

**MODIFICATION REQUEST:**

***One Central Park (Block 2), 26 Broadway,  
Chippendale (former Carlton United Brewery site)***

***MP 09\_0078 MOD – 1 Modification to Approved  
Building Layout***



Director-General's Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

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## EXECUTIVE SUMMARY

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The purpose of this report is to determine a request by Frasers Broadway Pty Ltd to modify the approved Project Application for the construction of a mixed use building on Block 2 (One Central Park), 26 Broadway, Chippendale (former Carlton United Breweries site). The Central Park site (5.834ha) is located in the City of Sydney Local Government Area and is within short walking distance to Central Railway Station and Railway Square Bus Terminal.

The modification application was submitted by JBA Urban Planning on behalf of Frasers Broadway Pty Ltd and received by the Department on 16 November 2010 (modified on 15 December 2010 and additional information received on 25 January 2011, 7 February 2011, 24 February 2011 and 8 March 2011).

In summary, the proposed modification seeks to modify the approved project by:

- Amending the approved building envelope;
- Increasing the number of apartments from 593 to 623;
- Amending the mix of apartments (increase the number of 2 bedroom and 2 key apartments);
- Modifying the use of Level 4 to include 24 residential apartments and a gymnasium instead of the approved commercial floor space on the western side of the building and a gymnasium;
- Increasing the residential GFA by 1,313m<sup>2</sup> and retail GFA by 1,853.2m<sup>2</sup>;
- Reconfiguring the internal layout of the podium, residential apartments and the ground floor;
- Revising the design and operation of the heliostat; and
- Amending the landscaping on the facades and access points to the landscaped platforms.

The proposed development remains consistent with the approved Frasers Broadway Concept Plan, as modified. The Department therefore recommends that the modification application be approved, subject to amending the approved conditions.

## TABLE OF CONTENTS

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<b>1.</b>	<b>BACKGROUND</b>	<b>3</b>
1.1	The Site	3
1.2	Approvals	3
<b>2.</b>	<b>PROPOSED MODIFICATION</b>	<b>4</b>
<b>3.</b>	<b>STATUTORY CONTEXT</b>	<b>4</b>
3.1	Modification of the Planning Assessment Commission's Approval	4
3.2	Environmental Assessment requirements (DGRs)	4
3.3	Delegated Authority	5
<b>4.</b>	<b>CONSULTATION AND SUBMISSIONS</b>	<b>5</b>
<b>5.</b>	<b>ASSESSMENT</b>	<b>5</b>
5.1	Consistency with Concept Plan	5
5.2	Residential Amenity	7
5.3	Cantilever	11
5.4	Heliostat	11
5.5	Vertical Gardens and Landscaped Platforms	13
5.6	Through site link	15
5.7	Other	16
<b>6.</b>	<b>CONCLUSION AND RECOMMENDATIONS</b>	<b>17</b>
<b>APPENDIX A</b>	<b>MODIFICATION REQUEST</b>	<b>18</b>
<b>APPENDIX B</b>	<b>SUBMISSIONS</b>	<b>19</b>
<b>APPENDIX C</b>	<b>RECOMMENDED MODIFYING INSTRUMENT</b>	<b>20</b>



# 1. BACKGROUND

## 1.1 The Site

The site is located at 26 Broadway, Chippendale and is situated on the south western end of the Sydney Central Business District. The Central Park site (5.834ha) is within short walking distance to Central Railway Station and Railway Square Bus Terminal. One Central Park (previously known as Block 2) is located in the northern portion of the site with frontage onto Broadway and Kent Road (**Figure 1**).



**Figure 1:** One Central Park (Block 2) site located in Central Park (project area located within orange outline)

## 1.2 Approvals

On 8 February 2007, the former Minister for Planning approved Major Project 06\_0171 for a Concept Plan for the mixed use (including residential, commercial, retail and public open space) redevelopment of the subject site, which was modified on 5 February 2009.

On 18 June 2010, the Planning Assessment Commission (PAC) granted Approval to the Project Application (MP 09\_0078) for:

- Construction of a mixed use retail, commercial and residential building consisting of two towers located above a podium, accommodating 593 residential apartments, a food court and retail/supermarket component and commercial floor space.
- The approved development also included the installation of a heliostat which is used to project light onto landscaped platforms and throughout the development, construction of the surrounding public domain and stratum subdivision of the project.

The majority of the buildings associated with the site have been demolished (approved under MP 07\_0120), with the exception of the retained heritage items (in particular the Brewery building located in the middle of the site). Construction of the basement car parking area under Blocks 2, 5 and 9 is currently being carried out on the site (approved under MP 09\_0042). Other approvals granted on the site include:

- Remediation and transitional works (approved under MP 07\_0163);
- Main park and stage 1 infrastructure (approved under MP 08\_0210)
- Construction of Blocks 1 and 4 (approved under MP 08\_0253);
- Stage 2 Infrastructure and Civil Works (approved under MP 09\_0164);
- Construction of Block 5A and 5B (approved under MP 09\_0041).

