



**MAJOR PROJECT ASSESSMENT:**

***Adaptive Reuse of the Clare Hotel and  
Administration Building on Block 3A***

***Central Park, Chippendale  
(Former Carlton United Brewery)  
MP11\_0089***



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

March 2013

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
Proponent	Fraser's Broadway Pty Ltd
RtS	Response to Submissions

Cover Photograph: Photomontage - Proposed Development (Source: Architectural Cover Page, TZG Architects, November 2012)

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*NSW Government*

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## EXECUTIVE SUMMARY

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This Project Application seeks approval for the adaptive reuse of the Clare Hotel and Administration Building on Block 3A, Central Park, Chippendale (former Carlton United Brewery).

The proposal, as described in the Environmental Assessment and Response to Submissions, seeks approval for a 60 room boutique hotel with conference facilities, restaurants, a lounge and rooftop pool and deck. The works involve construction of an additional storey to the Clare Hotel and two additional storeys to the Administration Building, and the construction of a new physical link between the two buildings.

The site is located within the City of Sydney Local Government Area. The Proponent is Frasers Broadway Pty Ltd. The project has a Capital Investment Value of \$20,000,000.

The proposed land uses are in accordance with the land uses permitted by the approved Concept Plan, MP06\_0171 (as modified).

The Environmental Assessment was exhibited for a 52 day period from **12 December 2012** to **1 February 2013**. The Department received four submissions from agencies/authorities and nine submissions were received from the general public.

Key issues considered in the assessment include:

- Consistency with the approved Concept Plan;
- Heritage conservation; and
- Management and operation of the development.

On 5 March 2013 the Proponent submitted a Response to Submissions which amended the Project to increase the setback of the additional level above the Clare Hotel from the northern boundary to a minimum of 5 metres.

The Department considers that the proposed development is generally consistent with the approved Concept Plan (as modified) and is suitable for the subject site. The Department has assessed the merits of the proposal, including proposed variations to the Concept Plan, and is satisfied that the impacts of the proposed development have been adequately addressed within the Environmental Assessment, Response to Submissions, Statement of Commitments and the Department's recommended conditions of approval.

The proposal demonstrates appropriate urban design solutions, providing a sympathetic and dynamic response to the heritage context of the site. The proposal will assist in contributing towards the orderly redevelopment of the former Carlton United Breweries site, providing an attractive and vibrant focal point. The development is consistent with the objectives of the Draft Metropolitan Strategy for Sydney 2031 and will contribute towards job targets for the Sydney subregion identified within the Draft Sydney City Subregional Strategy. The proposal is recommended for **approval**, subject to conditions.

In accordance with the current delegations, the Project Application can be determined by the Executive Director, Development Assessment Systems and Approvals.

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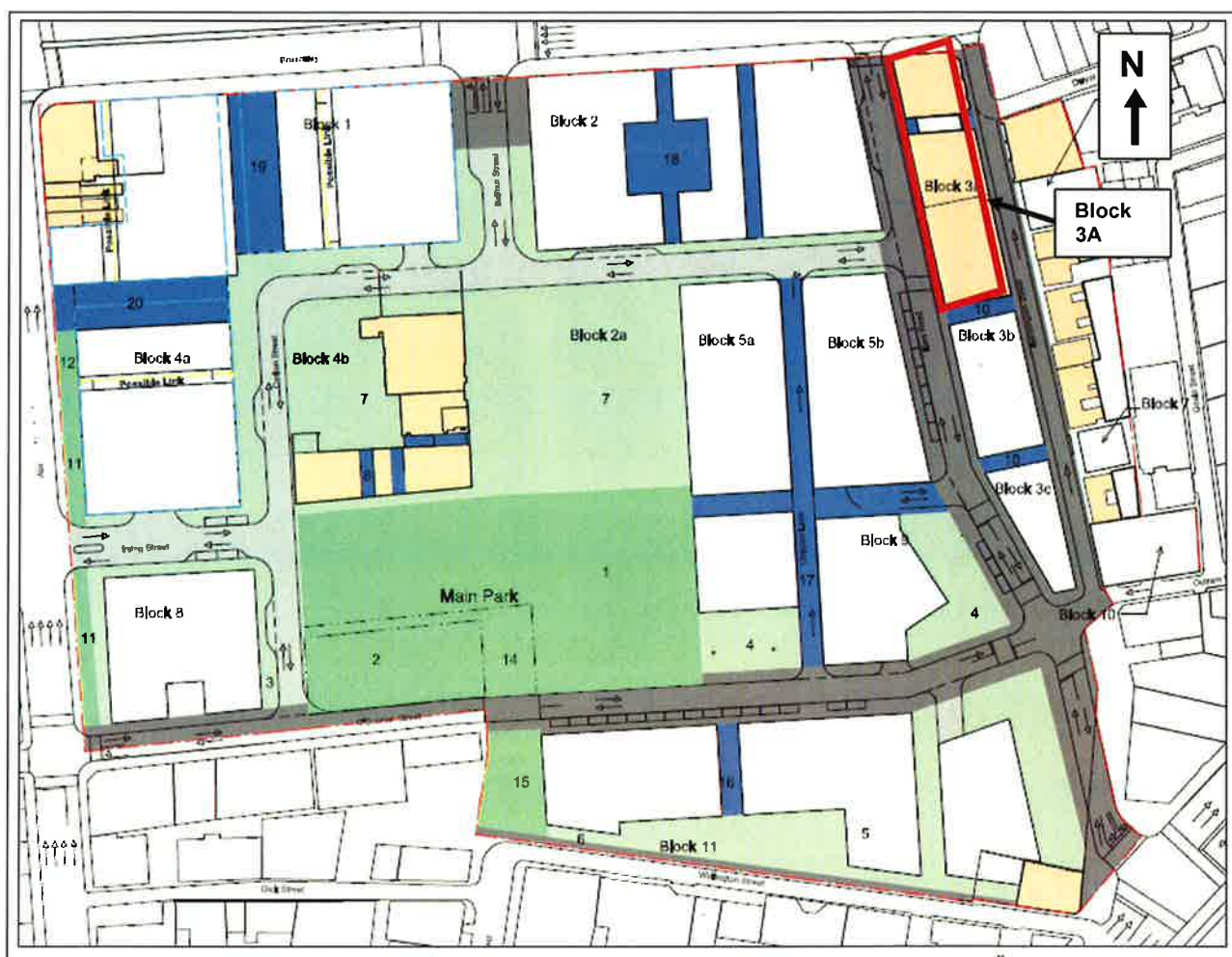
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## 1. BACKGROUND

The purpose of this report is to assess a Project Application for the adaptive reuse of the Clare Hotel and Brewery Administration building for a boutique hotel with associated function rooms and restaurants in the Kensington Precinct of Central Park, Chippendale. The proposal relates to Block 3A, as approved by the Concept Plan for the redevelopment of the former Carlton United Brewery site (MP06\_0171) (as modified).

