

3 June 2022

218062

Michael Cassel  
Planning Secretary, Department of Planning and Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

Attention: Renah Givney - Senior Planning Officer, Key Sites Assessment

Dear Renah,

## **SECTION 4.55(1A) MODIFICATION APPLICATION to SSD-9374 BREWERY YARD BLOCK 4B – MODIFICATION 1**

This application has been prepared by Ethos Urban on behalf of IP Generation pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD-9374 relating to the Brewery Yard Block 4B, Central Park (the site).

The modification proposes to amend the adaptive reuse of the Brewery Yard building on the site including minor alterations to the ground floor, Level 1 slab and Level 3 mezzanine in Building 30, and one opening on the northern façade of Building 23. These modifications are a result of ongoing design development.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Revised Architectural Plans prepared by Tzannes (**Attachment A**);
- Heritage Impact Statement prepared by Urbis (**Attachment B**); and
- Panel Recommendation Report prepared by Design Integrity Panel (**Attachment C**).

## **1.0 Consent proposed to be modified**

Development consent was granted by the Minister of Planning and Public Places on 20 October 2020 for a State Significant Development Application 9374 (SSDA-9374) for the adaptive reuse of the Brewery Yard Building (Block 4B) for the purpose of commercial premises, including alterations and additions at 5 Central Park Avenue, Chippendale. The approved works are described as:

*“Adaptive reuse of the Brewery Yard buildings and forecourt for commercial premises, including the following:*

- *Internal demolition and removal of one coal hopper;*
- *Addition of two storeys above Buildings 22 and 23 and a new roof, new external fire stairs, new floors in building 30 and a glazed faced on the northern elevation of Building 30;*
- *A maximum gross floor area of 6,266m<sup>2</sup>;*
- *Heritage interpretation/ display areas; and*
- *Public domain works.”*

## 2.0 Background

### 2.1 Previous approvals and other relevant applications

#### 2.1.1 MP 06\_0171 MOD 16

The SSDA-9374 consent was concurrent to the approval of the (previous) Section 75W (S75W) modification application to amend the Central Park Concept Plan approval (MP 06\_0171 MOD 16). The approved works of MP 06\_0171 MOD 16 included the following:

- *“Increase the GFA of Block 4B to 6,266m<sup>2</sup> and associated increases to the total and non-residential GFA; and*
- *Increase the maximum building heights for Block 4B.”*

#### 2.1.2 MP 06\_0171 Central Park Concept Plan

As aforementioned, SSDA-9374 was approved concurrently with a S75W application (MP 06\_0171 MOD 16) to amend the Central Park Concept Plan approval. The original concept approval (MP 06\_0171) for the redevelopment of the Central Park site (formerly the Carlton United Breweries Site, Broadway) into a mixed-use precinct, was granted by the Minister for Planning on 9 February 2007. The concept approval (as modified) comprised the following:

- 11 development blocks;
- A maximum GFA of 257,953m<sup>2</sup> of which a minimum of 62,167m<sup>2</sup> must be non-residential floor space;
- Combined basement car parks, providing car parking for Blocks 1 and 4N and Blocks 2, 5, 9 and the Kensington Precinct;
- A new public park and public domain works;
- Tri-generation and re-cycled water treatment plants;
- Retention of heritage items; and
- Contributions.

To date, a total of 15 modifications to the Concept Plan (including MP 06\_0171 MOD 16) have been approved between 2007 and 2020. The modifications primarily have related to amendments to the building envelopes and reallocation of floor space in response to the delivery of each block. A further modification (MOD 13) to the Concept Plan was withdrawn.

The Concept Plan identifies the site as development Block 4B. It requires the conservation of the existing heritage building associated with the former Brewery and the provision of an urban plaza (privately owned but publicly accessible) within the Brewery Yard forecourt. The location of the Brewery Yard building and forecourt within the context of the Concept Plan is shown below in **Figure 1**.



### 2.1.3 MP 10\_0217 Alteration and Adaptive Reuse of Brewery Buildings

- Stage 1: construction of associated plant related to the approved Central Thermal Plant including cooling towers and metal enclosure to the roof of the Old Boiler House, external chimney flutes, reuse of chimney stack and stairs and air ducts within the Brewery Yard.
- Stage 2: partial demolition of some existing building fabric and the adaptive reuse of the Brewery Yard buildings providing 2,976.7m<sup>2</sup> of commercial floor space and 1,281.2m<sup>2</sup> of retail floor space.

### 2.2.1 Department of Planning and Environment

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reconvened in order for the project team to receive their feedback, particularly in relation to the redistribution of GFA near the retained hoppers.

## 2.2.2 City of Sydney

Following the scoping meeting held with DPE and advice provided on 12 November 2021, on 22 November 2021, the project team organised a pre-lodgement meeting with the City of Sydney to discuss the Section 4.55(1A) modification application and the changes it entailed. The City of Sydney issued feedback in their email correspondence dated 2 December 2021. Their feedback, along with a Proponent response, is summarised in Table 1.