## 2. PROPOSED MODIFICATION

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The Proponent is seeking to modify the approved project by:

- Amending the approved building envelope;
- Increasing the number of apartments from 593 to 623;
- Amending the mix of apartments (increase the number of 2 bedroom and 2 key apartments);
- Modifying the use of Level 4 to include 24 residential apartments and a gymnasium instead of the approved commercial floor space on the western side of the building and a gymnasium;
- Increasing the residential GFA by 1,313m<sup>2</sup> and retail GFA by 1,853.4m<sup>2</sup>;
- Reconfiguring the internal layout of the podium, residential apartments and the ground floor;
- Revising the design and operation of the heliostat; and
- Amending the landscaping on the facades and access points to the landscaped platforms.

Further details of the proposed modifications is provided in **Appendix A**. As a result of the modifications, the approved stratum subdivision plans are also required to be amended.

The Proponent has also requested an amendment to Condition No. B25 – Energy Star Ratings that requires the submission of certification from the Green Building Council of Australia, indicating that the development achieves a 6 Star Green Star rating prior to issue of the relevant Construction Certificate. The Proponent requests that this certification be provided prior to issue of the relevant Occupation Certificate, as the current timeframe may delay the project.

## 3. STATUTORY CONTEXT

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### 3.1 Modification of the Planning Assessment Commission's Approval

Under Section 75W (2) of the EP&A Act, the Planning Assessment Commission's approval for a modification is not required if the project, as modified, will be consistent with the existing approval under this Part. In this instance, it was concluded that the proposed modification required a formal application to modify the approval. Therefore, the power to make such a change lies with the Minister.

The Department does not consider it necessary to forward the modification to the Planning Assessment Commission for consideration as the proposed modifications are minor. In addition, the Department has assessed the modification having regard to the amenity issues previously considered by the Planning Assessment Commission for the original proposal and other approvals on the site.

### 3.2 Environmental Assessment requirements (DGRs)

Section 75W (3) of the EP&A Act provides that the Director-General may notify the Proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section

75W (3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

### 3.3 Delegated Authority

On 25 January 2010, the Minister delegated his powers and functions under Section 75W of the EP&A Act to the Executive Director, Major Projects Assessment in cases where there are less than 25 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request.

As no public submissions were received (refer to Section 4), the Executive Director, Major Projects Assessment may determine the modification request under delegated authority.

## 4. CONSULTATION AND SUBMISSIONS

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In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to City of Sydney Council for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

The following comments were received from the City of Sydney Council:

- Council supported the increase in width of the publicly accessible site through link from 4.5 metres to 6 metres and the reduction from 2 links to 1, as 1 site through link in an 86 metre wide block is consistent with the established block form and surrounding locality.
- Council however raised concerns with the position of the proposed link in the through site link and the proposed supermarket escalator and associated vegetation. In particular, concerns related to the features obstructing the through site link both visually and from an access perspective and this will reduce the success of the link as a permeable path for pedestrians. Concerns were also raised with utilising the through site link as an entry to the supermarket and recommended that a 6 metre wide path of travel should be maintained from north to south.

This issue is discussed in **Section 5.6** below.

## 5. ASSESSMENT

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The Department considers the key issues for the proposed modification to be:

- Consistency with Concept Plan
- Residential amenity
- Heliostat (change in design and operation of panels)
- Vertical gardens and landscaped platforms
- Through site links on the ground level
- Other

### 5.1 Consistency with Concept Plan

#### Land use

The plans approved within the Concept Plan (as modified) identify approved land uses for Block 2 as retail, commercial and residential (including serviced apartments in the western tower). The original project deleted serviced apartments as part of the proposal, however maintained the approved land uses.

The proposed land uses are consistent with the approved Concept Plan (as modified) and therefore do not raise any land use concerns.