### The Site

The former Carlton United Brewery site, now known as 'Central Park', has an area of 5.834ha, and is located in the south-western portion of the Sydney Central Business District. The site is within short walking distance to Central Railway Station and Railway Square Bus Terminal. Block 3A, the subject of this Project Application, is located towards the north-eastern part of the site, within the area referred to as the Kensington Precinct, illustrated in **Figure 1** below.



**Figure 1: Central Park Approved Concept Plan site layout and Block 3A location**

### Previous Approvals

On 8 February 2007, the then Minister for Planning approved Concept Plan MP06\_0171 for the mixed use redevelopment of the former Carlton United Brewery site (including residential, commercial, retail and public open space). The Concept Plan was subsequently modified on 18 July 2007 (MOD 1), 5 February 2009 (MOD 2), 16 May 2010 (MOD 3), 30 August 2011 (MOD 4), 24 July 2012 (MOD 6) and 17 January 2013 (MOD 7).

The most recent Concept Plan amendment (MP\_06\_0171 MOD 7) modified the allocation of residential and overall gross floor area across the Kensington Precinct blocks however, it did not result in an overall increase in gross floor area.



## Combined Basement Project Application

In May 2010, the Department of Planning approved Project Application (MP09\_0042) for the construction of a combined basement under Blocks 2, 5 and 9. Approval was granted for the following:

- Bulk excavation;
- Construction of a combined basement under Blocks 2, 5 and 9 containing 1,230 parking spaces; and
- Establishment of a shell for a black water treatment plant within the basement under Block 5.

A Section 75W modification has been submitted concurrently, with this application, to reallocate parking spaces within the common basement. The modification will see parking spaces redistributed from Blocks 3, 6, 7 and 10 to residential Blocks 5A/B and 5C, in-line with the requirements for non-residential uses within the Kensington Precinct.

## Block 3B/3C and 10

On 30 November 2012, approval was granted for Project Application, MP11\_0090, for the construction of a mixed use student housing development with ground floor commercial uses. The Department is currently considering a modification to the project which would result in a total gross floor area provision of approximately 8,300m<sup>2</sup> and accommodation for up to 271 students.

## Other Related Approvals

The majority of the buildings across the Central Park site, associated with the former brewery use have been demolished (approved under MP 07\_0120), with the exception of the retained Brewery buildings and heritage items. Other approvals granted on the site include:

- Remediation and transitional works (MP 07\_0163 as modified);
- Main Park and stage 1 infrastructure (MP 08\_0210 as modified);
- Construction of commercial Blocks 1 and 4 (approved under MP 08\_0253 including Central Thermal Plant (CTP) (MP08\_0253 MOD1));
- Construction of mixed use residential and retail Blocks 5A and 5B (MP 09\_0041 as modified);
- Construction of mixed use residential and retail Block 2 (MP 09\_0078 as modified);
- Stage 2 Infrastructure and Civil Works (MP 09\_0164);
- Construction of residential Block 5C (MP10\_0218); and
- Alterations to and adaptive reuse of Brewery Buildings (MP10\_0217).

The Department is also currently considering the following Project Applications and State Significant Development Applications:

- Redevelopment of Block 6 for mixed uses, the adaptive reuse of existing terraces and part demolition of buildings on Block 7 for mixed use retail and commercial development (MP11\_0091);
- Construction of a new student accommodation development on Block 4 South with a gross floor area of approximately 24,700m<sup>2</sup>, up to 14 storeys in height, providing accommodation for up to 826 students. This application is being considered concurrently with modifications for the Concept Plan (MP06\_0171) and the Project Approval for Blocks 1 & 4 (MP08\_0253).

## 2. PROPOSED PROJECT

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### 2.1. Project Description

The proposal, as exhibited in the Environmental Assessment (EA) sought project approval for the following components listed in **Table 1**:

