

ASSESSMENT REPORT

Block 11 – Central Park, Chippendale SSD 6376 MOD 6

1. INTRODUCTION

This report is an assessment of an application to modify the State significant development (SSD) approval (SSD 6376) for a mixed-use development at Block 11, Central Park (former Carlton United Breweries Site). The modification application (SSD 6376 MOD 6) was lodged by Frasers Broadway (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This modification application seeks approval to amend the draft plan of subdivision for Block 11 to create a new stratum for the retail tenancies and child care centre to be separate from the existing residential stratum, clarify the extent of road widening and management of the groundwater treatment system within the road widening area along Wellington Street.

2. SITE LOCATION

Central Park (previously known as the Carlton & United Breweries Site) is a major area of urban renewal, comprising several, high density mixed-use and residential buildings within the City of Sydney local government area (LGA). Central Park is located on the south-western edge of the Sydney CBD with a total area of approximately 5.8 hectares (**Figure 1**). The site, known as “Block 11” is located in the south-eastern corner of Central Park 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.

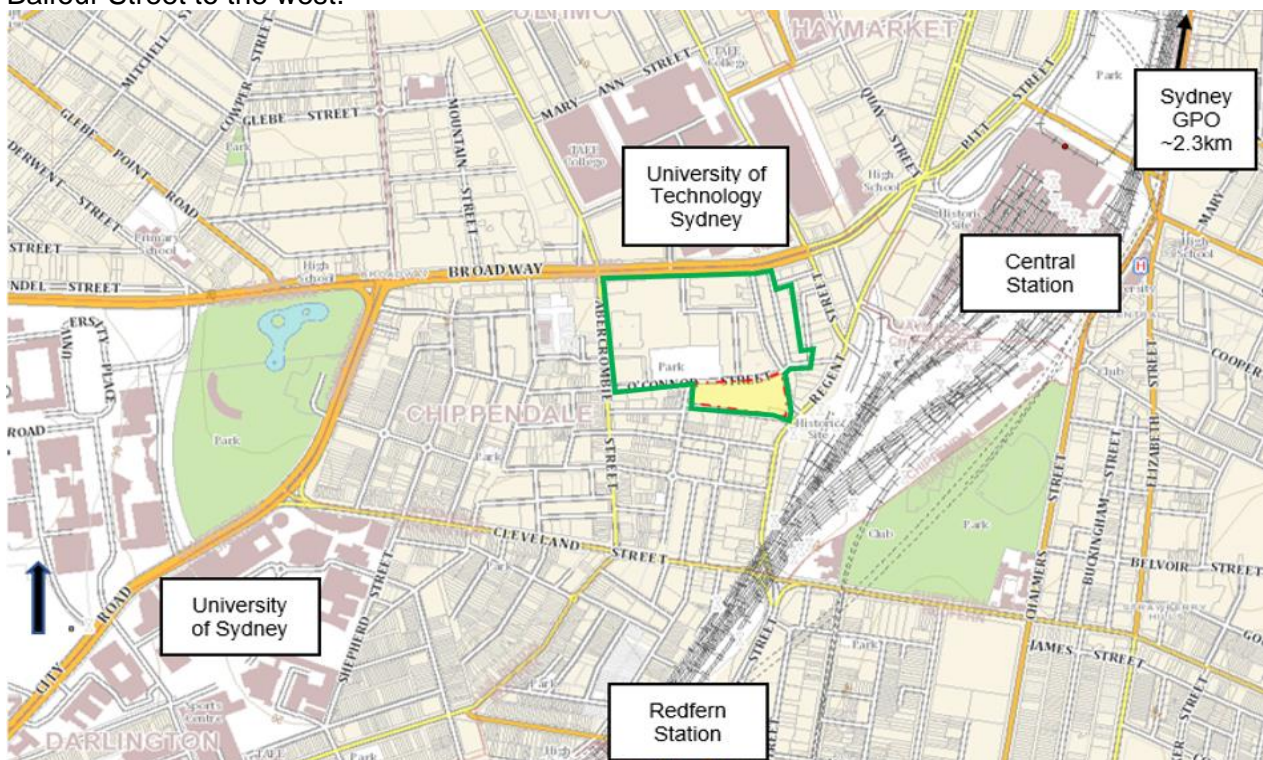


Figure 1. Central Park Precinct identified with green outline. The site, Block 11 is highlighted in yellow (Source: Six Maps).