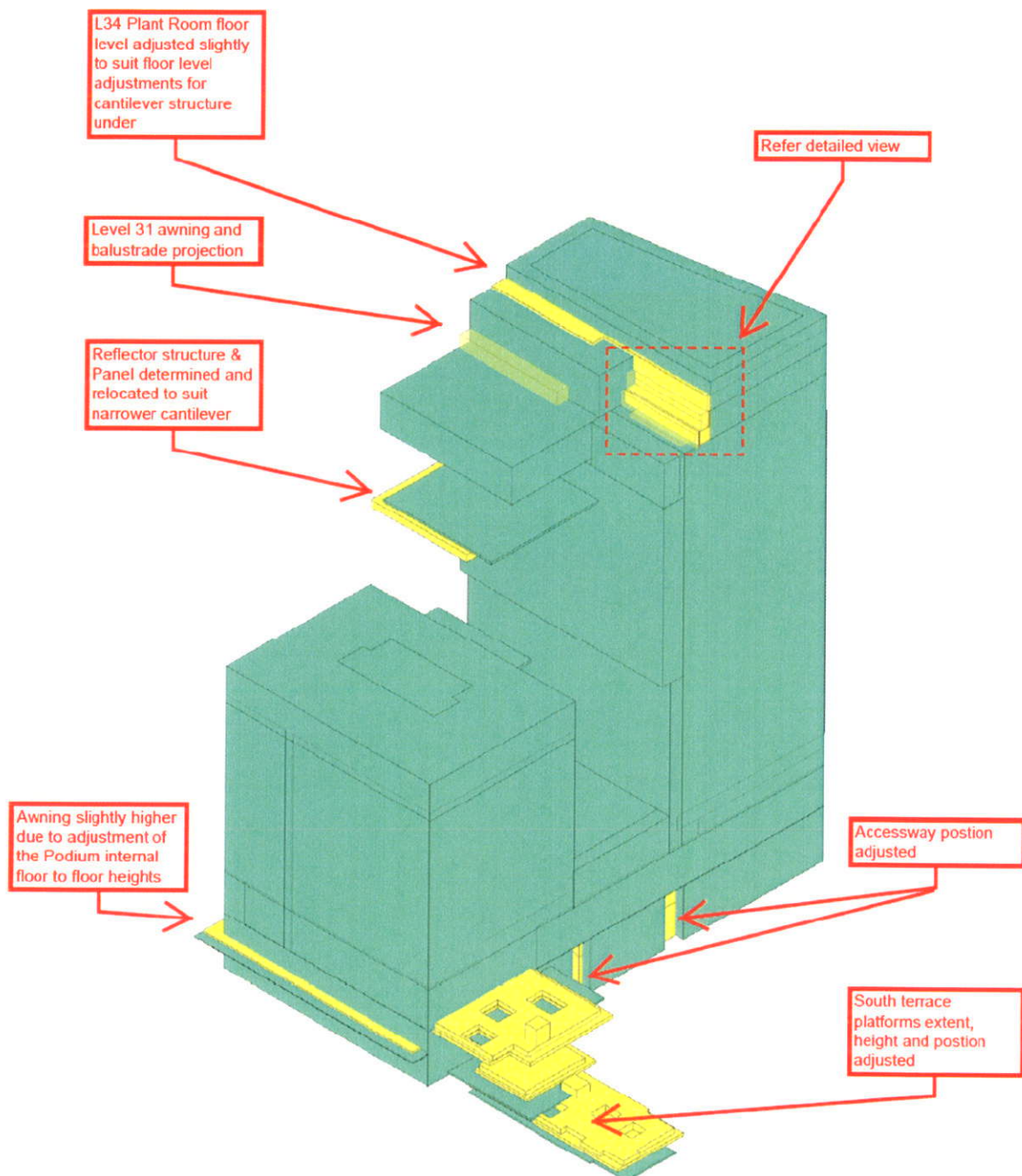


### GFA requirements

The approved Concept Plan (as modified) included a requirement that the total GFA for Block 2 is not to exceed 68,000m<sup>2</sup> (approved plans also state that a maximum residential GFA of 55,000m<sup>2</sup> is permitted on Block 2). The proposal satisfies this requirement by proposing an overall GFA of 67,777m<sup>2</sup> (increase of 1,119m<sup>2</sup> from the approved project) and a residential GFA of 48,252m<sup>2</sup> (increase of 1,313m<sup>2</sup> from the approved project).

### Building Envelopes

The plans approved within the Concept Plan (as modified) identify approved building envelopes and heights for Block 2. Minor modifications are proposed to the approved Concept Plan envelope (**Figure 2**), however no concerns are raised with these modifications, as the modifications do not significantly alter the Concept Plan building envelope.



**Figure 2:** Comparison of Concept Plan (green) to proposed amended design (yellow) as contained in EA



## Heights

The building heights for Block 2 are as follows:

- East tower – no amendment to approved height of 133.0m AHD to the top of the structure.
- West tower – no amendment to approved height of 79.5m AHD to the top of the structure.

It is considered that the proposed modification satisfies the approved height requirements.

## Overshadowing

The approved Concept Plan (as modified) identifies an approved boundary of overshadowing, with the intent to maximise and protect solar access to the Main Park. The approved Project provided additional overshadowing on the park in some areas and less in others. This was due to the height of the western tower and the cantilever / heliostat.

