

## ASSESSMENT REPORT

### Central Park Block 4N SSD 6673 MOD 2

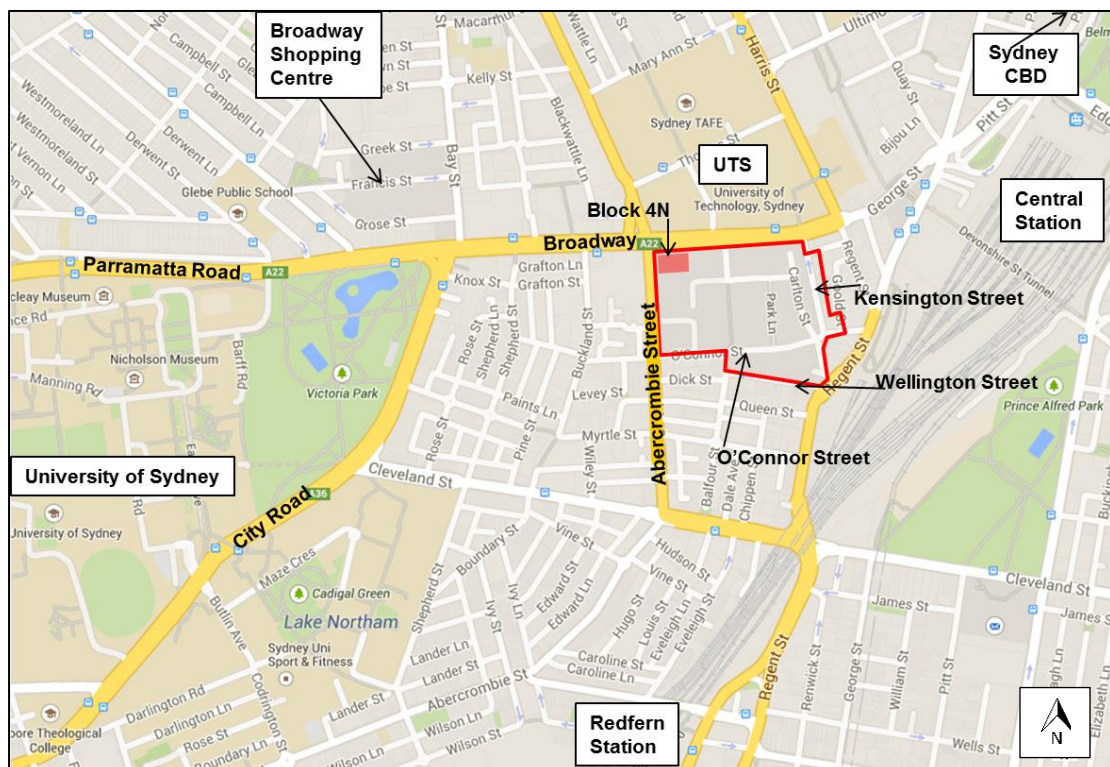
#### 1. INTRODUCTION

This report is an assessment of an application seeking to modify the State Significant development (SSD 6673) approval for the development of Block 4N at Central Park in the City of Sydney local government area. The application has been lodged by JBA Urban Planning Consultant Pty Ltd (the Applicant) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to make minor changes to the allocation of car parking spaces and the publicly accessible areas on the ground floor of the building.

#### 2. SUBJECT SITE

The Central Park site is located at the corner of Broadway and Abercrombie Street in the suburb of Chippendale (**Figure 1**). Central Park is a major urban renewal site within walking distance to Central Station and the central business district (CBD).

Block 4N is located in the north-west corner of the Central Park site. It includes the heritage listed Australian Hotel and three terrace houses which will all be retained. The site is bounded by Abercrombie Street to the west, Broadway to the north and Block 1 to the east. Block 4N is currently being constructed.



**Figure 1:** Site location (Source: Applicant's Environmental Assessment)

### 3. APPROVAL HISTORY

#### Concept Plan Approval

On 9 February 2007, the then Minister for Planning granted Concept Plan approval (MP 06\_0171) for the redevelopment of the site which includes a mix of residential, commercial and retail uses as well as public open space. The Concept Plan approval has been modified on 12 occasions.

Key aspects of the Concept Plan approval as modified include:

- a maximum 255,550 m<sup>2</sup> of Gross Floor Area (GFA) (including a maximum 195,985 m<sup>2</sup> of residential and minimum 59,515 m<sup>2</sup> of non-residential)
- a new park (6,000 m<sup>2</sup>) 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.