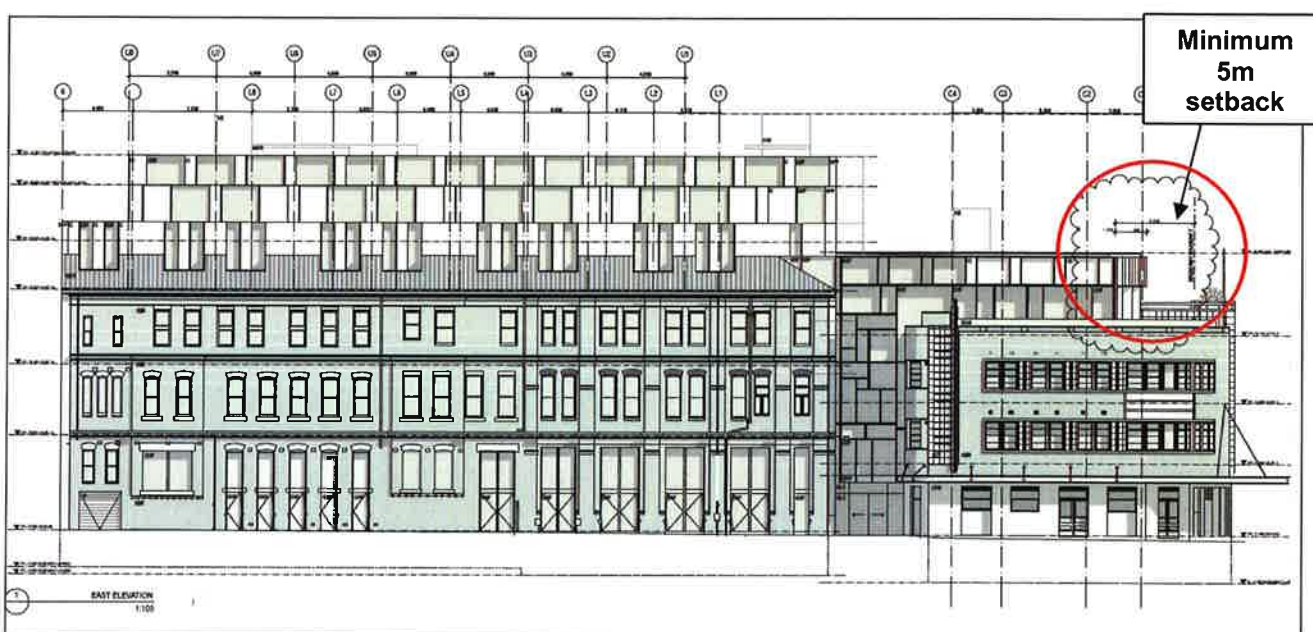
**Table 1: Key Project Components**

Aspect	Description
<b>Project Summary</b>	<ul style="list-style-type: none"> <li>Construction of a boutique hotel comprising: <ul style="list-style-type: none"> <li>60 hotel rooms;</li> <li>a total GFA of 4,595.9m<sup>2</sup>;</li> <li>600m<sup>2</sup> of food and drink premises including three restaurants and a lounge;</li> <li>conference and meeting facilities;</li> <li>staff offices and amenities;</li> <li>a rooftop deck and pool; and</li> <li>storage and loading facilities.</li> </ul> </li> <li>A single storey addition to the Clare Hotel and a two storey addition to the Administration Building.</li> <li>Construction of a new glazed link between the two buildings to create a foyer and entry space for the hotel.</li> <li>Excavation at basement level to create a pedestrian link between the existing basements of Clare Hotel and Administration Building.</li> </ul>
<b>Public Domain Works</b>	<ul style="list-style-type: none"> <li>No public works are proposed as part of this Project. Public works were approved under Stage 2 Infrastructure Approval (MP 09_0164).</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>No landscaping is proposed as part of this Project.</li> </ul>
<b>Car Parking</b>	<ul style="list-style-type: none"> <li>The proposal does not seek approval for any car parking, however, 10 car parking spaces are to be provided for hotel staff and guests in the combined car park under Blocks 2, 5 and 9, by the current modification request MP09_0042 MOD 4.</li> </ul>

The Proponent is not seeking approval for the fit out and use relating to the ground floor restaurants. These will be the subject of future Part 4 Development Applications made to Council.

## 2.2 Response to Submissions

Following the public exhibition of the Environmental Assessment, the Department advised the Proponent of a number of issues which required further consideration and requested the submission of a Response to Submissions (RtS). The key change to the Project Application in the RtS, includes the new level above the Clare Hotel, being setback a minimum of 5 metres from the northern boundary (see **Figure 2**).



**Figure 2 - East Elevation with increased setback above the Clare Hotel (source: Proponent's RtS)**  
*Clouding of the East Elevation illustrates the increased setback of the additional level on the Clare Hotel*

## 2.3 Project Need and Justification

### The Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy for Sydney to 2031 was published in March 2013. The Draft Strategy sets employment targets for the Sydney region at 625,000 new jobs by 2031.

The Department considers the proposal to be consistent with the Metropolitan Strategy as the site is well located in terms of public transport, facilities and local services. In addition, the proposal will contribute to the identified job targets through the creation of approximately 200 construction jobs and 85 full time equivalent on-going jobs.

### Draft Sydney City Sub-Regional Strategy

The draft subregional strategy, released in July 2008, identifies the Central Park site as a mixed use employment zone. Employment targets for the Central sub-region have been updated by the Draft Metropolitan Strategy for Sydney to 2031, as identified above. The Draft Sydney City Sub-regional Strategy has a total job target of 58,000 additional jobs in 2031. This target will be updated now the Draft Metropolitan Strategy has been released.

The Central Park site is specifically identified within the Subregional Strategy as providing opportunities to link business, education and residential activities, contributing towards the realisation of a 'creative crescent'. The proposed development will provide hotel accommodation in close proximity to public transport and significant business and educational institutions.

The development will assist in addressing the shortage of hotel accommodation and the low vacancy rates available in hotels in the subregion. In addition, the proposal will create up to 85 full time equivalent jobs within the Kensington Precinct. The proposal is therefore considered to be consistent with the aims and objectives of the Draft Subregional Strategy, contributing towards identified job targets within Sydney city centre and regeneration of the south-western part of Central Sydney.

## 3. STATUTORY CONTEXT

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### 3.1 Major Project Declaration

On 8 February 2007, the then Minister for Planning approved Concept Plan MP06\_0171 for the mixed use redevelopment of the subject site (including residential, commercial, retail and public open space). In this approval, the Minister determined that applications to carry out the project or stages of the project with a Capital Investment Value (CIV) of \$5 million or more, would be subject to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The CIV of the Project Application is **\$20,000,000**, which is greater than \$5 million and therefore, Part 3A of the EP&A Act applies to the proposal.

### 3.2 Continuing Operation of Part 3A

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A projects. As Director-General's Environmental Assessment Requirements were issued in respect of this project prior to 8 April 2011, the project is a transitional Part 3A project. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disprove of the carrying out of the project under Section 75J of the EP&A Act.



### 3.3 Determination under Delegation

The Minister has delegated his functions to determine Part 3A applications to the Executive Director, Development Assessment Systems and Approvals, where:

- The Council has not made an objection; and
- There are less than 25 public submissions objecting to the proposal; and
- A political disclosure statement has not been made.

There have been nine submissions received from the public. Council raised no objections in relation to the RtS proposal, subject to conditions, which have been recommended. There has been no political donation declared in relation to this Project Application or any other related application within the past two years.

Accordingly, the application is able to be determined by the Executive Director, under delegation.

### 3.4 Permissibility

The site is zoned 'City Edge' under the Sydney Local Environmental Plan 2005. The project is permissible with consent within the City Edge zone.