Comparing the approved Project against the modified design, the modified design **decreases** the overall overshadowing of the building and heliostat upon the Main Park by 13m<sup>2</sup>, as follows:

- At 12.00pm the modified design proposes an overall decrease to overshadowing of the Main Park by 22m<sup>2</sup> from the approved Project (reduction of 36m<sup>2</sup> from the proposed building and an additional 14m<sup>2</sup> from the heliostat);
- At 1.00pm the modified design proposes an additional overshadowing of 9m<sup>2</sup> from the proposed building amendments.

The majority of the decrease in overshadowing from the building onto the Main Park is from the deletion of the western tower heliostat. The reduction in overshadowing is supported and provides an improved amenity for users of the Main Park.

## Conclusion

The Department is satisfied that this application is generally consistent with the modified Concept Plan (as amended) subject to the recommended conditions included within the original approval and the further assessment provided within this report.

## **5.2 Residential Amenity**

During the assessment of the original Project, concerns were raised over the amenity of apartments in terms of size; aspect; solar access and cross ventilation and whether an open space area (balcony) was provided. Of particular concern was the inclusion of a 2 key apartment over 24 levels in the eastern tower that included the smaller apartment being provided with reduced amenity as the bedroom window opened up onto a slot area. Modification conditions to the design of the building were incorporated within the Approval to improve the amenity of these apartments, including requiring the 24 x 2 key apartments to be modified to 2 bedroom apartments only.

The submitted modification proposes amendments to apartment layouts and the inclusion of an additional 30 apartments across the two towers, mostly through the introduction of 23 apartments and a gymnasium on Level 4 that was previously approved for commercial / retail floor space.

The modified layout and additional apartments amends the approved dwelling mix, as follows:

	<b>Approved apartments</b>	<b>%</b>	<b>Proposed apartments</b>	<b>%</b>	<b>Comparison to approved apartments</b>
<b>Studio</b>	88	15%	99	16%	+11
<b>1 bed</b>	281	47%	263	42%	-18
<b>2 bed</b>	202	34%	233	38%	+31
<b>3 + bed</b>	22	4%	28	4%	+6
<b>Total</b>	<b>593</b>	<b>100%</b>	<b>623</b>	<b>100%</b>	<b>+30</b>

An assessment against key requirements of SEPP 65 / RFDC is provided below.

### Solar Access

The original Concept Plan and modified Concept Plan approvals acknowledged non-compliances with the RFDC guidelines for the proposed development, in particular for solar access. Given the proposed densities and inner city location, the original Expert Advisory Panel for the Concept Plan recommended that the Concept Plan achieve the SEPP 65 requirement that 70% of all units receive 2 hours of sunlight access over the entire site and that no Block achieve less than 60% of units meeting the 2 hours of sunlight access requirement.

During the assessment of the original project, the Department acknowledged that at higher densities sunlight access is harder to achieve and that the western tower is heavily impacted from the proximity of the eastern tower and the commercial building Block 1 and 4.

The proposed modification achieves 70% compliance across both towers (85% eastern tower; 48% western tower), which is consistent with the Expert Advisory Panel's Report on the original Concept Plan that no block achieve less than 60% of SEPP 65 solar access requirements.

This is an improvement on the approved project, in particular the western tower, which achieved a total of 60% of all units (74% eastern tower and 36% western tower).

The Department considers that as the modified design provides apartments with improved access to sunlight, the design is considered to adequately address the restrictions placed on the development due to the site's inner city location and proximity to adjoining buildings.

	Approved PA			Proposed Modified PA		
	No. of apartments	No. with 2+ hours of sunlight	%	No. of apartments	No. with 2+ hours of sunlight	%
<b>East</b>	368	273	<b>74</b>	383	324	<b>85</b>
<b>West</b>	225	82	<b>36</b>	240	115	<b>48</b>
<b>Total</b>	<b>593</b>	<b>355</b>	<b>60</b>	<b>623</b>	<b>439</b>	<b>70</b>

### Cross Flow Ventilation

The Code recommends that 60% of units should be naturally cross ventilated. Of the 623 apartments proposed, 374 (60%) will be capable of being naturally cross ventilated. In terms of the individual towers however, the eastern tower achieves 49.8% compliance while the western tower achieves 66.5% compliance. Overall, this is a decrease when compared to the approved project that achieved a total of 383 of the 593 units (64.5%), eastern tower achieved 73.1% and the western tower achieved 50.2%.

The inclusion of slots within the building, were designed to provide as much natural cross ventilation to units as possible. The slots have been decreased across both towers, but despite this reduction the slot area is still considered to allow adequate flow of ventilation through the units located adjacent the slot as originally approved.