#### Project Approval

On 20 August 2015, the then Executive Director Infrastructure and Industry Assessments, granted project approval for SSD 6673 for Block 4N including:

- construction of an 18 and 19 storey building (maximum height RL 81.50)
- construction of four levels of basement across Blocks 1 and 4N
- retention, refurbishment and alteration of the Australian Hotel and Abercrombie Street terraces, including provision of heritage courtyard
- total GFA of 26,591 m<sup>2</sup> comprising:
  - 48 residential apartments
  - hotel use (283 hotel rooms) and ancillary guest and visitor facilities
  - 6,417 m<sup>2</sup> GFA commercial office
  - 1,236 m<sup>2</sup> GFA retail
  - a childcare facility (90 child capacity).
- 121 on-site car parking spaces, six on-site service vehicle spaces and six on-street short term car parking spaces
- 122 bicycle parking spaces
- public domain works and landscaping
- stratum subdivision
- business identification signage zones.

SSD 6673 has been modified on one previous occasion to reallocate 102 m<sup>2</sup> of non-residential GFA from Block 4N to Block 4B (the brewery yard and buildings).

### 4. PROPOSED MODIFICATION

The proposed modification seeks approval to:

- reallocate four car parking spaces from the hotel to the childcare centre to be used as drop off spaces
- change the public accessibility of some areas on the ground floor level of the building, including a lift lobby and a courtyard adjacent to the Australian Hotel from publically accessible to private spaces (**Figure 2**)
- revise stratum subdivision plans to reflect the above changes.

The Department notes no physical changes would occur as a result of the proposed changes.



**Figure 2:** Publicly accessible space changes (publicly accessible in blue, private in yellow)

## 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	<b>Section 7</b> of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied the proposed modifications are minor and would not physically alter the approved development. The Department therefore considers the proposal would have minimal environmental impact.
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 to the allocation of floor space and car parking spaces. No physical changes would occur as a result of the proposal. On this basis, the Department is satisfied the proposal would result in development that is substantially the same as the originally approved development.
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 <b>Section 6</b> of this report.
Any submission made concerning the proposed modification has been considered.	The Department received a submission from City of Sydney Council on the proposal. Council's submission is considered in <b>Section 7</b> of this report. No public submissions were received.

### 5.2 Environmental Planning Instruments

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – (Advertising and Signage)
- State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development)
- Sydney Local Environmental Plan 2005 (Sydney LEP).

The Department undertook a comprehensive assessment of the redevelopment against the above EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not change the proposal'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 but only in relation to a previous related application
- there are no public submissions in the nature of objections.

## 6. CONSULTATION

The modification request was made publicly available on the Department's website and referred to City of Sydney (Council) for comment in accordance with the *Environmental Planning & Assessment Regulation 2000*.

**Council** supports the proposed modification subject to appropriate provision of car parking and drop-off spaces.

No **public** submissions were received on the proposal.

## 7. ASSESSMENT

The Department considers the key issue associated with this modification is car parking. Other issues are considered in **Table 3**.

### 7.1 Car Parking

The approved development includes 54 basement parking spaces for the hotel use and five basement parking spaces for the childcare centre use. It also includes four street level short term parking bays which will be used for 'drop-offs' associated with both the hotel and the childcare.

The proposal seeks approval to reallocate four spaces from the hotel to the childcare centre. This would decrease car parking for the hotel to 50 spaces and increase car parking for the childcare centre to nine spaces.

The Concept Approval requires car parking to be provided in accordance with Part 5, Chapter 2 of the Sydney LEP. The intent of this requirement is to minimise car parking on the site, given its inner-city location and access to public transport. **Table 2** compares the approved and proposed car parking allocation against the LEP requirements.

**Table 2: Car parking compliance table**

Use	Approved spaces	Proposed spaces	LEP maximum requirement	Compliance
Hotel	54	50	57	Yes
Child Care	5	9	3	No

The Department notes car parking for the hotel would continue to comply with the maximum 57 spaces permitted under the Sydney LEP. However, the proposed nine car parking spaces for the childcare centre would continue to exceed the maximum of three spaces permitted under the Sydney LEP.