### 3.5 Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project, and the provisions of any Environmental Planning Instrument that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant State Environmental Planning Policies and Environmental Planning Instruments is provided in **Appendix C**.

### 3.6 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has considered the Objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development in the assessment of the application. The Project does not raise significant issues that are contrary to the Objects under the Act.

### **3.7 Ecologically Sustainable Development**

The EP&A Act adopts the definition of Ecologically Sustainable Development found in the *Protection of the Environment Administration Act 1991* (POEA Act). Section 6(2) of the POEA Act states that Ecologically Sustainable Development requires the effective integration of economic and environmental considerations in decision-making processes and that it can be achieved through the implementation of:

- (a) the precautionary principle,*
- (b) inter-generational equity,*
- (c) conservation of biological diversity and ecological integrity,*
- (d) improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to the ecologically sustainable development principles and has made the following conclusions:

#### **Precautionary Principle**

The site has been previously developed and there is no threat of irreversible environmental damage as a result of the proposal. Remediation of the whole former CUB site was considered and approved as part of approved MP 07\_0163 remediation and transitional works. The approved remediation works have largely been carried out. Standard conditions to manage any potential environmental impacts of the development are recommended.

#### **Inter-Generational Equity**

The Proponent has made a commitment to design the buildings to a 5 Star Green Star standard. The development will also be linked to the Central Park site's Central Thermal Plant and blackwater treatment plant (yet to be approved), which will contribute towards the sustainability of the development by satisfying the development's hot water needs and water sustainability. Refer to Proponent's Statement of Commitments at **Appendix E**.

#### **Biodiversity Principle**

The redevelopment of the whole Central Park site will increase the percentage of permeable land across the site (which was previously 0%) enhancing the ecological value of the site. The provision of landscaped open space across the CUB site will assist in improving the biodiversity of the area.

#### **Valuation Principle**

The Central Park development includes the provision of a Central Thermal Plant and blackwater treatment plant.

The Proponent is not targeting a specific Green Star rating for the development as a Green Star accreditation is not available for the proposed hotel use, under the Green Building Council of Australia's standard rating tools. The Proponent has however, committed to constructing the development in line with principles of the 5 Star Green Star rating system. To ensure this a condition is recommended requiring the Proponent to provide documentation, prepared by a suitably qualified consultant, indicating that the development achieves a minimum performance standard equivalent to a 5 Star 'design' and 'as-built' Green Star rating. Refer to recommended **Conditions B24** (5 Star 'design') and **E19** (5 Star 'as built').

In conclusion, the proposal is considered to be consistent with the Ecologically Sustainable Development principles.

### 3.8 Statement of Compliance

In accordance with Section 75I of the EP&A Act, the Department is satisfied that the Director-General's Environmental Assessment Requirements have been complied with. Refer to **Appendix A**.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1 Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the EA for an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from Wednesday 12 December 2012 until Friday 1 February 2013 (52 days) on the Department's website, and at the Department's Information Centre on Bridge Street, Sydney and The City of Sydney Council Offices at Town Hall, Kent Street, Sydney. The Department also advertised the public exhibition in the Sydney Morning Herald, the Daily Telegraph and the Central Courier newspapers on 12 December 2012. The Department also notified surrounding landholders, and relevant government authorities in writing.

The Department received 13 submissions including 4 submissions from public authorities and 9 submissions from the general public and special interest groups.

A summary of the issues raised in submissions is provided below.

### 4.2 Public Authority Submissions

Three submissions were received from public authorities. None of the public authorities objected to the proposed development but rather provided comments for consideration in this assessment and in the drafting of conditions of approval. Each of the issues raised by the government agencies and the City of Sydney are addressed separately below:

**City of Sydney** in its letter to the Department of Planning and Infrastructure of 11 February 2013 notes that the adaptive reuse of the Clare Hotel and Administration Building for a hotel within the Central Park development is supported. However, Council also provided the following comments:

- Generally considers height breaches to the Concept Plan acceptable subject to further detail demonstrating the proposal will not have adverse impacts when viewed from Carlton Street;
- Recommends the additional floor above the Clare Hotel be set back a minimum of 5 metres from the northern boundary of the site;
- Noted that there is no capacity to conserve the executive passenger lift and enclosure in the design and construction methodology;
- Recommends adequate recording of significant interior spaces prior to dismantling the passenger lift and enclosure and that a protection and construction methodology be developed and submitted to Council; and
- The link between the Clare Hotel and Administration Building is not consistent with Concept Plan approval however is considered generally acceptable.

The Proponent's RtS has appropriately responded to each of Council's concerns and the design has been amended accordingly.

Council also recommended a number of conditions which have been included in the recommended conditions of approval in relation to:

- Separate Development Applications required for restaurant and lounge uses;

- Plan of management to be submitted and approved;
- Conservation repair works; and
- Noise levels.

**RMS and the Office of Environment and Heritage** both advised the Department that no issues were raised in relation to the Project Application.

The **NSW Heritage Branch** wrote to the Department of Planning and Infrastructure on 4 February 2013 and raised no issues or objections. The Heritage Branch noted that the subject buildings were not listed on the State Heritage Register and therefore the Heritage Branch does not have a formal approval role under the Heritage Act.

### 4.3 Public Submissions

A total of nine submissions were received from the public. Of these submissions objected to the Project or raised concern. The key issues raised in public submissions are listed in **Table 1**.

**Table 1 - Summary of Issues raised in Public Submissions**

Issue	Proportion of Submissions (%)
Cumulative impacts of retail uses and licensed premises	88%
Insufficient parking	77%
Acoustic amenity	66%
Pedestrian access and use of shared zone	55%
Loading dock location	44%
Additional vehicle traffic	44%
Impact on heritage	33%
Impact of additional height to Administration building	11%
Inadequate consultation process	11%

The Department has considered the issues raised in submissions in its assessment of the project. (Refer **Section 5**).

