

10 September 2015

NSW Planning Assessment Commission Determination Report

State Significant Development Application and Modification Request for a Project Approval Block 1, Central Park (SSD 6554 and MP 08_0253 MOD 5)

1. INTRODUCTION

Central Park JV No 2. (the Applicant) has submitted an application for a State Significant Development (SSD) Application (SSD 6554) for a mixed use building on Block 1 at Central Park, Chippendale (former Carlton United Breweries site) and a section 75W modification application to a Project Approval for Blocks 1, 4N and Central Thermal Plant (MP 08_0253 MOD 5).

The Central Park site (previously known as the Carlton & United Breweries Site) is located in the south-western edge of the Sydney Central Business District (CBD). The site is broadly bounded by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Kensington Street to the south. The site is located within the City of Sydney local government area (LGA).

The Central Park site comprises a number of high density mixed use and residential buildings many of which are occupied and a number which are still under construction.

2. PROPOSAL

Background

SSD 6554

On 9 February 2007, the 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.

Block 1 was approved as commercial buildings under the Concept Plan.

Since its original approval the Concept Approval has been modified on ten occasions, of particular note is Modification 8 which approved the use of Block 1 for both commercial and residential floor space. Modification 9 and 10 made further amendments to the permissible floor space and the building envelope for Block 1.

MOD 5

On 26 May 2010, the Planning Assessment Commission (the Commission) granted approval for Major Project MP 08_0253 for the construction of a new 10-15 story commercial building on Blocks 1 and 4 (N&S), including 5 levels of basement car parking, space for a tri-generation plant, retail floor space, a child care centre and public domain works.

Since its original approval the Project Approval has been modified five times (refer to Appendix 3 for details).

SSD 6554

The Applicant originally sought approval for the construction of an 18 storey mixed use building providing for 281 residential apartments, residential facilities, 1,100m² of ground level commercial

floor space, four levels of basement car parking to service Block 1 and Block 4N, and stratum subdivision.

Following the public exhibition the Applicant made the following amendments to the proposal:

- Amendments to some residential apartment layouts and inclusion of loggias in place of balconies in some apartments;
- Amendments to the communal open space, residential facilities, entrance and lift lobby;
- Reduction in apartment numbers by two apartments (from 281 to 279 apartments); and
- Refinement of façade materials.

MOD 5

The modification request is for the removal of Block 4N and Block 1 from the Project Approval. Block 4N is to be developed in accordance with SSD 6673 approved on 20 August 2015 and Block 1 under the above proposed SSD 6554.

This modification request would result in only the Central Thermal Plant (CTP) in the Brewery Yard basement being developed under the original Project Approval, and allow its development to be independent of Blocks 1 and 4N.

3. DELEGATION TO THE COMMISSION

The State Significant Development and the modification application were referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011 because the City of Sydney Council objects to the SSD application.

The Commission panel appointed to determine the applications comprised Mr Paul Forward (Chair) and Mr Stephen O'Connor.

4. DEPARTMENT'S ASSESSMENT REPORT

The Department's Assessment Report identified the following key issues:

- Residential amenity; and
- Consistency with concept approval.

The Department's Report recommended approval subject to conditions. In summary, the Department considered the proposed modifications to be reasonable in the circumstances. The Department did identify the need for balance between the desire for increased residential density on the site and the need to provide an acceptable level of amenity for future residents.

5. MEETINGS & SITE VISIT

The Commission received a briefing from the Department on 3 September 2015 (see Appendix 1). Additional information was provided by the Department at the Commission's request on 3 September regarding studios; Section 94 Contributions and the stratum subdivision (see Appendix 2).

The Commission met with the City of Sydney Council on 3 September 2015, minutes of the meeting located in Appendix 1.

The Commission attended the site with the Applicant and discussed the recommendations of the Department's Environmental Assessment Report (see Appendix 1). The Applicant provided additional information on 3 September regarding balconies; clarification of site area/boundary; size of studies; bicycle parking; three slot design and amendments to conditions (see Appendix 2).