The Applicant argues the four additional spaces would not function as typical 'parking spaces', but rather they would be restricted to brief 'drop-offs' only and not for typical 'parking'. The Applicant also submitted a traffic report in support of the application which found the proposed changes would not result in any adverse traffic impacts.

The Department notes the Sydney LEP does not include specific parking provisions for childcare centres, but rather it incorporates a generic formula for all 'other uses'. However, in practice, childcare centres operate differently from other uses (such as retail or commercial uses) and typically incorporate drop-off bays to allow parents to drop-off and pick-up their children. The Department therefore considers the provision of an additional four drop-off spaces acceptable as it would help meet the specific operational needs of the childcare centre. To ensure these spaces are not used as general car parking spaces, the Department has included a condition restricting the use of the spaces for drop-off and pick-up only.

The Department also considers the proposal is consistent with the intent of the Concept Approval, as no additional car parking spaces would be provided on the site and the reallocated spaces would be used for drop-off and pick-up only. The proposal would therefore continue to minimise car parking on the site in accordance with the Concept Approval.

Finally, the Department notes Council suggested the childcare centre parking should be allocated with 8 spaces used either for drop-off or staff car parking and 1 long term visitor car parking space and advised the spaces should be located close to the ground floor and in close proximity to the childcare lift lobby.

The Department agrees with Council’s recommendations, and has therefore recommended a condition allocating one long term visitor space and four spaces for staff or short term drop-offs in conjunction with the four drop-off spaces approved as part of this modification.

The Department notes the spaces would be located on the second basement level next to the existing childcare spaces within close proximity to the childcare lift lobby. This is the closest parking area to the ground floor (the first basement level incorporates the loading dock and service area) and therefore considers the four drop-off spaces are appropriately located.

Subject to the recommended conditions, the Department concludes the proposed four basement drop-off bays, in conjunction with the existing five parking spaces, and four shared on-street drop-off bays would allow for an appropriate mix of drop-off, staff and visitor parking for the childcare centre and is consistent with Councils recommendation.

## 7.2 Other Issues

**Table 1:** Assessment of key issues

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Public access</i>	<ul style="list-style-type: none"> <li>• The proposed modification seeks to reduce the publicly accessible areas within the ground floor of Block 4N (<b>Figure 2</b>).</li> <li>• The project architect provided a design statement in support of the modification, which states the spaces to be reallocated were always intended to be private spaces, however the plans did not accurately reflect this.</li> <li>• The Department considers the private use of these spaces is acceptable as it would:               <ul style="list-style-type: none"> <li>○ allow the lift lobby within Block 4N to be a secure space</li> <li>○ allow the hotel courtyard to operate as an extension of the approved hotel use, improving the amenity and activation of this space</li> <li>○ retain a reasonable level of public access and permeability through the site, consistent with the Concept Approval.</li> </ul> </li> </ul>	Conditions amended to include updated plans.
<i>Stratum subdivision</i>	<ul style="list-style-type: none"> <li>• Minor changes are proposed to the approved stratum subdivision plans including:               <ul style="list-style-type: none"> <li>○ reallocation of publicly accessible space to commercial space</li> <li>○ reallocation of publicly available space to become part of the ‘Pub Stratum Lot’.</li> </ul> </li> <li>• The changes are supported as they accurately reflect the proposed modifications and would appropriately establish the ownership and management arrangements for the modified development.</li> </ul>	Conditions amended to include updated plans.

## 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 concludes the proposed modification is appropriate on the basis that:

- the proposal would remain consistent with the requirements of the Concept Approval
- the addition of four drop-off bays would meet the operational needs of the childcare centre without generating adverse traffic impacts or exceeding car parking limit onsite
- the proposal would still provide good levels of public access and permeability through the site
- the proposal is of a minor nature and would not result in any additional impacts beyond those already assessed and approved.

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

## 9. RECOMMENDATION

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

- **considers** the findings and recommendations of this report
- **approves** the application under section 96 (1A), subject to conditions
- **signs** the notice of modification (**Appendix A**).

Prepared by:  
Robin Ward - Planning Officer

Endorsed by:

Approved by:

Natasha Harras  
**Acting Director**  
**Modification Assessments**

Mike Young  
**Acting Executive Director**  
**Key Sites and Industry Assessments**

## APPENDIX A: NOTICE OF MODIFICATION

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[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8189](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8189)

## **APPENDIX B: SUPPORTING INFORMATION**

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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=8189](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8189)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8189](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8189)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8189](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8189)