### 4.4 Proponent's Response to Submissions/ Preferred Project Report

On 22 February 2013, the Department wrote to the Proponent outlining a number of key issues, requesting additional information and a response to all submissions received. On 5 March, 2013 the Proponent provided a response to the issues raised in submissions and issues raised by the Department (see **Appendix B**). The RtS made modifications to the project including the provision of a minimum 5 metre setback to the addition on the north elevation of the Clare Hotel.

## 5. ASSESSMENT

The Department considers the key issues to be considered in the assessment of the Project to be:

- Consistency with the approved Concept Plan;
- Heritage conservation; and
- Operation and management of the hotel and restaurant uses.

### 5.1 Consistency with the Approved Concept Plan

#### Building Envelope & Building Height

Concern was raised in one of the public submissions with the proposed additional storeys to the existing buildings. The approved Concept Plan (MP 06\_0171, as modified) stipulates maximum building heights and approved building envelopes for the Central Park site. The proposed two level addition to the Administration Building and single storey addition to the Clare Hotel generally



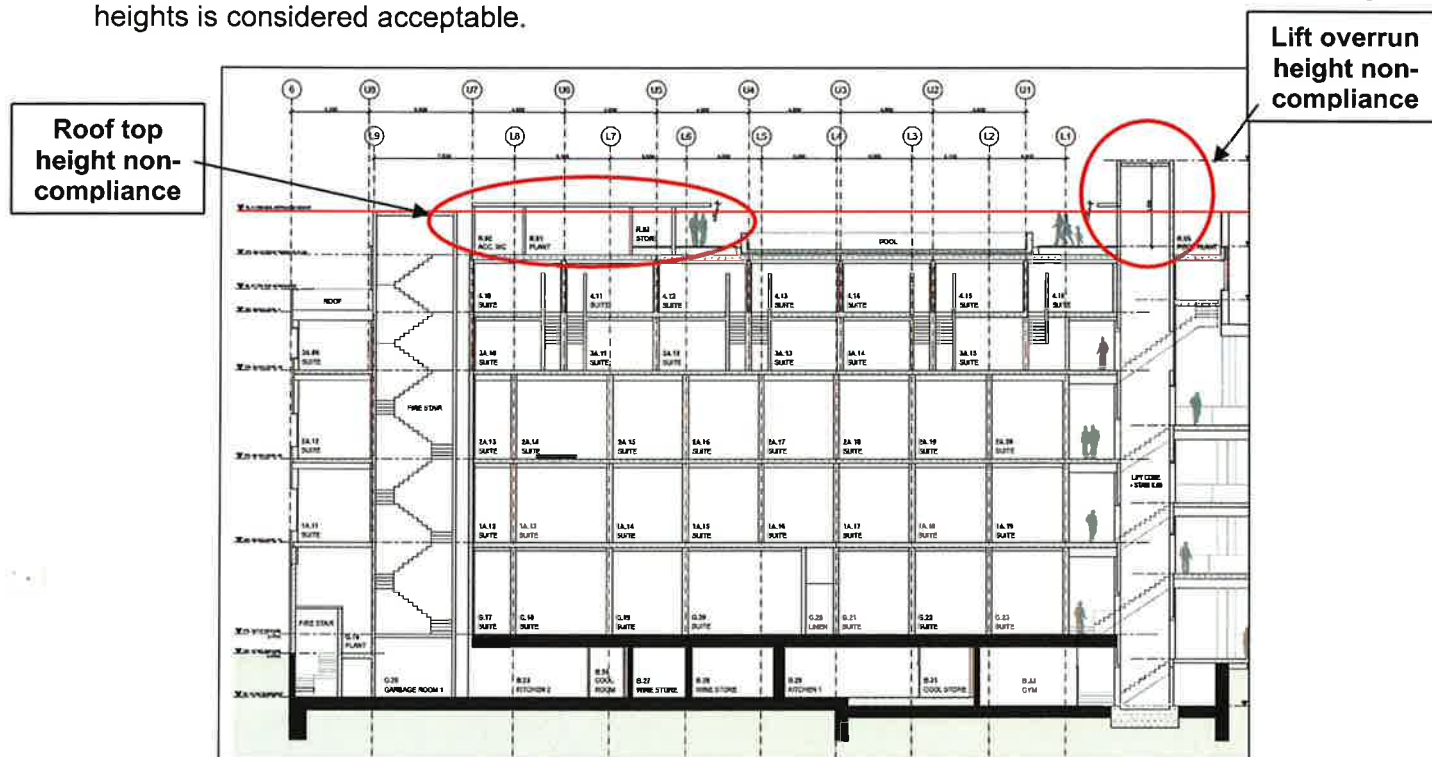
complies with the Concept Plan approval. However, as **Table 2** illustrates the proposed building heights do not comply with the overall maximum building heights required by the approved Concept Plan.

**Table 2: Approved and Proposed Maximum Building Heights**

Block	Concept Plan Maximum permitted heights	Proposed Building Heights	Difference in proposed heights from new survey heights
3A – Administration Building	RL 41.50 (AHD)	RL44.20 (AHD)	+2.7m

There are two elements of the proposed building that do not comply with the overall building height which are: the lift overrun and the roof top over the WC, plant room and pool side bar. The non-compliance can be seen in **Figures 3 and 4** below.

The non-compliance caused by the proposed lift overrun will project 2.7m above the maximum RL approved by the Concept Plan. This non-compliance is required to accommodate equitable access to the roof level. Only one lift will provide access to roof level and it is set back from the edge of the approved envelope to mitigate visual impact from the public domain. Given that the lift overrun does not significantly increase visual bulk or overshadowing, the variance to approved building heights is considered acceptable.