**Table 1 Pre-lodgement meeting feedback and response**

Proposed Modification	Council's feedback	Proponent's Response
Relocation of the internal heritage interpretation area to the external outdoor foyer.	<i>This is dependent on the equipment that is going to be selected and whether is it possible to expose the equipment to open weather. It is recommended to keep the internal selected area unchanged until more details are submitted. No enclosures should be proposed to move the equipment from inside to the outside selected area.</i>	The Proponent has taken on board Council's feedback and has responded by removing the intended relocation of the heritage interpretation area to the external foyer. It is now proposed to modify the heritage interpretation area by reducing the size of the approved heritage interpretation area in the north-western corner of the ground floor foyer and expanding the heritage interpretation area along the length of the northern wall in Building 26. This amendment satisfies Council's concerns, as the internal heritage interpretation area remains unchanged with no elements being relocated to the external outdoor foyer.
Remove part of the floor space at Level 1 to create a 70m <sup>2</sup> void.	<i>The creation of the void is acceptable on heritage grounds. The insertion of a new fully glazed lift against the two remaining hoppers may be supported up to Level 1. It is recommended that any further application is accompanied by 3D renders and perspective drawings to understand the potential visual impacts.</i>	The Proponent has noted Council's feedback and will continue to proceed with this aspect of the modification. In addition, the Proponent has satisfied Council's request in limiting the proposed glass lift to service levels up to Level 1.
Infill part of the approved Level 3 mezzanine void space by approximately 32.5m <sup>2</sup> .	<i>This aspect is difficult to support as it creates visual impact to the hoppers. A 3D renders and perspective drawings should be provided in any future application to understand the visual impact and the interference with the hoppers and the interpretative mesh previously discussed.</i>	A site visit was undertaken with members of the Design Integrity Panel on 27 April 2022. During the site visit, the Panel members were supportive of the infilling of the Level 3 mezzanine in that it would improve close up views to the hoppers. In particular, infilling the approved void will increase the size of the viewing platform. Previously, under the approved plans, close up views of the hoppers was only enabled from the northern side of Level 3. The proposed modification is considered to enhance the views and heritage appreciation of the hoppers, as the infill of the approved void enables movement and interaction between the two remaining hoppers. Lastly, 3D renders and perspective drawings have not been prepared by Tzannes to form part of the revised architectural package. It is considered that the visual impact to the hoppers is negligible, as the infill is offset by the introduction of a void to

Proposed Modification	Council's feedback	Proponent's Response
		the Level 1 slab which will improve views from the ground floor to the underside of the hoppers.
Relocate the approved bicycle parking storage at the ground floor of the site into the Duo building where there is allocated BYB floor space.	<p><i>Generally Council prefers to have all bicycle storage and end of journey facilities located within the same building in which it's users are working. The existing approved location of bicycle storage on the ground floor is the most accessible location and is likely to be highly used by bicycle riders. Moving to an adjacent basement will have a less desirable outcome.</i></p> <p><i>Little detail has been provided regarding the location of the proposed location of bicycle parking in the DUO building and it is unclear whether safe access for cyclists could be provided. Further, appropriate legal arrangements would need to be arranged (i.e. easements for access) and owner's consent to allow access for cyclists into the adjacent building and to use any other common areas like lifts.</i></p>	Since meeting with City of Sydney, the proposed relocation of the approved bike storage has been removed from the scope of this modification and is likely to form part of a subsequent modification application.
Include new door access to the eastern ground floor façade.	<i>Acceptable on heritage grounds. The door should be fully glazed with clear glass. Details required.</i>	The Proponent has noted Council's feedback. The proposed new sliding door entry will be fully glazed as per Council's request in order to maintain clear views into the building.

### 2.2.3 Design Integrity Panel

Statement of Commitment 3 of the approved Concept Plan (as modified) requires a Design Integrity Panel (DIP) to be established to oversee the development of proposals on certain blocks within the Central Park development, including Block 4B. The DIP was established with the purpose of fulfilling this commitment and ensuring that the proposed development exhibits design excellence. On 27 April 2022, a site inspection and project briefing was held between the members of the DIP and the project design team to walk through the site and discuss the changes.

On 12 May 2022, feedback was received by the DIP in relation to the changes discussed during the site walk through. **Table 2** below provides a summary of the DIP's comments of support and recommendations for the proposed modifications.

**Table 2 Summary of recommendations from Design Integrity Panel**

Modification	Comment
1. Proposed new void at Level 1 and lift GF-L1 in Building 30 and associated changes	<ul style="list-style-type: none"> <li>The panel members agreed that this proposed modification will produce considerable heritage and architectural benefits, by adding a relatively large void to the Level 1 slab thereby better exposing the underside of the high-level hoppers to view from the Ground Floor level.</li> <li>The use of a glazed balustrade around the new void was also supported.</li> <li>The panel members recommended that retention of the full length of the large Level 1 beam currently in-situ be explored as it may provide a more dynamic interior outcome. The applicant has acknowledged that this recommendation will be considered by the architects and tenancy representatives.</li> <li>The proposed alternative lift arrangement and the reformulation of the Interpretation area was fully endorsed by the Panel.</li> <li>Lastly, it was suggested that any future detailed tenancy fit-out design, particularly in the northern end of Building 30, may benefit from a peer review by the Panel.</li> </ul>

Modification	Comment
2. Amendment to floor area on the Level 3 Mezzanine	<ul style="list-style-type: none"> <li>The Panel fully supported the modification to the Level 3 mezzanine, on the basis of its ability to increase size and proximity of the viewing area at Level 3 to the undersides of the hoppers.</li> </ul>
3. Relocation of the bike storage from the Brewery Yard Building Ground Floor to the Duo Building basement	<ul style="list-style-type: none"> <li>Since the DIP convened, this aspect of the modification has been removed from the scope of works and is likely to form part of a subsequent modification application. Any new modification to SSDA-9374 will be subject to further review by the DIP as per the Statement of Commitments.</li> </ul>
4. Creation of new door access to Building 23 from the forecourt	<ul style="list-style-type: none"> <li>The Panel support this change as it was concluded it will not affect the surrounding masonry of the approved window and is therefore acceptable in heritage and architectural terms.</li> <li>Additionally, the new sliding door will facilitate direct pedestrian communication from the main courtyard into this portion of the ground floor tenancy activity.</li> </ul>
5. Deletion of Level 2 Mezzanine in Building 22	<ul style="list-style-type: none"> <li>The Panel concluded this modification will have a positive outcome in both heritage and architectural terms, as the removal of the mezzanine will retain the spatial character of this part of Building 22 and provide additional interpretive viewing capacity of the remnant industrial heritage items in this location.</li> </ul>
6. Widening of the Level 1 opening between Building 26 and Building 30	<ul style="list-style-type: none"> <li>The Panel concluded this modification is laudable. In fact, the Panel members recommended this change as by enlarging the opening of the common wall will enable a better response to the formidable scale of the surrounding spaces and structural elements. Furthermore, the larger opening will facilitate improved views to the underside of the coal hoppers from Building 26 into Building 30.</li> <li>The applicant agreed with this recommendation and have included it in this modification application.</li> </ul>

### 3.0 Proposed modifications to the consent

#### 3.1 Modifications to the development

The following modifications are proposed to the approved development:

- Proposed new void at Level 1 and lift GF-L1 in Building 30 and associated changes;
- Amendment to floor area on the Level 3 mezzanine;
- Creation of new door access to Building 23 from the forecourt;
- Deletion of Level 2 mezzanine; and
- Widening of the Level 1 opening between Building 26 and Building 30.