The eastern tower has reduced in compliance due to the inclusion of additional dual key apartments on the western facade, replacing the 1 bedroom + study apartments or reconfiguring the approved dual key apartment designs.

Overall, as the amended project achieves the minimum cross flow ventilation requirement, no concerns are raised with the amendments proposed to the project.

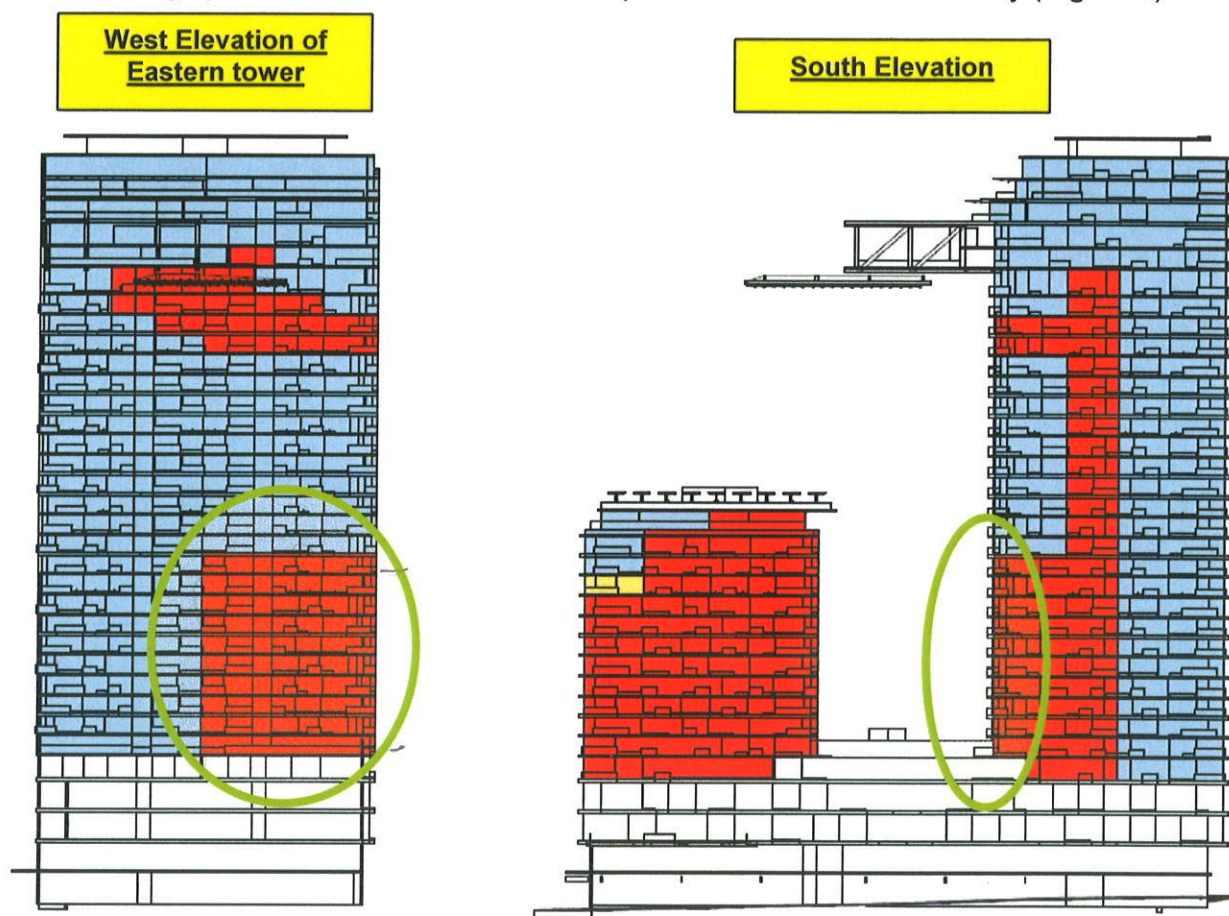
### Apartment size / Dual Key Apartments

The modified design proposes amended floor layouts to both towers, which have resulted in the inclusion of small apartments (some less than 30m<sup>2</sup>), included as part of dual key apartments (either 2 bed / 2 key or 1 bed / 2 key apartments). The original project provided 141 dual key apartments (Approval reduced this to 117 dual key apartments following modification of a dual key apartment between Level 5 and 28 in the eastern tower to be provided as a 2 bed unit only). The modified plan provides for an additional 97 dual key apartments (214 dual key apartments in total).