**Figure 3 - Section through the Administration Building showing approved height in red**

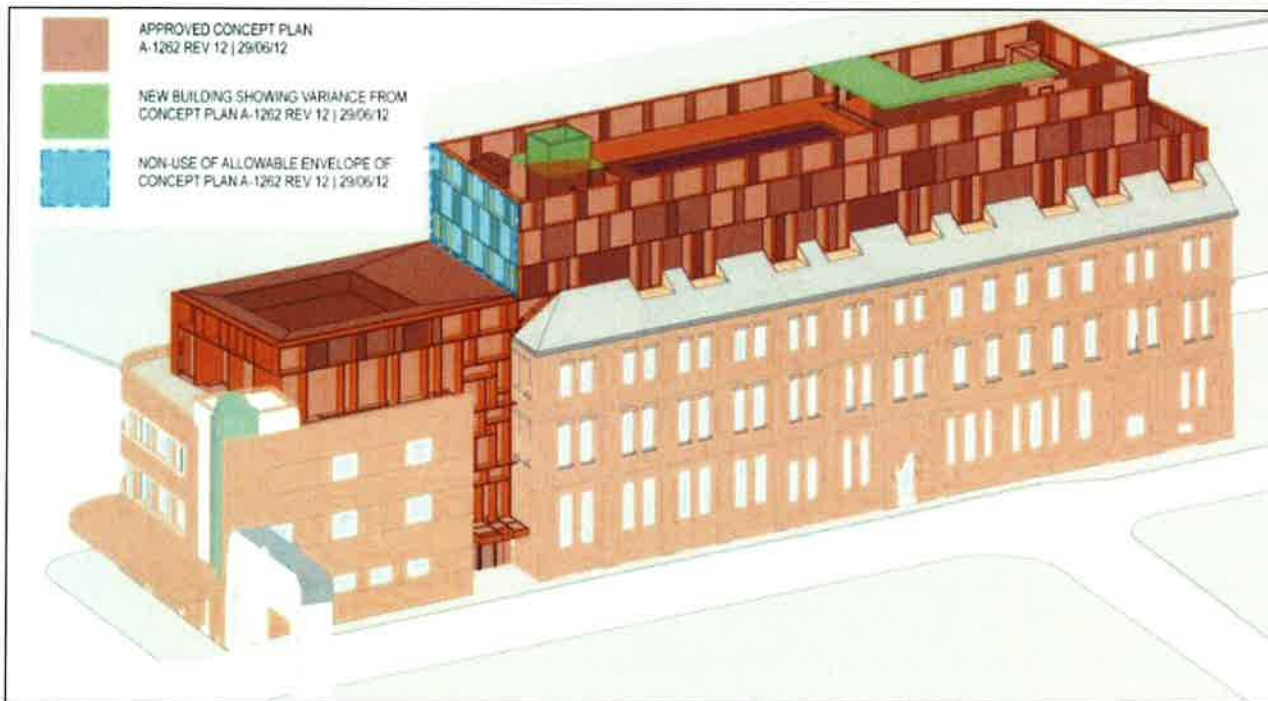


Figure 4 - Concept Plan envelope analysis view from north-west. Source: Proponent's EA

The rooftop over the accessible WC, the electrical plant area and the poolside bar, project 400mm higher than the maximum building height approved by the Concept Plan. This non-compliance with the Concept Plan is to accommodate the heritage conservation measures required for the Heritage Boardroom Suite on Level 2, while retaining the minimum floor to ceiling heights on the floors above.

At the request of the Department, the Proponent submitted additional photomontages from Carlton Street (**Figure 5**). These demonstrate that the height of the rooftop features which will exceed the Concept Plan's approved maximum heights will only be marginally discernable from the surrounding public domain. The area of non-compliance is minor and will not significantly alter the appearance of the building. Accordingly, the proposed height is considered acceptable.



Figure 5 - Photomontages from Carlton Street illustrating visual impact of Concept Plan height breaches

### Public Throughway

The Proposal seeks to construct a through link entry lobby for the hotel between the existing Clare Hotel building and the Administration Building. This space has been identified as a publically accessible throughway by the approved Concept Plan, as illustrated in **Figure 6**. This link is intended to act as a ground floor lobby for the proposed boutique hotel. Although the space would be accessible by doors to both east and west sides, it is not designed as a public thoroughfare.



The Department is satisfied that the hotel lobby structure will be appropriately transparent to ensure the two buildings will be able to be clearly identified as two separate structures. In addition, the Department considers that the proximity of the identified through link, to the intersection with Broadway, means that the absence of a public thoroughfare between Blocks 3A and 3B will not have any significant adverse impacts on pedestrian accessibility and connectivity. There is also an approved pedestrian thoroughway between Blocks 3A and 3B a short walking distance from the hotel lobby to link between these streets.

The approved Concept Plan (as modified) stipulates maximum gross floor area for individual blocks, as well as restrictions on the percentage of residential and non-residential uses for the entire Central Park site. **Table 4** illustrates that the proposed development will comply with the maximum gross floor area for Block 3, permitted by the approved Concept Plan (as modified).

Block	Max Permitted GFA	Proposed GFA	Total Proposed	Complies with Concept Plan?
Block 3 (includes 3A, 3B & 3C)	11,100m <sup>2</sup>	6,476.09m <sup>2</sup> (3B & 3C) 4,595.9m <sup>2</sup> (3A)	11,071.99m <sup>2</sup>	YES

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**Table 5: Total Central Park Gross Floor Area, and Residential & Non-residential Gross Floor Area - Approved and Proposed**

Land Use	Permitted GFA (max)	Proposed GFA	Cumulative Total*	Complies with Concept Plan?
<b>Residential</b>	Not more than 70% total GFA	0m <sup>2</sup>	109,625.52m <sup>2</sup> or 51.5%	YES
<b>Non-residential</b>	Not less than 30% total GFA	4,595.90m <sup>2</sup>	103,172.05m <sup>2</sup> or 48.5%	YES
<b>TOTAL</b>	255,500m <sup>2</sup>	4,595.90m <sup>2</sup>	212,797.57m <sup>2</sup> or 83.3% of 255,500m <sup>2</sup>	YES

Note \*: Includes approved development on Blocks 1 & 4, Blocks 5A & 5B MOD 3, Block 2 MOD 3, Block 5C MOD 1 & Blocks 3A, 3B & 3C & Block 10.

The Project Application is subject to the definition of gross floor area within the Standard Instrument (Local Environmental Plans Order) 2006. This definition of gross floor area excludes 'storage, and vehicular access, loading areas, garbage and services' located within the basement from the calculation of gross floor area.