The proposed modifications are described further below, and detailed in the revised Architectural Plans prepared by Tzannes and included at **Attachment A**.

##### 3.1.1 Proposed new void at Level 1 and lift GF-L1 in Building 30 and associated changes

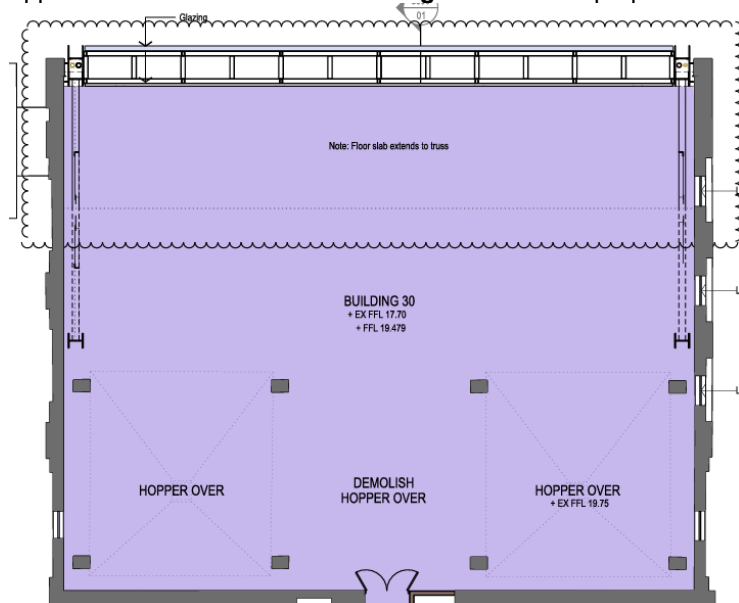
This modification involves the following changes to the current design:

- Addition of void to the Level 1 slab in Building 30;
- Reconfiguration of the entry from Building 26 to Building 30 on the ground floor, including an amendment to the approved heritage interpretation zone; and
- Addition of a new lift between the two ground floor levels and Level 1 of Building 30.

The above changes are driven by tenant requests to suit future occupation of the space.

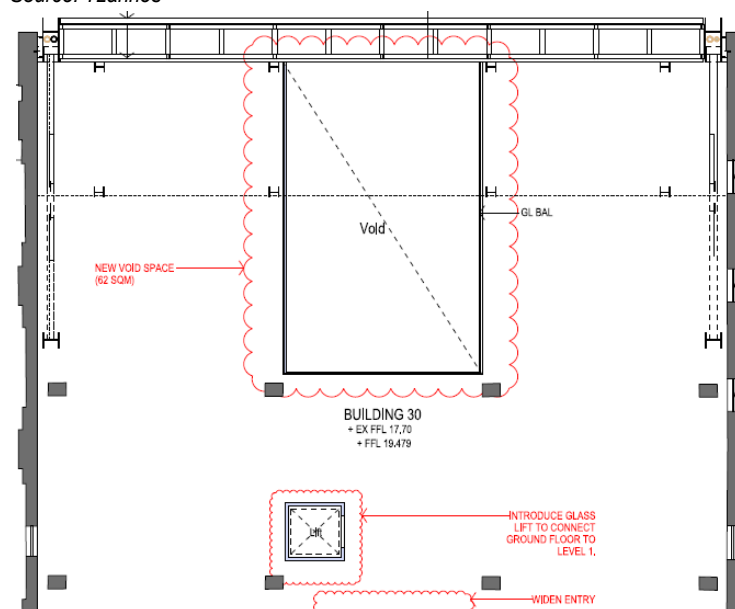
### Addition of void to Level 1 slab

The addition of a void to the Level 1 slab in Building 30 is to provide a connection between Level 1 and the ground floor, as well as improve the views from the ground floor to the coal hoppers. The addition of a void in this location will result in an overall GFA reduction of 62m<sup>2</sup>. Furthermore, the new void along with the existing Level 2 void creates a triple height volume that is anticipated to enhance the significance and interpretation of the space. The approved Level 1 slab is shown in **Figure 2** and the proposed new void is shown in **Figure 3**.