The Department has previously raised concerns in relation to the amenity of these type of apartments (within Block 2 and particularly in the adjoining Block 5A and 5B development) particularly where the proposed apartments:

- are not provided with private open space;
- are not provided with cross flow ventilation;
- receive less than 2 hours of sunlight access; and
- provided with limited aspect / outlook.

The following apartments are considered to be provided with reduced amenity (**Figure 3**):



**Figure 3:** Solar access diagram of modified design as contained in EA (red shading indicates apartments that do not comply with SEPP 65 requirements for solar access and blue are apartments that do comply with SEPP 65 requirements). Green circle indicates units provided with reduced amenity.

- East Tower
  - Apartment 12 on Level 5, 6, 9 and 12 (smaller apartment of the 2 bed 2 key apartment is provided with an area of 28.7m<sup>2</sup> including half of the common area) receives no cross flow ventilation and less than 2 hours of sunlight access. The apartment is provided with an area of outdoor open space over the common area between the two

towers. Despite this outdoor open space area, the amenity of the apartment is reduced due to the above issues.

Recommended changes

In order to improve the amenity of the apartment, it is recommended that the apartment be amended and replaced with a 2 bedroom apartment (not 2 key).

- Apartment 12 on Level 7, 8, 10, 11 (smaller apartment of the 2 bed 2 key apartment is provided with an area of 32.6m<sup>2</sup> including half of the common area) receives no cross flow ventilation, less than 2 hours of sunlight access and does not include an area of outdoor open space. View is provided west over common area between the two towers.

Recommended changes

In order to improve the amenity of the apartment, it is recommended that the apartment be amended and replaced with a 2 bedroom apartment (not 2 key).

The Department also considers that the following apartments are provided with reduced amenity and should be improved:

- East Tower

- Apartment 12 provided on Level 4 receives no cross flow ventilation, less than 2 hours of sunlight access and does not include an area of outdoor open space. A view is provided to the south towards Block 5A/5B.

Recommended changes

To improve the amenity of this apartment, it is considered that a balcony be provided off the living area to provide an area of outdoor open space.

- West Tower

- Apartment 04 and 05 provided on Level 4 receives no cross flow ventilation, less than 2 hours of sunlight access and does not include an area of outdoor open space. A view is provided to the south over the landscape platforms towards the Main Park.

Recommended changes

To improve the amenity of this apartment, it is considered that a balcony be provided off the living area to provide an area of outdoor open space.

Conclusion

The design of the original and modified Block 2 has regard to the setbacks, heights and floor space approved by the modified Concept Plan. The modified project is considered to achieve adequate residential amenity for future occupants of the building, noting the site's inner city location and access to public transport, public facilities, employment areas, universities and retail centres.

To improve residential amenity, the Department recommends the following modifications to the layout of the eastern and western tower apartments:

- the conversion / deletion of 8 dual key apartments in the eastern tower to two bedroom apartments only; and
- the addition of a balcony to 2 studio apartments in the western tower and 1 studio apartment in the east tower.

Overall, the Department considers the proposal as modified provides an appropriate level of amenity for this inner city location and is satisfied that the proposal can be supported.



### 5.3 Cantilever

A two storey cantilever was approved in the original project containing apartments, the eastern tower heliostat, rooftop vegetation / gardens and void areas to provide sunlight to units in shadow below. The cantilever was supported as it provided an additional horizontal element to the design of the building.

The modified design of the cantilever has removed the apartments approved in the original project and transformed this space into a common open space area (180m<sup>2</sup>) for residents of Levels 29-33. This has addressed concerns raised with the previous design that provided opportunities for overlooking the private terraces. Void areas have been increased in the cantilever to provide additional sunlight to the units below.

The additional sunlight provided to the units beneath the cantilever is supported and no concerns are raised with the inclusion of a common open space area for residents.

### 5.4 Heliostat

A key feature of the original design included the construction of heliostats on the eastern and western tower, which were designed to provide reflected sunlight onto the overshadowed landscaped platforms and piazza area to the south of the towers. In addition, sun tracking mirrors were provided on the roof of the western tower to reflect sunlight to mirrors on the eastern tower heliostat or towards apartments located beneath the heliostat / cantilever that were in shadow from the cantilever. The approved heliostat system provided at least 10, 2 metre by 2 metre patches of light on the ground.