3. SUBJECT SITE

'Block 11' is an irregular rectangle comprising of 20 Wellington Street, Chippendale (Lot 5 DP1142053) and 63 Kensington Street Chippendale (Lot 1 DP 76719) (**Figure 2**). The site is being redeveloped for an approved mixed-use development which includes the refurbishment of the Castle Connell Hotel (SSD 6376).

Residential and commercial buildings are located to the south, east and west of the site on the opposite side of Wellington, Kensington 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).



Figure 2: Central Park (outlined in red), the location of Block 11 (highlighted in green) within the site. (Source: Nearmap)

4. APPROVAL HISTORY

On 2 March 2016, the Planning Assessment Commission (now known as the Independent Planning Commission) granted development consent for a residential/mixed use development at Block 11, Central Park (SSD 6376). This approval was for a 10 to 13 storey building over two basement levels with residential dwellings, associated non-residential uses, child care centre and retail on the ground floor (the SSD Approval).

The project has been modified on four occasions and one proposed modification was withdrawn (**Table 1**).

Table 1. Summary of modifications to the SSD 6376

MOD No.	Summary of Modifications	Approval Date
MOD 1	Deletion of wind conditions B7, B8 and B9 Installation of vertical screens to the ground floor retail units.	4 November 2016
MOD 2	Minor internal and external modifications to the approved development.	13 October 2017

MOD No.	Summary of Modifications	Approval Date
MOD 3	Modification to change the standard weekday construction hours from 7.30 am – 5.30 pm to 7 am - 7 pm for Central Park Block 11.	Withdrawn
MOD 4	Modification to enable internal construction works to be carried out 24-hours-a-day, seven-days-a-week to Block 11, Central Park.	6 March 2016
MOD 5	<ul style="list-style-type: none"> significant reduction of the plant room located on level 13 and replacement with 2 x 1-bedroom units modification to eight apartments on the northern elevation from loggias to balconies (to meet the requirements of BASIX) removal of internal stair (stair 5) between ground and level 1 retail signage, consisting of projecting wall signs located above the entry of each tenancy minor internal and external modification for services, plant and structure. 	22 May 2018

5. PROPOSED MODIFICATION

On 4 July 2018, the Applicant lodged the modification application (SSD 6376 MOD 6) seeking approval to amend the draft plan of subdivision for Block 11.

The proposed modification includes:

- new stratum (PT50) for retail tenancies and child care to be separate from the residential stratum, including allocation of car spaces and facilities in podium and basement levels (**Figure 3**)
- clarify the stratum arrangements in Wellington Street between the groundwater treatment infrastructure, the road widening on Wellington Street and the proposed PT 50 (retail stratum lot). The road widening will be limited in stratum to about 0.1 metres below the proposed ceiling of the overhanging building structure (**Figure 4**)
- inclusions of easements to enable the development to function as intended.