**Figure 2** Approved Level 1 Slab

Source: Tzannes



**Figure 3** Proposed new void to the Level 1 slab

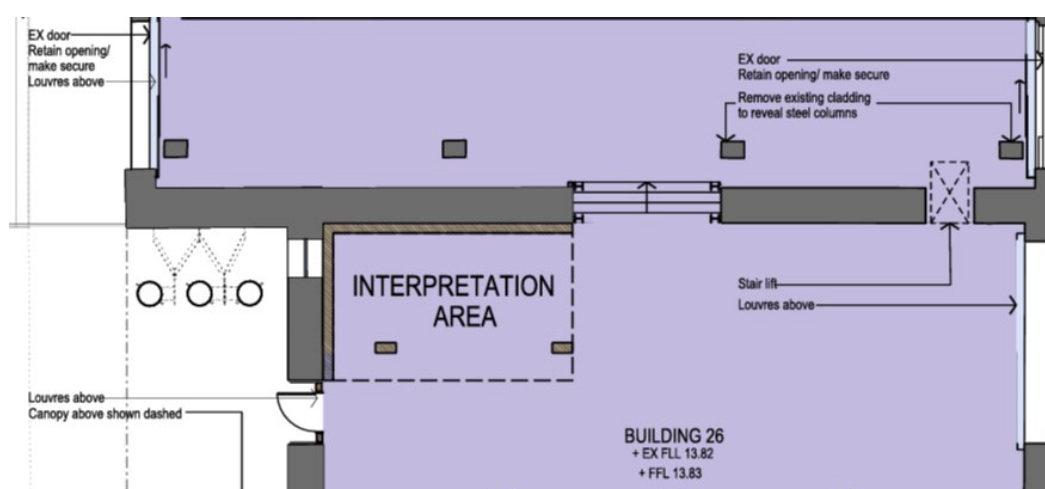
Source: Tzannes



### Reconfiguration of building entry and modification to heritage interpretation area

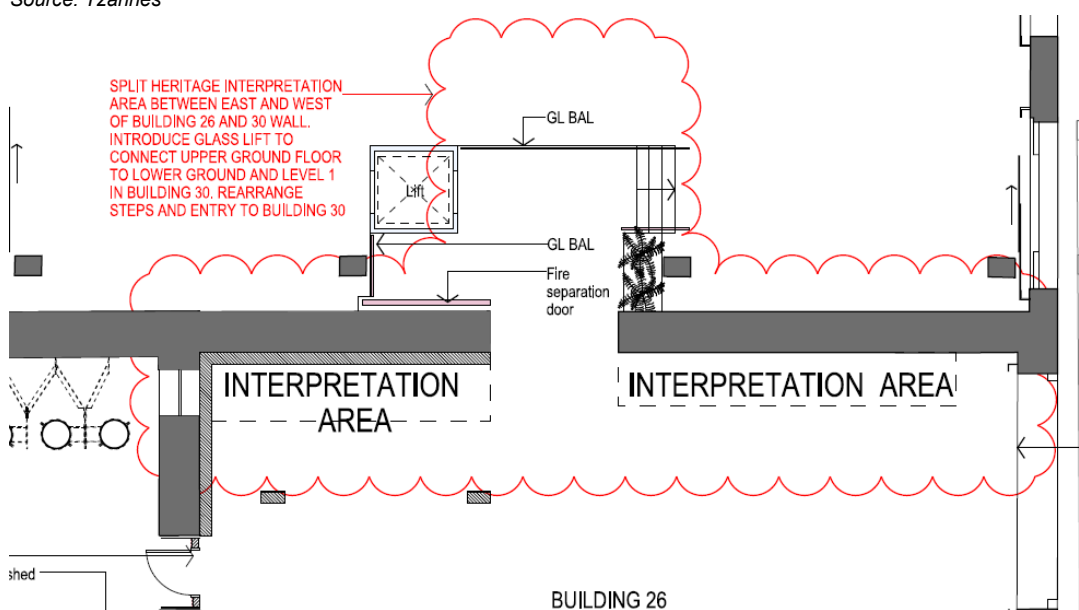
The reconfiguration of the entry and amendment to the heritage interpretation zone are proposed to better accommodate the changes above and to suit the interpretation strategy for the area. In particular, the reconfigured entry into Building 30 involves the rearrangement of the steps to accommodate the addition of the new glass lift (refer to below).

Furthermore, the amendment to the approved nominated heritage interpretation area in Building 26 involves splitting it between two locations. The nominated heritage interpretation area was originally approved to be concentrated in the north western corner of Building 26. It is proposed the approved nominated heritage interpretation area be amended by reducing the size of the north-western area and expanding the heritage interpretation area across the entire length of the northern wall of Building 26. The approved entry into Building 30 and nominated heritage interpretation area are shown in **Figure 44** and the proposed modifications are shown in **Figure 55**.



**Figure 4** Approved Building 30 entry and nominated heritage interpretation area

Source: Tzannes



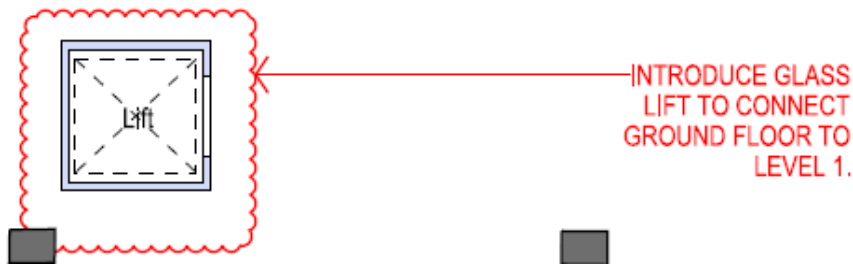
**Figure 5** Proposed reconfiguration of Building 30 entry and modification of heritage interpretation area in Building 26

Source: Tzannes



### Addition of new lift

A new glass lift is proposed on the ground floor in Building 30 to connect upper and lower ground floors with Level 1 (shown in **Figure 6**). This is proposed to improve accessibility and provide equitable access between these levels. The new lift is proposed to be located close to the entrance of Building 30 but setback from the wall. Furthermore, the proposed lift is limited to ground, upper ground and Level 1 spaces only, and therefore will not impact on the hoppers which extend only midway between levels 2 and 3.



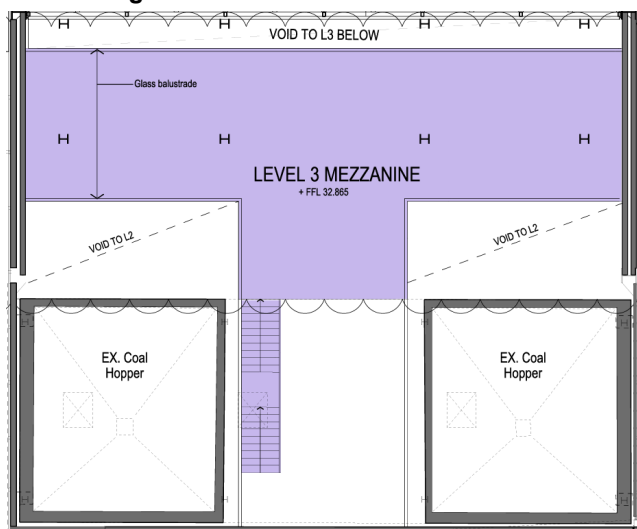
**Figure 6** Proposed new glass lift connecting Ground Floors and Level 1