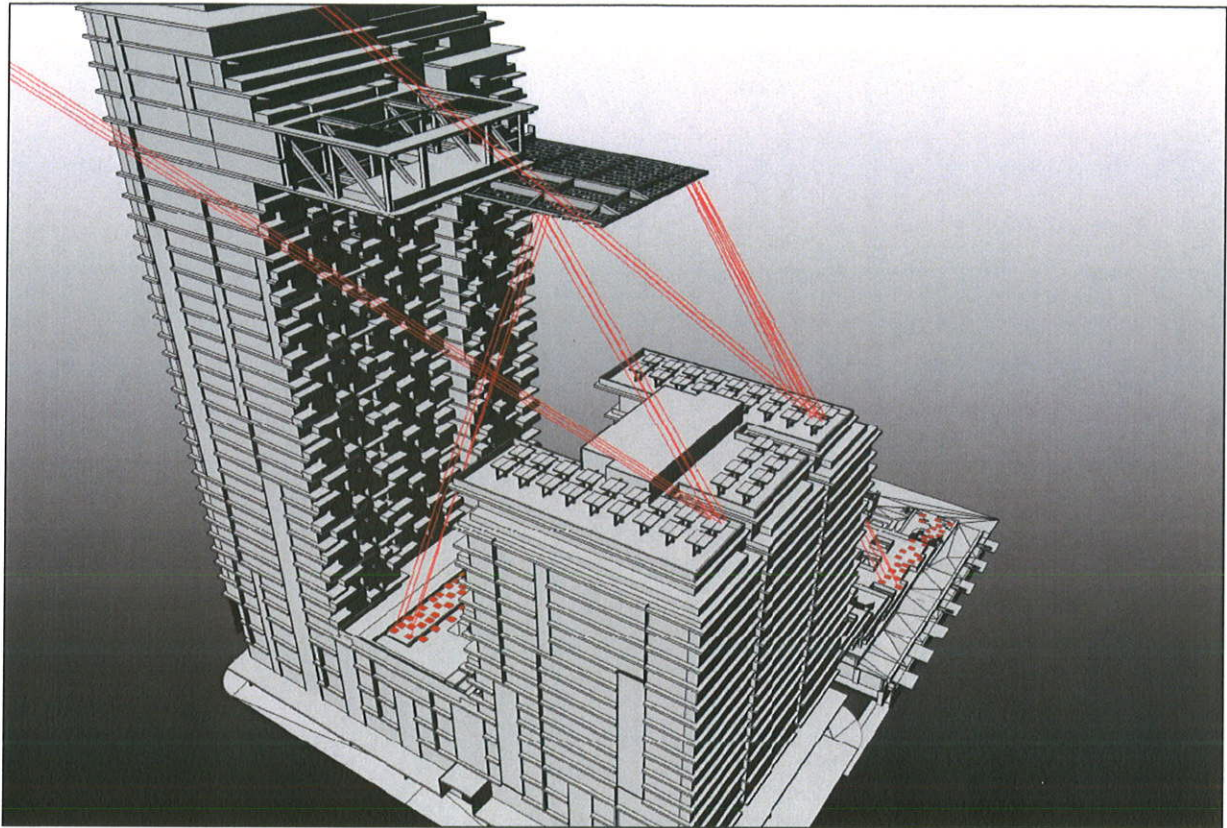
The amended design includes:

- the deletion of the western tower heliostat;
- increase to the number of reflective mirrors on the western tower rooftop from 12 to 48 mirrors (mirrors reflect the sunlight to the heliostat provided on the eastern tower); and
- modification / retention of the eastern tower heliostat with the inclusion of additional mirrors (from 97 to 324) and an increase in size of the heliostat from 22m x 26.2m to 23m x 26.96m.