### Street Activation

Modification A5 of the approved Concept Plan requires developments to provide sufficient street activation along Carlton Street (previously known as Kent Road) which lies to the west of Block 3A and Kensington Lane. The proposal provides direct access to ground level restaurants and the hotel lobby which is considered to be an appropriate activation of the surrounding streets while retaining the heritage façade of both the Administration Building and Clare Hotel. The Department is satisfied that the project provides an appropriate level of street activation via the proposed uses.

### Ecologically Sustainable Development

Future Assessment Requirement B12 'ESD & Sustainable Design' of the approved Concept Plan requires Project Applications for all residential, commercial and retail development (including adaptable re-use of heritage buildings) to achieve a minimum 5 Star Green Star rating, using the standard 'multi-unit residential', 'office' or 'retail' rating tools. Where the proposal does not satisfy the requirements of the standard tools, evidence to this effect is to be provided as part of the application. In addition, the proposal is required to be designed to equivalent 5 Star Green Star standards.

The EA included confirmation from the Green Building Council of Australia (GBCA) that the proposal is not eligible for Green Star accreditation under one of the standard tools.

The Proponent has however, committed to designing the proposal to an equivalent 5 Star Green Star rating standard. This is consistent with the requirements of the approved Concept Plan. The Department therefore raises no objections, subject to recommended conditions requiring the Proponent to provide documentation, prepared by a suitably qualified consultant, indicating that the development achieves a minimum performance standard equivalent to a 5 Star 'Design' Green Star rating (prior to the issues of a Construction Certificate) and 'As-Built' Green Star rating (prior to the issue of an Occupation Certificate). Refer to recommended **Conditions B24 and E19**.

## 5.2 Heritage Conservation

Concern was raised in a number of public submissions that the proposal would have an adverse impact on the heritage significance of the Administration Building and the Clare Hotel. Both the Administration Building and the County Clare Hotel are identified as locally listed Heritage Items, under the Sydney Local Environmental Plan 2005. The proposal seeks to generally retain the



existing external façade of both buildings, while incorporating additional contemporary additions and a link structure between the two buildings.

A Heritage Impact Statement and a Specific Element Conservation Management Plan (prepared by Paul Davies) formed part of the EA. The following provides an overview of the buildings' heritage significance and the proposed conservation works.

### **Clare Hotel**

The heritage significance of the Clare Hotel has been summarised as follows within the Project Application:

*"The Kegroom Tavern, original named the Hotel Clare, is significant as a largely intact and operational hotel which has a direct relationship to the main entrance of the Carlton (Tooths) Brewery site. The building is one of five hotels constructed in this style in the city between 1938 and 1942; the others are the Australian (Broadway), Sutherlands, the Hollywood and the Civic Hotel. The Kegroom Tavern has significance as the finest example of a well maintained corner hotel in the Inter-War Functionalist style in the CBD. The interior of the hotel is significant for the quality of the timber panelling and plaster Art Deco ceilings which have been retained largely intact, and which are fine examples of the interior décor in hotels of this period. The exterior of the building has aesthetic significance as an important element in the streetscape and as a fine example of the decorative style of the period. The building has social significance as part of the network of corner hotels that provided a social / recreational venue for the local community, and as one of the group of five brick hotels in similar style, located in close proximity to the Carlton (Tooths) Brewery. This site has a lengthy association with the hotel trade as an earlier hotel existed on it."*

It is intended for the external form, scale and detailing of the hotel to be conserved. Similarly, the principal room layout and significant original features including ceilings, cornices, joinery, flooring and fireplaces are to be retained and conserved.

Council did raise concerns with the proposal, as exhibited in the EA, in relation to the siting of the additional floor above the Clare Hotel that it would result in increased visual bulk, particularly when viewed from the north. Council requested that the additional level be set back a minimum of 5 metres from the northern boundary. This was reiterated by the Department in its letter to the proponent of 22 March 2013.

In the Proponent's RtS, the design was modified to incorporate the requested minimum 5 metre setback for the single storey addition. On this basis, the Department is satisfied that the proposal will protect and preserve existing significant features and supports the adaptive reuse of the Clare Hotel. In addition the Department considers the Project to be appropriate in terms of visual bulk, particularly given the increased setback above the Clare Hotel.

### **Administration Building**

The heritage significance of the Administration Building has been summarised as follows within the Project Application:

*"Building 10A has historical significance retaining fragmented associations with the Federation period of the Brewery. The building has aesthetic significance as an example of Interwar Free Classical architecture consistent in material, height, massing and scale with the larger adjacent Administration Building 10B, and contributing to the Main Avenue and Kensington Street streetscapes [now Kensington Lane]. Building 10B has a high level of historical and aesthetic significance as an example of the early 20th century custom of breweries to build in prestigious styles and the interwar alterations continue to project this prestigious public image. The building has aesthetic significance as the most prestigious and elaborate example of the Brewery's continued association with prominent Sydney architects Spain & Cosh throughout the Federation period. The original 2 storey section of the building holds high significance at a*

*local level, for its fine architecture and streetscape values as an intact example of the Federation Free style."*

The Project proposes to remove a number of existing interior structures (including walls and floors) in the Administration Building, with the exception of the Boardroom area. This will allow for the construction of new concrete slab floors, to which the existing exterior walls will be secured. The new core construction will allow for the load created by the additional level to be supported. Importantly, existing floor and ceiling levels will remain consistent with existing levels.

Penetrations will be made within the existing bay windows on the Kensington Lane elevation to allow access through the lower level of the Administration building to the proposed restaurant uses. Neither Council nor the Department raise any concerns with the heritage impacts of these works and it is considered that the openings will result in a positive streetscape outcome to Kensington Lane.

The Proponent commits to carry out the works in accordance with the recommendations of the Heritage Impact Assessment and Specific Element Conservation Management Plan prepared by Paul Davies Pty Ltd (dated November 2012).

The City of Sydney Council provided recommended conditions for consideration in relation to the conservation of the heritage significance of the existing buildings. The Department accepts Council's suggested conditions, including requiring the submission and approval of a protection methodology (**recommended condition B18**), a schedule of conservation works and implementation actions (**recommended condition B19**) and a photographic archival documentation (**recommended condition B21**).

The Department is satisfied that the recommended conditions will ensure that all fabric and elements identified as being of significance in the Conservation Management Plan, will be adequately protected throughout all stages of the works.