Source: Tzannes

### 3.1.2 Amendment to floor area on the Level 3 mezzanine

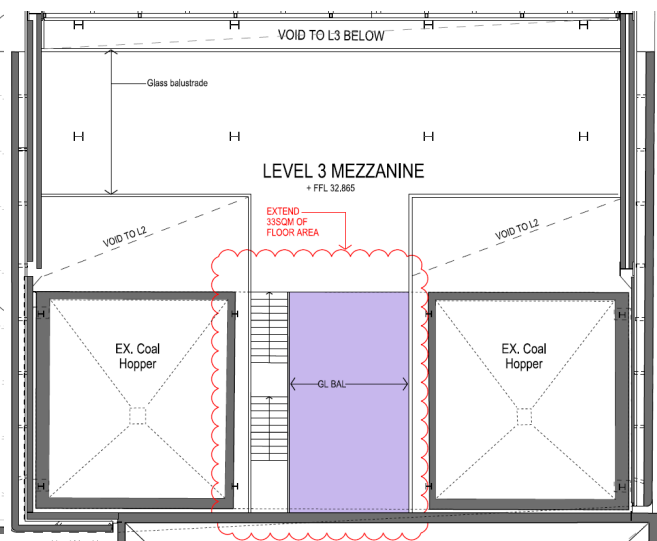
The modification seeks to increase the GFA of the Level 3 mezzanine by approximately 33m<sup>2</sup>. The increase in GFA is offset by the reduction of GFA of the Level 1 slab, and is a result of infilling an approved void between the hoppers on the Level 3 mezzanine. The proposed new mezzanine floor is setback from the hoppers, incorporating a glass balustrade and will not physically impact on the structures.

It is to be noted this modification does not involve changes to the approved voids on the northern side. Filling the approved void between the hoppers will improve views and appreciation of the heritage significant coal hoppers. This is due to the previously approved mezzanine design only enabling close up views of the hoppers from the northern side. The new mezzanine floor will increase the accessibility and interaction with the hoppers at this level as it allows for movement between the two remaining hoppers. Overall, the proposed extension increases the floor space in this location, however with the removal of the floor space on Level 1, there is overall decrease of GFA by 29m<sup>2</sup> within Building 30. The approved Level 3 mezzanine is shown in **Figure 7** and the proposed extension is shown in **Figure 8**.



**Figure 7** Approved Level 3 Mezzanine

Source: Tzannes

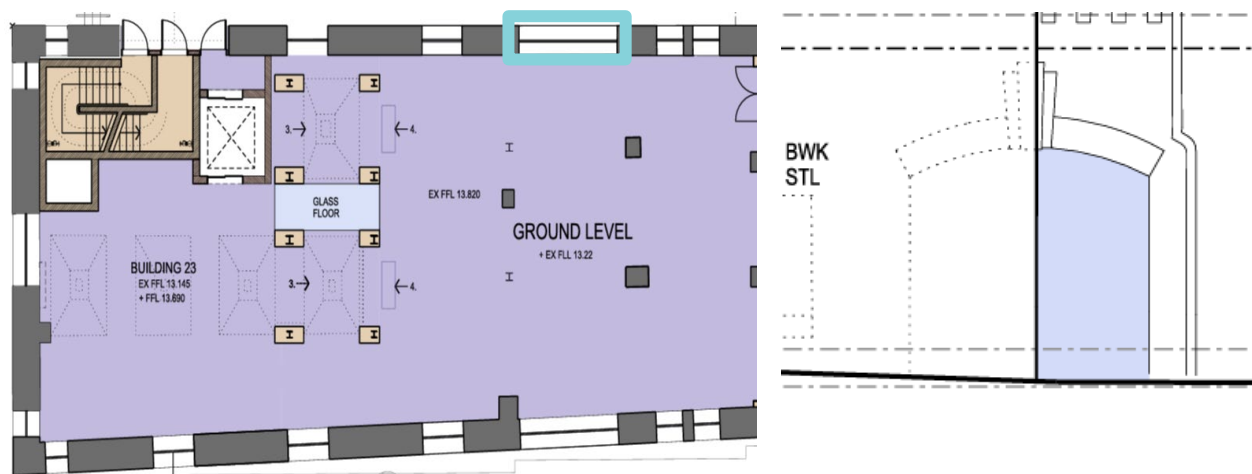


**Figure 8** Proposed extension of Level 3 Mezzanine floor area viewed from Level 4

Source: Tzannes

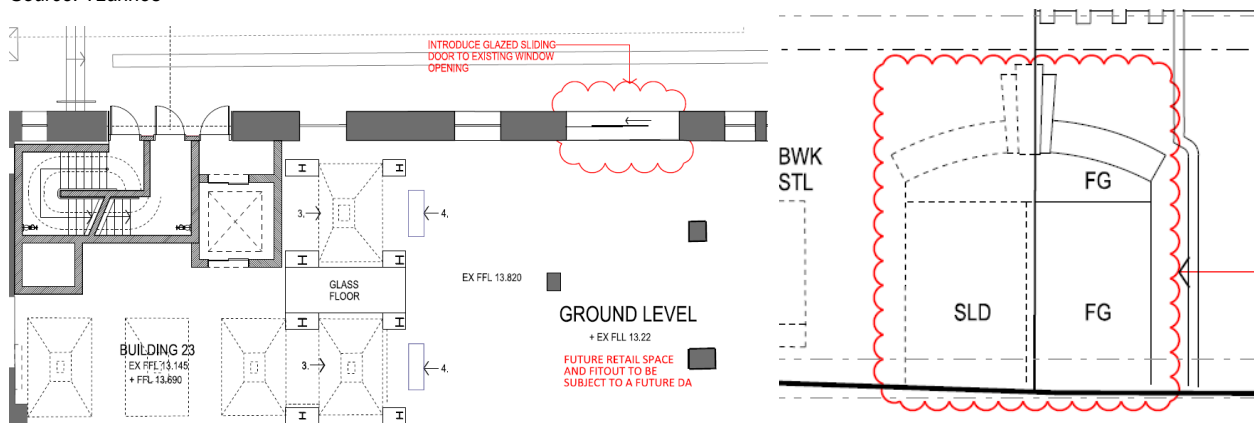
### 3.1.3 Creation of new door access to Building 23 from the forecourt

This modification is proposed to accommodate an additional entry from the external forecourt in Building 23 ground floor (refer to **Figure 10**). It is proposed to change an approved fixed window on the ground floor of the northern façade of Building 23 (refer to Figure 9) to a sliding glass door and entrance.