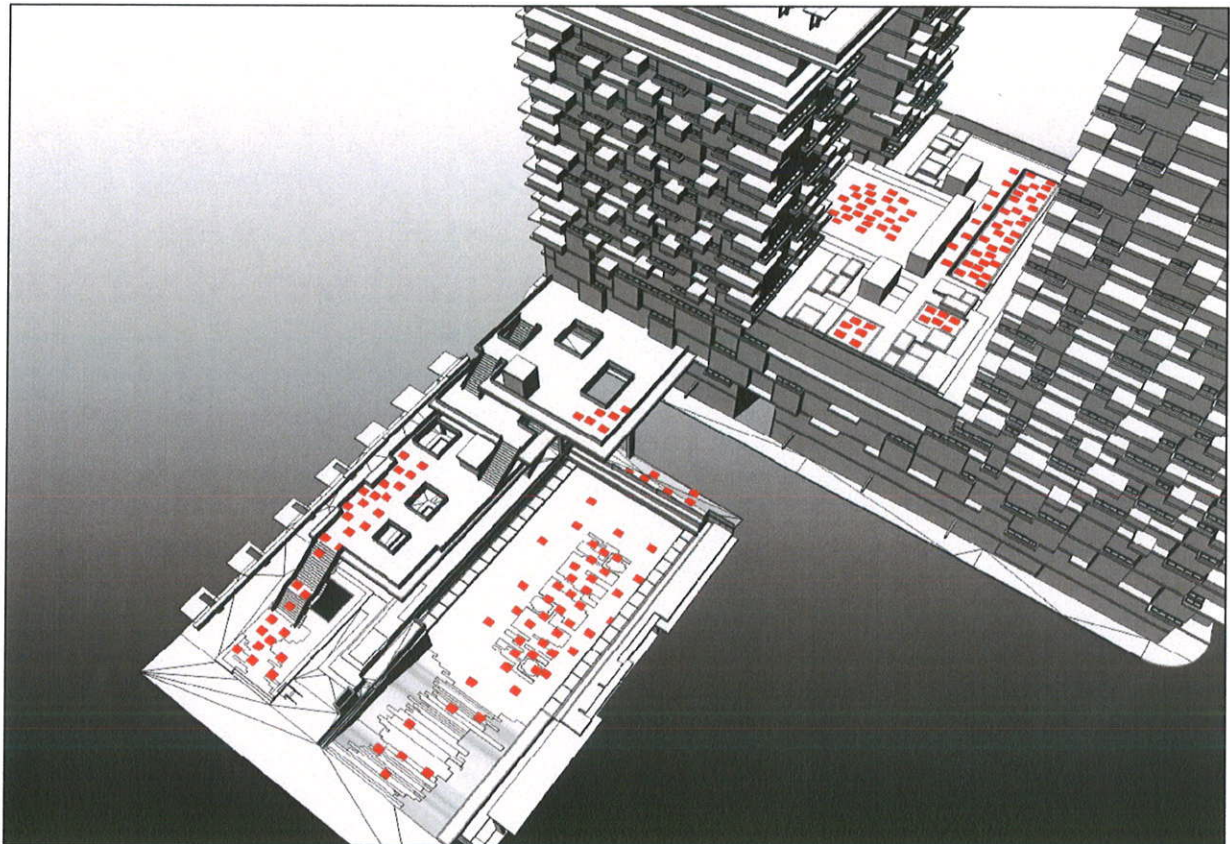
The Proponent advises that previously the original heliostat produced small patches of light with large mirrors. The modified design proposes mirrors that track the sun, which will therefore make the most out of the available sunshine thereby producing more reflected light throughout longer periods of the year.

From the diagrams submitted in support of the amendment, additional reflected sunlight is proposed to areas between the two towers (containing a spa deck, outdoor pools and landscaped areas) and the landscaped platforms and piazza area to the south. Additional sunlight to these areas is supported as this will enable greater use of the overshadowed areas throughout the year.

The deletion of the western tower heliostat has also reduced the overshadowing from this element onto the open space areas to the south, which is also supported.



**Figure 4:** Revised operation of heliostat illustrating sunlight reflections as contained in EA



**Figure 5:** Revised sunlight projections from heliostat as contained in EA

## 5.5 Vertical Gardens and Landscaped Platforms

### Vertical Gardens

One of the main features of the project was the vertical landscaping provided to the exterior of the towers, either through green panels, planter boxes on the edge of balconies, or vines growing on metal wires between floors.

The modification includes:

- Area of green wall panels increased from 1,136m<sup>2</sup> to 1,378m<sup>2</sup> (additional 242m<sup>2</sup>). **Figure 4** provides a comparison between the approved and modified view from Broadway.
- Depth of some of the planters provided along the buildings edge have been reduced from 2 metres to 1 metre, however the linear length of the planters has increased;
- Planters and facade line of west elevation modified to be consistent with those provided on the north and east elevations.

The Department supports the additional areas of planting as this further enhances the visual appearance of the building from Broadway and from the surrounding locality. The additional plantings also assist in offsetting the overall bulk and scale of the building.

The reduction to the depth of the planter boxes located on the side of the building and off balconies is not considered to negatively impact upon the functionality of these planters.

It should be noted that Condition B17 of the approval requires the ongoing maintenance of all plantings, both horizontal and vertical, be the responsibility of the Body Corporation. This condition will ensure that the plantings are maintained at all times without the reliance for maintenance by the occupants.

No concerns are therefore raised with the amendments to the vertical landscaping.

### Landscaped Platforms

Another of the unique features of the project is the inclusion of landscaped platforms that rise from the Main Park up to Level 2 of the podium level, which contains a food court. The platforms contain landscaping and void areas to allow light and trees to grow between the levels.

Amendments to the landscaped platforms are proposed to provide additional stairs from the top platform to the platform below. Other amendments include raising the height of the platforms by 250mm and the regrading of Tooth Avenue to provide additional clearance under the platforms for vehicles travelling along Tooth Avenue.

The functionality of the platforms is considered to be improved with the inclusion of additional stairs and no concerns are raised with the alterations to the height of the platforms and regrading of Tooth Avenue.