6. COMMISSION'S CONSIDERATION

Block 1 State Significant Development

Having considered the information available, the following key areas were identified by the Commission for further consideration:

- Design Modifications;
 - o Additional façade slot;
 - o Balconies;
 - o Studies; and
 - o Dual key apartments.
- Bicycle parking.

6.1 Design Modifications

Additional façade slot

The Department's report identified residential amenity as the key issue in the development of Block 1 for residential purposes. In particular, concern was raised regarding solar access; cross ventilation; outlook and daylight access. In order to address these concerns the Department has suggested a number of design amendments, including the insertion of an additional slot on the western elevation of the building between levels 3-18. This would result in symmetry with the opposing façade which had already proposed two slots.

The Commission acknowledges that the amendment to the design to allow for an additional slot will impact on the amenity in the area surrounding the lifts on each floor. However, the Commission considers that the increase in amenity for residential apartments that is afforded by the additional slot far outweighs any detrimental impacts to the amenity in the lift circulation areas.

The Commission therefore supports the Department's requirement for the design to include an additional slot on the western façade with the addition of the below condition to address the concern that natural light will be reduced within the lift lobby areas;

B4 "Prior to the issue of the Construction Certificate the applicant shall investigate the potential to improve the natural lighting of the lift lobbies on all floors and submit to the Secretary a report documenting the outcome of these investigations. The Construction Certificate shall not be issued until the Secretary has approved the report."

Studies

The Commission discussed the proposed layout of the apartments with the studies with both the Department and the Applicant.

The Department expressed concern that the proposed study in many of the apartments were of such a size that residents would be encouraged to use the study areas, which have no access to natural light or ventilation, as an additional bedroom. The Department therefore suggested a condition that would limit the size of studies to less than 8m² to discourage studies being used to accommodate additional occupants.

After discussions with the Applicant, the Commission is satisfied that the Applicant has a number of procedures planned to control any attempt to allow additional occupation of the proposed

apartments. Amongst these planned measures are the issue of swipe cards to residents only; the employment of security personnel and a concierge at reception 24 hours a day to oversee access to and from the building; the ability to undertake inspections of apartments to ensure overcrowding is not taking place and encouraging other residents to indicate if they suspect that overcrowding is occurring in any apartments. On this basis the Commission believes that the proposed studies are appropriately sized and does not support the recommended condition requiring the studies to be reduced in size.

Balconies

The Department notes that the Residential Flat Design Code (RFDC) recommends that primary balconies should have a minimum depth of 2 metres. The Applicant proposes balconies of 1.8m in some apartments. The Department has therefore recommended a condition that all balconies are increased in depth to 2m by reducing space within the living areas.

The Commission notes that there is ambiguity about how balcony depths are measured (including whether the measurement is from the inside of the glass sliding door or the outside of the glass sliding door). The Commission believes that the proposed design solution of stack doors overcomes the depth concern as the balconies will be provided at grade opening directly to living areas. This facilitates maximum flexibility as the stack doors allow the opening to the balcony to be at almost the full length of the opening. Residents can therefore select to have much wider balcony space if they desire or maximise the indoor space if the sliding doors are closed.

Given the inner city location of this development it is the Commission's opinion that the living space will be a more valuable area for occupants if the design as proposed is approved. Furthermore, the proposed design measures makes the balconies feel more spacious and allow for easier transition between the two spaces (indoor and outdoor). Therefore the Department's recommended condition regarding the minimum 2m depth of balconies has not been adopted.

Dual Key Apartments

The Department notes that a number of the dual key apartments do not have satisfactory amenity outcomes. As such the Department recommends a condition that requires the poorly performing dual key apartments be converted to single key apartments in order to improve their amenity.

The Commission supports the inclusion of the proposed condition regarding dual key apartments.

The Applicant has no objection to the amendments to dual key apartments.

Conclusion

After discussions with the Department, Council and the Applicant the Commission has carefully considered the proposed design options for the proposed development.

The Commission agrees with the Department that the inclusion of an additional slot on the western faced will significantly increase the residential amenity of the development. However, the Commission does not support amendments to the proposed balconies or studies.