**Figure 9** Location of approved fixed window on ground floor of Building 23 (left and outlined in blue) and on the northern elevation of Building 23 (right)

Source: Tzannes

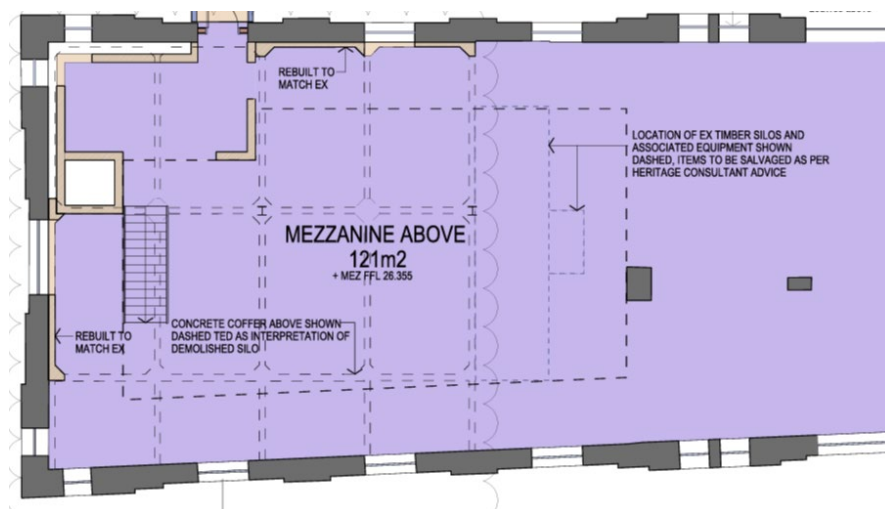


**Figure 10** Location of proposed new sliding door entry into Building 23 from Brewery Yard Forecourt (left) and on the northern elevation of Building 23 (right)

Source: Tzannes

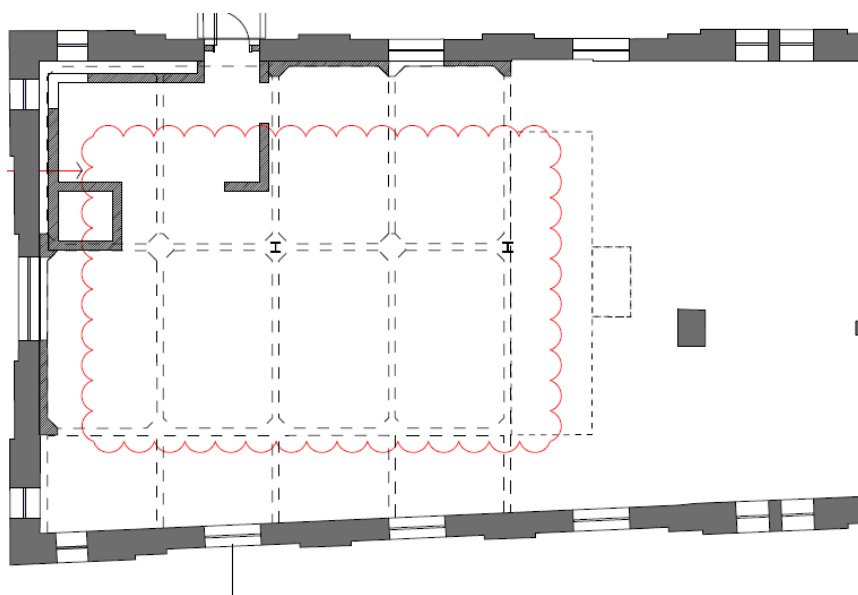
### 3.2 Deletion of Level 2 Mezzanine in Building 22

This modification relates to the deletion of the Level 2 mezzanine, resulting from ongoing design development to improve circulation space and efficiencies in pedestrian logistics to better suit a future commercial space fit out. The proposed removal of the Level 2 mezzanine will retain the spatial character of this part of Building 22 and provide additional interpretative viewing capacity of the remnant industrial heritage items in this location. The approved Level 2 mezzanine is shown in **Figure 11** and the proposed deletion is shown in **Figure 12**.



**Figure 11** Approved Level 2 Mezzanine in Building 22

Source: Tzannes

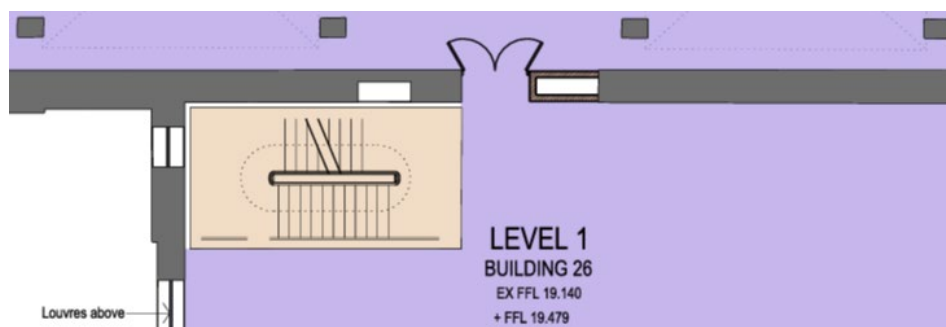


**Figure 12** Proposed Deletion of Level 2 Mezzanine in Building 22

Source: Tzannes

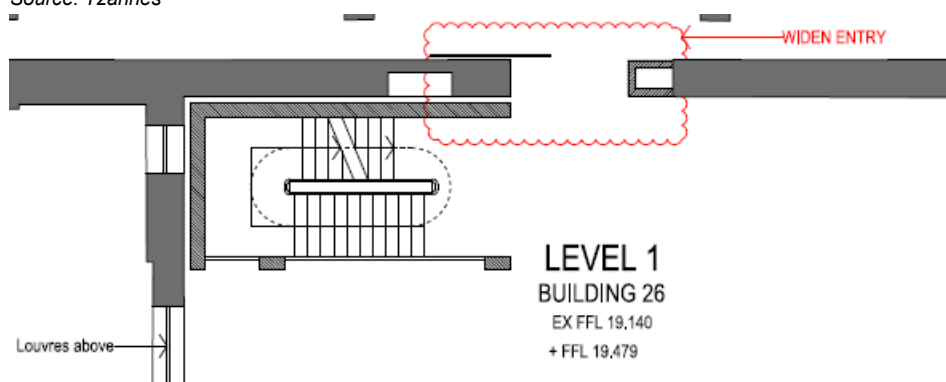
### 3.3 Widening of the Level 1 opening between Building 26 and Building 30

