centre façade line (Figure 7) and include a 1.8 m glazed wind screen to the childcare centre balcony. - The Applicant has stated the modification to the façade line is sought to ensure the proposal corresponds with the childcare centre fit-out DA being assessed by Council. The wind screen is proposed to ensure the centre provides an appropriate wind environment. - The Department considers the proposed changes are minor in nature and would have an overall beneficial impact on the use/operation of the childcare centre. The Department therefore considers the changes to be acceptable.	No additional conditions or amendments necessary.
<i>Soffit design</i>	- The proposal seeks approval to change the soffit design beneath the childcare centre fronting Wellington Street from a curved to rectangular design (refer to Figure 5). - Council initially raised concern stating the revised design should include lighting and the soffit should be of a light colour. - The Applicant has agreed to Council's requirements. - The Department agrees the revised soffit should be of an appropriate design and be lit and treated in a light colour, and has recommended a new condition accordingly.	The Department has recommended a new condition requiring the soffit to include lighting and be treated in a light colour.
<i>Hydrant booster</i>	- The proposal includes the removal of the enclosure surrounding the approved hydrant booster, located within the O'Connor Street park (Figure 6). - The Department notes the removal of the enclosure would reduce the visual prominence of the booster. In addition, the booster would be surrounded by landscaping comprising mounding and screen planting. - The Department considers the removal of the booster enclosure would not have an adverse visual impact on the	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	O'Connor Street park and therefore considers it to be acceptable.	
Materials	• Council initially raised concern about the proposed modification resulting in a reduction in the quality of the materials, more windows and deleted fins to balconies. • The Applicant has confirmed the majority of the materials remain unchanged and the type of brick to be used would be an earth/rust colour in accordance with the Concept Approval. In addition, the Applicant confirms the modification does not include an increase in windows or removal of fins. • The Department notes the only significant change to materials includes the replacement of timber with aluminium battens adjacent to the pedestrian through-link (Figure 5). • The Department is satisfied the proposed materials remain acceptable and the minor changes proposed would not reduce the overall quality, design or appearance of the building.	No additional conditions or amendments necessary.
Other minor internal and external alterations	• The proposal includes the following internal and external alterations to the building: ◦ minor amendments to the building façades (including windows, doors and balconies) ◦ inclusion of CCTV ◦ reconfiguration of basement layout, including car parking, residential storage and lift access ◦ removal of the jacuzzi on Level 9 and reconfiguration of the communal open space at that level. • The amendments to the building façades result in very minor alterations to windows, doors and balconies. The Department considers those changes would not be discernible from the SSD Consent and are therefore acceptable. • The proposed CCTV has been provided in accordance with the recommendations of the SSD Consent Crime Prevention Through Environmental Design report and are therefore considered appropriate. • The reconfiguration of the basement level results in a minor rearrangement of car parking spaces, residential storage areas and stair/lift cores. The modification does not propose to change the total number of car spaces, residential storage or access to the basement levels. The Department considers those changes are acceptable. • The Department considers the removal of the jacuzzi on Level 9 is acceptable, and notes this results in a corresponding increase in communal passive open space for recreation.	No additional conditions or amendments necessary.

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 the proposed modification is appropriate on the basis that:

- it remains consistent with the requirements of the Concept Approval
- the Department has recommended a condition requiring the layout of two apartments to be amended to comply with the requirements of the ADG and, subject to this condition, the proposal would achieve an appropriate standard of residential amenity
- the Department has recommended a condition to ensure the revised soffit is of an appropriate design and colour
- the use of car parking within Block 2/2A by future residents of Block 11 has been considered and approved as part of the modification of the Block 2/2A consent
- the amendments to the childcare centre are minor in nature and would have an overall beneficial impact on its use and operation
- the removal of the booster enclosure would not have an adverse visual impact on the O'Connor Street park

- the proposed materials remain acceptable and the other proposed internal and external changes are minor in nature and would not affect the overall design quality or use of the building.

Consequently, it is recommended the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

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

- **considers** the findings and recommendations of this report
- **determines** that the application falls within the scope of section 96(1A) of the EP&A Act
- **approves** the modification application for Block 11 Central Park (SSD 6376 MOD 2), subject to conditions
- **signs** the attached notice of modification (**Appendix A**).

Recommended by:

 11/10/17

Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:



Anthea Sargeant 13/10/17
Executive Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8232

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 request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8232

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8232

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8232