Based on the Commission's assessment of the proposed design modification, the Department's proposed condition B3 has been amended, as follows:

B3 Prior to the issue of the relevant Construction Certificate, amended plans and documentation are required to be submitted to and approved by the Secretary. Plans shall include:

- a) *amendments to the floor plans for Level 3-18 to incorporate an additional slot on the western elevation of the building (generally replicating the two slots on the eastern elevation with adjustments to the plate at levels 16 to 18 to facilitate this change);*
- b) *conversion of the following dual key apartments to single key apartments;*
 - *1A and 18A on Levels 4 to 16; and*
 - *12A and Levels 4 to 9;*
 - *5A and 6A at level 3;*
- ~~c) *Increase the width of all 1.8 meter wide balconies and loggias to a minimum width of 2.0 metres, by converting internal floor spaces to balcony space;*~~
~~*Amendments to apartment layouts so that internal studies without direct access to a window for light and ventilation have a floor area less than 8m²; and*~~
- c) *Where the above changes result in the deletion of adaptable units, new adaptable units be incorporates into the revised plans to ensure a minimum of 15% of apartments are designed as adaptable units.*

6.2 Bicycle parking

The Applicant has requested that visitor bicycle parking be provided within the basement car parking area rather than at the public domain level as required by the Department's proposed conditions. The Applicant has stated that access to the visitor bicycle parking can be provided by residents escorting visitors to the basement area.

The Commission supports the request to provide visitor parking at basement level as this will satisfy the need for visitor bicycle parking without cluttering the public domain level with bicycle parking furniture. Therefore the Commission has amended condition B15 as follows:

B15 Minimum bicycle parking on site or adjacent shall be provided as follows:

- a) *43 basement spaces for residents and employees exclusive of residential storage space; and*
- b) *Visitor bicycle parking spaces **to be provided within the basement** ~~through bicycle hoops each accommodating 2 bicycles located within the public domain frontages (the final location to be approved by Council as required by Condition B8)~~ at the rate of 12 spaces plus 1 space per 10 dwellings.*

6.3 Modification of Project Approval for Blocks 1, 4N and Central Thermal Plant (MP 08 0253 MOD 5)

The Commission recognises that the proposed modification will result in Blocks 1 and 4N being removed from the Project Approval leaving only the construction of the Central Thermal Plant (CTP) within a new basement under the brewery yard under the MP_0253 approval.

Blocks 1 and 4N will be developed under separate approvals. This allows for the CTP to be developed independently of Blocks 1 and 4N. The CTP is currently under construction.

The Commission is satisfied that the proposed modification is appropriate.

7 COMMISSION'S DETERMINATION

Accordingly, after detailed consideration of the relevant information for the applications, the Commission agrees with the Department that they should be approved, subject to the changes to the Department's recommended conditions as outlined in this report. The signed Instruments of Approval incorporating the changes considered necessary are attached.

A handwritten signature in black ink, appearing to read 'Paul Forward'.

Paul Forward
Commission Member (Chair)

A handwritten signature in black ink, appearing to read 'Stephen O'Connor'.

Stephen O'Connor
Commission Member

Appendix 1
Department Briefing

This meeting is part of the determination process		
Meeting note taken by Johanna Lee	Date: Thursday, 3 September 2015	Time: 9:00am
Project: Block 1, Central Park (SSD 6554 and MP 08_0253 MOD 5)		
Meeting place: PAC Offices		
Attendees: PAC Members: Paul Forward and Stephen O'Connor PAC Secretariat: Johanna Lee Department: Ben Lusher (Director); Amy Watson (Team Leader) and Natasha Harras (Team Leader)		
The purpose of the meeting Department briefing.		
<u>Background</u> • A modification was sought 18 months ago to amend the land use to allow for greater residential use • Modification was approved by the PAC however, it was noted that more attention needed to be given to the Block 1 envelope • The Central Thermal Plant is the only element still sitting under the Project Approval <u>The proposal</u> • Cumulative amount of amenity issues • Worked with Council to formulate recommendations. Recommended design changes came as a result of these meetings • Council's only outstanding issue was that the lower 1-9 levels should be converted to non-residential use due to poor residential amenity <u>Design changes</u> • Conversion of some of the dual key apartments removes a number of amenity issues. 85 proposed 34 removed • Believe 4 slots is better outcome than 3 slot. There will be however, some loss of apartments and light to the lift core • Concern studies will be used as bedrooms. Looked at a number of solutions. Proposed solution is minimising study sizes to less than 8 sqm which is below the current minimum standard for a bedroom at 9 sqm • Propose design change to increase depth of balconies in order to meet the guidelines <u>Section 94 contributions</u> • There is a VPA associated with the Concept Approval • Department will provide more information on this matter		
Documents : Nil		
Outcomes/Agreed Actions: Department to provide additional information on studies; section 94 and stratum subdivision		
Meeting closed at 10:00am		