This modification is proposed due to a tenant request to improve the flow between Building 26 and Building 30. The proposed widening will have a positive outcome in both architectural and heritage terms, as the larger opening will facilitate improved views to the underside of the coal hoppers from Building 26 into Building 30. The approved opening between the two buildings is shown in **Figure 13** and the proposed widening is shown in **Figure 14**.



**Figure 13** Approved Level 1 opening between Building 26 and Building 30

Source: Tzannes



**Figure 14** Proposed widening of Level 1 opening between Building 26 and Building 30

Source: Tzannes

### 3.4 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

#### Condition A2.

The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS as amended by the RtS and RRFI's; and
- (d) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent):

Architectural Drawings prepared by Tzannes			
Dwg No.	Rev	Name of Plan	Date
DA0100	G	Area Plans (GFA)	22.04.20
DA0010	C	Signage	03.02.2020
DA1000	B	Basement 2 Demolition Plan	12.12.18
DA1001	B	Basement 1 Demolition Plan	12.12.18
DA1002	B	Ground Floor Demolition Plan	12.12.18
DA1003	B	Level 1 Demolition Plan	12.12.18
DA1004	B	Level 2 Demolition Plan	12.12.18

Architectural Drawings prepared by Tzannes			
DA1005	B	Level 3 Demolition Plan	12.12.18
DA1006	B	Level 4 Demolition Plan	12.12.18
DA1007	B	Level 5 Demolition Plan	12.12.18
DA1008	B	Level 6 Demolition Plan	12.12.18
DA1100	B	Basement 2 Floor Plan	12.12.18
DA1101	E	Basement 1 Floor Plan	10.07.20
DA1102	<del>F</del> K	Ground Floor Plan	<del>22.06.20</del> 16.05.22
DA1103	<del>D</del> I	Level 1 Floor Plan	<del>30.01.2020</del> 16.05.22
DA1104	<del>E</del> G	Level 2 Floor Plan	<del>16.04.2020</del> 16.05.22
DA1105	E	Level 3 Floor Plan	17.04.20
DA1106	<del>F</del> I	Level 4 Floor Plan	<del>17.04.2020</del> 16.05.22
DA1107	C	Level 5 Floor Plan	17.05.19
DA1108	E	Level 6 Floor Plan	17.07.20
DA1109	E	Roof Plan	17.07.20
DA2000	C	Eastern Elevation	16.04.20
DA2001	<del>D</del> G	Northern Elevation	<del>30.01.2020</del> 16.05.22
DA2002	E	Western Elevation	16.04.20
DA2003	C	Southern Elevation	16.04.20
DA3000	<del>E</del> I	Section 1	<del>16.04.20</del> 16.05.22
DA3001	E G	Section 2	<del>16.04.20</del> 16.05.22
DA3002	E	Section 3	16.04.20
DA3003	C	Section 4 and 5	30.01.2020
-	-	Schedule of Finishes	July 2020

## 4.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied 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 development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The application does not alter the mixed-use nature, nor allocation of uses of the development;
- The proposed modifications to the approval will not alter the building form or function;
- The proposed modifications do not increase the approved height or GFA of the site;

- The proposed internal modifications are minor in the context of the scale of the building;
- The application does not alter the original intent to enable clear views into Building 23, despite changing the approved windows on the northern façade to a fully glazed sliding door; and
- The environmental impacts will be consistent with those of the approved development;

The development, as proposed to be modified is therefore both essentially and materially of the same essence as that of the approved development and is therefore considered to be substantially the same as the approved development. The modification of Development Consent SSDA-9374 can therefore be lawfully made under section 4.55 of the EP&A Act.

Further, Section 4.55(1A) allows for modifications where there is “minimal environmental impact”. Our view is that the modification is well within the bounds of this threshold, as established in the sections below.

## 5.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “*it is satisfied that the proposed modification is of minimal environmental impact*”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The Environmental Impact Statement submitted with the original application (SSD-9374) assessed the potential impacts of the overall development with regard to the following:

- |  |                                |
|--|--------------------------------|
| • Sydney Metropolitan and Subregional Strategies | • Sustainability               |
| • Relevant EPIs & Guidelines                     | • Flooding                     |
| • Consistency with the Central Park Concept Plan | • Structural Engineering       |
| • Built Form and Urban Design                    | • Building Code of Australia   |
| • Heritage                                       | • Accessibility                |
| • Transport, Traffic, Parking and Access         | • Fire Safety                  |
| • Noise and Vibration                            | • Voluntary Planning Agreement |

The planning assessment of the proposed modified development remains generally unchanged with respect to the large majority of the above matters. The following assessment considers the relevant matters under section 4.15(1) and demonstrate that the development, as proposed to be modified, will be of minimal environmental impact.

### 5.1 Relevant EPIs, Policies and Guidelines

#### 5.1.1 Sydney Local Environmental Plan 2005

The Sydney Local Environment Plan 2005 (Sydney LEP 2005) is the relevant EPI that applies to the site. The modifications do not seek to amend the approved land uses within the building, therefore remaining consistent with the Sydney LEP 2005 ‘City Edge’ zoning objectives and uses. Specifically, the proposed modification is consistent with the zone objectives in that it will continue to:

- Provide for a commercial premise which will support and enhance the mixed-use nature of the Central Park precinct;
- Provide a service that will complement the existing mixed-use and commercial precincts contained within the southern portion of the CBD, Ultimo and Surry Hills; and
- Allows for the conservation and adaptive reuse of the existing heritage buildings to provide an understanding of the historical uses of the Central Park site as a brewery.