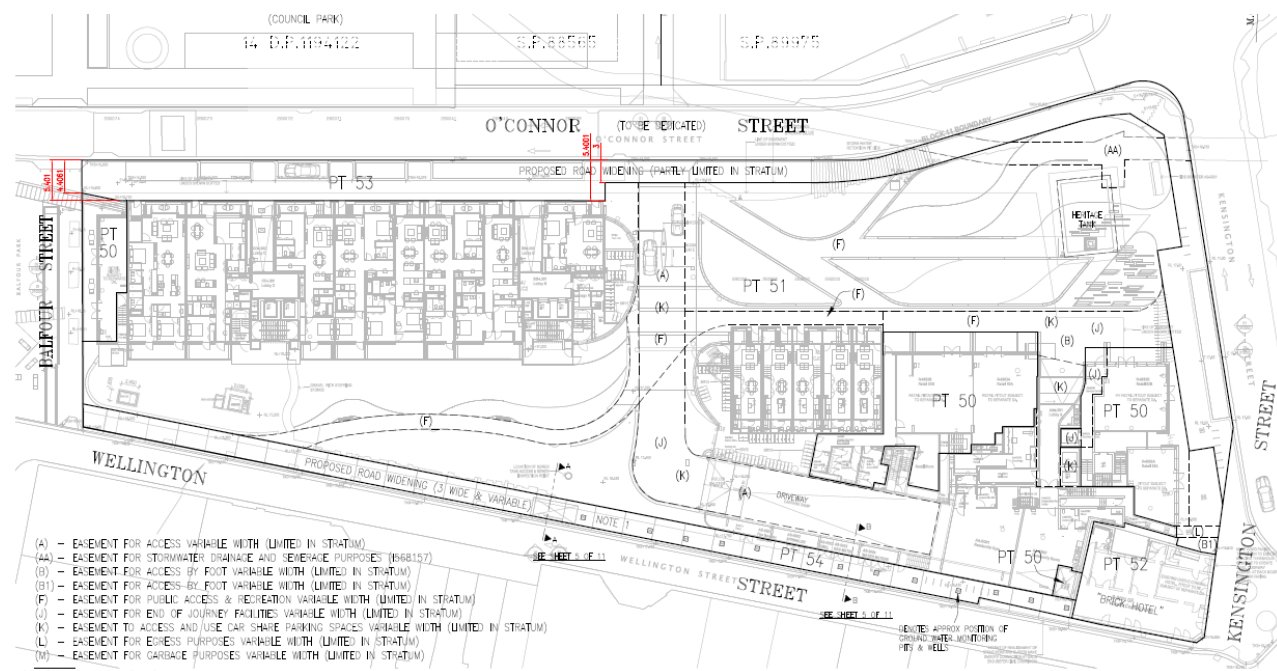


Figure 3. The proposed schedule of stratum lots on the ground floor overlaid with the approved development (SSD 6376).

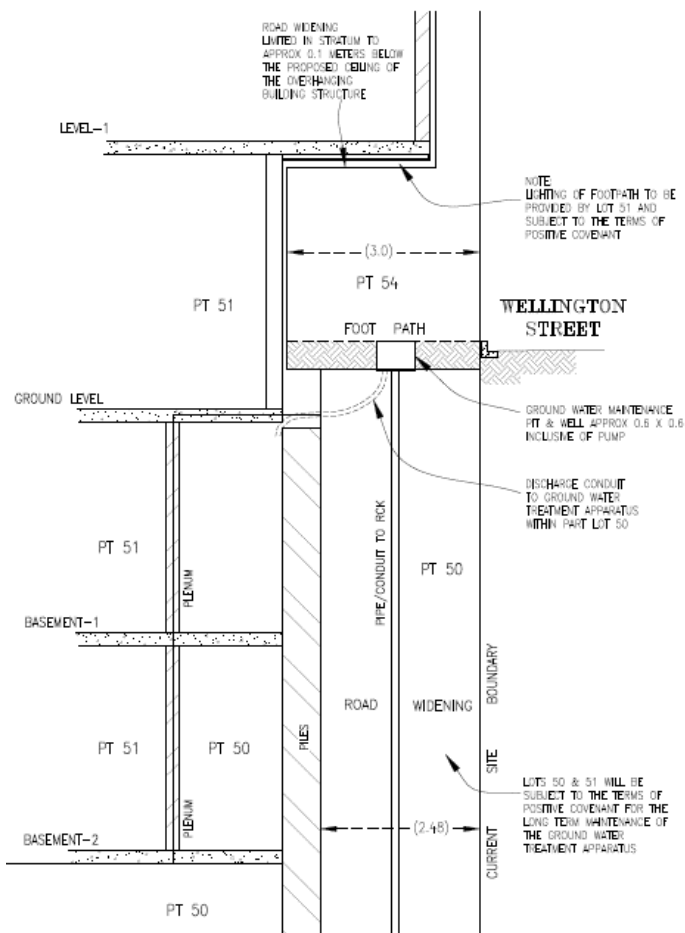


Figure 4. An extract of the proposed stratum arrangements in Wellington Street.

The modification is requested on the basis that proposal will:

- enable the approved building to function as intended
- clarify the stratum arrangements in Wellington Street for the groundwater treatment infrastructure and contaminated ground below
- establish a stratum for retail tenancies and child care to be separate from the residential stratum

It is noted in discussions with the City of Sydney (Council) and Frasers Property that Wellington Street is owned by Council and Frasers Property own the area within the proposed road widening and the footpath (**Figure 4**). Separate to this modification application, a positive covenant will be sought for the groundwater treatment apparatus, which will extend under the proposed area of road widening for Wellington Street.