This meeting is part of the determination process		
Meeting note taken by Johanna Lee	Date: Thursday, 3 September 2015	Time: 10:00am
Project: Block 1, Central Park (SSD 6554 and MP 08_0253 MOD 5)		
Meeting place: PAC Offices		
Attendees: PAC Members: Paul Forward and Stephen O'Connor PAC Secretariat: Johanna Lee City of Sydney: Russel Hand (Senior Planner)		
The purpose of the meeting Council briefing		
<u>Background</u> - Council's objections were mainly focussed on achieving SEPP 65 compliance with regard to amenity issues <u>Design changes</u> - Council supports the addition on an extra slot however, acknowledges that this does not improve solar access which is why Council believes the lower levels should be converted to non-permanent residential uses - One suggestion to address light issue surrounding the lift lobby is to perhaps switch the stairs and the lifts so the lifts are closer to the windows <u>Section 94</u> - VPA is in place. The Department is responsible for its implementation		
Documents : Nil		
Outcomes/Agreed Actions: Nil		
Meeting closed at 10:20am		

Site Visit and Applicant Meeting

This meeting is part of the determination process		
Meeting note taken by Johanna Lee	Date: Thursday, 3 September 2015	Time: 11:15am
Project: Block 1, Central Park (SSD 6554 and MP 08_0253 MOD 5)		
Meeting place: On site		
Attendees: PAC Members: Paul Forward and Stephen O'Connor PAC Secretariat: Johanna Lee Applicant: William Lam (Development Manager); Michael Goldrik (Director Project Management); Mick Caddy (Project Director) and Stephen Gouge (Senior Planner, JBA)		
The purpose of the meeting Site visit and meeting with the Applicant		
Site Visit - Block 1 & 4 are the last components of the development - Open spaces within the development aims to reduce the visible densities of the development - Approximately 70% investor owned 30% owner occupied - Block 5 inspected the lift lobby and communal spaces - Block 2 (West tower) inspected lift lobby Meeting - Explained how the stratum works across the site. The proposed building will initially have 2 stratums one for the retail element and one for the residential element - Discussed the design changes proposed by the Department in the recommended conditions <u>Balconies</u> - The proposed stack doors can be opened up completely to allow for at grade connection - Internal space is more valuable as there is traffic noise in this area - Level of communal space is larger than guidelines - Department used a different boundary line to measure the site area. Believe the communal open space figure is much greater if the areas to be dedicated to Council are excluded from the calculations <u>Slots</u> - Feel that 3 slots is a better option than 4 slots due to the reduction in amenity at the lift lobbies - Result in minimal natural daylight penetration of lift lobby - Switching the lifts and stairs would be difficult as this would result in two separate lifts lobbies which would result in inefficiencies and potentially longer waiting times for lifts - Solar access and cross ventilation is constrained as a result of the city location <u>Bicycle parking</u> - Prefer the visitor cycle parking in the basement. Concierge is available for access - Other cycle parking spaces provided within the precinct		
Documents tabled at the meeting: Plans		
Outcomes/Agreed Actions: Applicant to provide further information regarding the proposed wording of conditions related to the balconies; studies; bicycle parking; etc.		
Meeting closed at 1:00pm		

Appendix 2
Additional Information

Appendix 3

Consolidated Instrument

The Consolidated Instrument is for information purposes only and not to be relied on for accuracy. Refer to instrument of consent for final conditions.