Furthermore, the proposed modifications to the Block 4B are still considered to achieve design excellence and satisfy Clause 26 of the Sydney LEP 2005, as the modification have been endorsed by the DIP, as required by the Central Park Statement of Commitments.

### 5.1.2 Consistency with the Central Park Concept Plan

As per clause 3B(2)(d) of the *Savings, Transitional and Other Regulation*, development consent cannot be granted unless a development is generally consistent with the terms of the concept approval. The proposal's consistency with the Central Park Concept Plan (as modified) is summarised in **Table 3** below.

**Table 3 Consistency with the Central Park Concept Plan (as modified)**

Concept Plan Consideration	Assessment
Gross Floor Area	The proposed modification application does not exceed the maximum GFA specified in Condition A1 of MP06_0171, therefore the proposed development is consistent with the Concept Plan in terms of GFA.
Design Excellence	Tzannes was commissioned to prepare the original scheme for Block 4B consistent with the design excellence strategy approved as part of the Concept Plan. The revised architectural plans to support this modification application has continued to be overseen and prepared by Tzannes, showing they are the ongoing architect for this project and are consistent with design excellence requirements of the Concept Plan. Similarly, a heritage impact statement has been prepared by the original heritage consultant, Urbis, to further demonstrate the design of the modifications remain acceptable from a heritage perspective, maintaining design excellence requirements in the context of a heritage site. Lastly, the DIP was reconvened for this modification application to gain their feedback and recommendations to further improve positive outcomes in both architectural and heritage terms.
Land Use Mix and Location	The proposal does not seek to alter the approved land use mix and indicative locations of land uses, therefore is consistent with the Concept Plan.
Building Height	The modification application does not propose to change the maximum building height, therefore is consistent with the Concept Plan.
Public Domain	The proposal is generally consistent with the Concept Plan in terms of public domain, as there are no changes proposed to the Brewery Yard forecourt or proposed pedestrian through-site link. The proposed modification application will enhance the public domain element of Block 4B through the provision of an additional entry on the northern façade of Building 23, which further increases activation of the forecourt.
Compliance with sun access plane	The proposal does not include the introduction of new building structures that are located above the sun access plane. Therefore, the proposal is consistent with the Concept Plan as it complies with the sun access plane.

## 5.2 Heritage

A Heritage Impact Statement has been prepared by Urbis (refer to **Attachment B**) to assess the proposed modifications impact on the heritage fabric and significance of Block 4B. It was concluded the proposed modifications are considered to be minor and acceptable from a heritage perspective. In fact, the proposed works will have no impact on the heritage significance of the site and are consistent with the overall design intent of the originally approved works that enable the adaptive reuse of the site. The following provides a summary of the assessment completed in the Heritage Impact Statement for each of the proposed modifications.

- The addition of a new void between the ground floor and Level 1 of Building 30 removes 62m<sup>2</sup> of the approved Level 1 slab, which along with the existing Level 2 void, creates a triple height volume that assists to interpret the original volumes within the space. Furthermore, the new void will allow views to Levels 1 and 2 from the ground floor, and most importantly will not impact on or alter the legibility of and views to the retained coal hoppers from the exterior of the building.



- The proposed extension of the Level 3 mezzanine floor increases the floor area and infills a former void between the retained hoppers. The extension of the mezzanine floor has the benefit of increasing circulation around the hoppers at this level and allows opportunities for closer inspection and more direct interaction and appreciation of the hoppers.
- The reconfigured entrance into Building 30 from Building 26 which includes the rearrangement of stairs and introduction of a glass lift that connects upper and lower ground floor and level will have no further heritage impact as they impact on approved works and new fabric only. Additionally, the proposed entry reconfiguration works will have no impact on the hoppers.
- It is proposed to modify the extent of the interpretation area by reducing the nominated interpretation zone at the north-western corner of Building 26, but also extending the interpretation zone across the whole of the northern wall of Building 26. The proposed modification is intended to minimise the extent of floor area to mitigate potential impacts on the potential fit out of the space, however this will not impact on or alter the intent or purpose of the interpretation within this area. The amendment to the nominated heritage interpretation display area, is acceptable as it allows for more wall space for the display and does not impact on or diminish the intent of the approved interpretation strategy.
- The creation of a new sliding door entry into Building 23 still allows clear views into the building and will enable an additional entrance to suit the current retail leasing strategy for the space. Additionally, the new entry enhances the interpretation of movement through the site, as historically this opening was a walkway through Building 23. Lastly, this modification will have no significant further impact to the opening or masonry of the building and will still maintain the legibility of the original façade,

### 5.3 Public Interest and Site Suitability

The application has considered and satisfies the various public interest and site suitability matters. The proposed modifications are considered to be in the public interest and suitable for site as they:

- Do not propose any changes of significance to the façade or built form of the development;
- Continues to assist in delivering a high-quality commercial development with integrated interpretation area for employees and the local community to enjoy;
- Continue to enable the Brewery Yard Building to contribute to the ongoing redevelopment of the Central Park precinct;
- Continues to facilitate the adaptive reuse of the existing heritage buildings, maintaining the history of the site and allowing for its ongoing appreciation and interpretation;
- Contribute to the vibrancy and activation of the Central Park precinct through the addition of a new building entry, expanded heritage interpretation area and more opportunities to view the hoppers; and
- Are minor modifications in relation to the scale of the development;

Therefore, the proposed modifications are considered to be suitable for the site, and in the public interest.

## 6.0 Conclusion

The proposed modifications to the approved development, as outlined in **Section 3.0**, comprise minor alterations to the ground floor, Level 1 slab and Level 3 mezzanine in Building 30, the approved bike storage in Buildings 26 and 22 and one opening on the northern façade of Building 23.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact;
- the development (as proposed to be modified) continues to comply with the relevant statutory plans and policies; and

- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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