6. STATUTORY CONSIDERATION

6.1 Modification of approval

Section 4.55(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters in **Table 2** are addressed in respect of all applications that seek modification approvals.

Table 2. Section 4.55(1A) Modification involving minimal environmental impact.

Section 4.55(1A)	Department's consideration
(a) that the proposed modification is of minimal environmental impact, and	The Department is satisfied that the modification application will have minimal environmental impacts. The proposal only involves amendments to

Section 4.55(1A)	Department's consideration
	the stratum subdivision of the development and will not result in changes to the approved physical forms or the operation of the development.
(b) 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), and	The Department is satisfied the proposal is substantially the same as the originally approved development under development consent SSD 6376. The proposed amendments to the draft plan of subdivision is not considered to change the environmental impacts of the approved development.
(c) the application has been notified in accordance with the regulations, and	Notification is not required for section 4.55(1A) modifications. DPE notified Council and made the application available for comment on the Department's website.
(d) any submission made concerning the proposed modification has been considered.	The Department notified Council of the modification application and received no comments.

6.2 Environmental Planning Instruments

The Department undertook a comprehensive assessment of the original proposal against the following Environmental Planning Instruments (EPIs):

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- City of Sydney LEP 2012.

Given the minor nature of the proposed modification, the Department is satisfied that the proposed modification remains consistent with these EPIs.

6.3 Consent authority

The Acting Director, Key Sites Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

7. CONSULTATION

Section 4.55(1A) modification applications are not required under the *Environmental Planning and Assessment Regulations 2000* to be publicly exhibited. The application was made publicly available on the Department's website. No public submissions were received on the proposal.

The Department also notified Council of the application. No comments were received from Council.

8. ASSESSMENT

The modification application primarily seeks to create a new stratum lot which will separate the management and ownership of the retail tenancies and child care centre from the residential component of the development. The subdivision of the development as modified by this application will result in five stratum lots as follows:

- Lot 50 – retail stratum lot (new)
- Lot 51 – residential stratum lot

- Lot 52 – Castel Connor Hotel stratum lot
- Lot 53 – O'Connor Street road widening stratum lot
- Lot 54 – Wellington Street road widening stratum lot.

The Applicant provided an overlay plan (overlying the approved plans of the development with the proposed draft plan of subdivision), showing the allocation of ownership between the proposed stratum lots. The Department notes the boundaries of the proposed stratum lots align with the different approved uses within the building.

The Department has reviewed the proposal and notes the draft plan of subdivision is consistent with the approved plans and consent conditions and particularly the allocation of car spaces and various services and facilities within the basement and podium levels of the building.

The application includes amendments to the stratum boundaries within the area of road widening along Wellington Street. The Department notes the proposed amendments will limit the height for the stratum for road widening to reflect the building overhang above. The Applicant also proposes a positive covenant to clarify the on-going maintenance of the groundwater treatment infrastructure, which is also located within the road widening area along Wellington Street.

The Department has considered the potential impacts associated with the proposal and concludes the modification application to amend the draft plan of subdivision for Block 11 will improve building management by clearly delineating the stratum boundaries between the different uses in the building. The Department therefore considers the proposed modification to be acceptable.

9. 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 modification is appropriate as the proposal will enable the approved development and uses to be managed efficiently, including the separation of the retail tenancies and child care centre from the residential use, and clarify the extent of road widening along Wellington Street and the management of groundwater treatment infrastructure for the development.

Consequently, the Department concludes the modification application should be approved, subject to conditions.

10. RECOMMENDATION

It is recommended that the Acting Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the application (SSD 6376 MOD 6) falls within the scope of Section 4.55(1A) of the EP&A Act
- **modify** the consent for SSD 6376
- **sign** the attached modification of development consent (**Appendix B**)

Prepared by Planning Officer, Liza Miller

Endorsed by:



Annie Leung
Team Leader, Key Sites Assessments

Decision

The recommendation is approved by:



Cameron Sargent
Acting Director, Key Sites Assessments
as delegate of the Minister for Planning

APPENDIX A: SUPPORTING INFORMATION

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

1. Modification request

<https://majorprojects.accelo.com/public/44e4a6d676365d5bff05d420c7326102/Application.html>

APPENDIX B: MODIFICATION OF DEVELOPMENT CONSENT

A copy of the modification of development consent can also be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9463