### **Link between Buildings**

The proposed link between the two buildings would be the main external impact to the existing buildings, at street level. The link will be constructed of lightweight materials and largely transparent. It will also be set back from the established building line, allowing the Administration Building and Clare Hotel to be read as two separate buildings.

The Department considers that the proposed link will provide an attractive new addition to the existing heritage buildings. The proposed setback and predominantly transparent appearance would not detract from the character of the existing buildings or the heritage context. The link will allow for the interpretation of the roadway that once occupied the space and will provide a link to the additional contemporary levels above. The proposed link is therefore supported.

### **Conclusion**

The Department is satisfied that the proposal provides for an appropriate adaptive reuse of the existing buildings, consistent with their historic character. The proposal is also considered to be acceptable with regards to contemporary heritage management, building design and use of materials and finishes. Further, the recommended conditions would appropriately manage heritage impacts. The proposal is therefore recommended for approval.

## **5.3 Management and Operation of the Development**

A number of public submissions raised concerns with the proposed operational aspects of the development in relation to the noise impacts from the food and drink premises fronting Kensington Lane including cumulative impacts of other proposals within the Kensington Precinct, insufficient car parking, the location of the loading dock, and pedestrian access and safety. The following

section addresses the issues associated with the project related to the management and operation of the hotel and restaurant uses.

### **Restaurant Uses and Licensing**

The proposal includes two restaurants on the ground level of the Administration Building fronting Kensington Lane and one located within the upper levels of the Clare Hotel. Concern was raised by members of the community regarding the increased numbers of licensed premises in the area and the potential consequential amenity and safety impacts. The Proponent's response to those concerns can be summarised as follows:

- The uses proposed are consistent with the approved Concept Plan and the subject site is required to create a vibrant retail and dining precinct;
- Not all retail spaces will be food and beverage premises, and not all food and beverage premises will sell alcohol;
- Many larger tenancies will be restaurants where the primary purpose is the sale of food, not alcohol; and
- It is in the interest of the Hotel Management and licensees to comply with licensing conditions and noise management.

The restaurant uses fronting Kensington Lane are amongst a range of uses considered appropriate to activate the laneway. The proposed uses are permissible in the City Edge zone under the *Sydney Local Environmental Plan 2005* and will provide an appropriate night time economy and street activation for the location, consistent with the Concept Plan.

The current proposal does not seek approval for the use or fit-out of the proposed restaurants and in accordance with a recommended condition, future Development Applications will be required to be submitted to Council. Council will assess the likely impacts of these future Development Applications for the use and fit out of individual tenancies within Kensington Lane, which can be appropriately conditioned in terms of hours of operation, patron capacity and security management for any licensed premises.

In conclusion, the Department considers that the proposed restaurant uses are an appropriate land use for the site and subject to future Development Approvals by Council for the use and fit-out, would make a positive contribution to Kensington Lane and the surrounding area.

### **Noise**

Concern was raised in a number of public submissions and by the Department in relation to potential impacts on amenity of surrounding land uses, particularly given the potential cumulative impact of other approved and proposed developments in Kensington Lane. Additional detail was requested from the Proponent in relation to likely acoustic impacts on surrounding uses from the future operation of the development, specifically including uses fronting Kensington Lane.

Council has recommended conditions requiring the implementation of acoustic measures outlined in the acoustic impact statement (prepared by WSP, **Appendix B**) to ensure that noise at any adjoining residential boundary does not exceed 5dB above background noise level, and 3dB within any habitable room of surrounding residences (**Condition F6**). Council has also recommended that a Noise Management Plan be prepared for the operation of the hotel (**Condition E18**) and conditions to ensure 'offensive noise' is not omitted from any mechanical plant (**Conditions F2 and F7**). The Department is satisfied that subject to this suite of measures, together with further consideration of noise impacts, as part of future Development Applications for the restaurant tenancies, the proposal is acceptable in relation to acoustic impacts.

### **Pedestrian and Vehicle Access**

The proposal will provide for street activation on both Kensington Lane and Carlton Street by the provision of the duel entrance to the hotel, via the glazed link structure. In addition, a secondary access to the hotel will be provided on Broadway (in the north east corner of the Clare Hotel) providing access to hotel guests and those accessing the uses at the upper levels of the Clare

Hotel. Street activation to Kensington Lane will be further provided by the restaurants on the ground floor of the Administration Building which will open up onto the lane.

The Proponent is currently in negotiations with Council to convert Kensington Lane into a shared zone for pedestrians and vehicles, with priority for pedestrians. However, for the purposes of this application, the existing traffic arrangements on Kensington Lane (one-way to vehicle traffic, north-to south except for between Broadway and Dwyer Street where two-way traffic will remain). A hotel guest drop off zone is proposed on the western side of Kensington Lane, adjacent to the hotel lobby.

A number of the public submissions raised concerns that the proposed arrangement would prevent the street from being converted into a shared pedestrian and vehicle zone. The Department requested additional information from the Proponent to demonstrate that adequate safety can be maintained for pedestrians of the proposed conversion of Kensington Lane to a shared pedestrian and vehicle zone, particularly in relation to the loading/unloading and customer drop off arrangements. It also requested additional information on the impacts of the uses fronting Kensington Lane on pedestrian safety.

In the Proponent's RtS, the following response was provided:

- It is the Proponent's desire to convert Kensington Lane into a shared zone (discussions with Council and RMS are ongoing);
- Should this eventuate, some vehicle movements will still be required for emergency vehicles, hotel drop off and service and supply vehicles; and
- Vehicles would be required to travel 10km/h or less and pedestrians would need to exercise due caution.

The Department supports attempts to convert Kensington Lane into a shared zone, subject to Council and RMS approval. However, the Department is satisfied that the proposed vehicle access arrangement will provide an acceptable arrangement within the existing road system. The Department therefore raises no concerns with proposed access arrangements.

### **Service Vehicles and Waste Management**

Provision for deliveries, loading/unloading and waste collection will be made via the loading dock located in the south east corner of the Administration Building, off Kensington Lane. The proposed restaurant kitchens and garbage rooms (at basement level) will be accessed via a hoist or stairs within the Administration Building.

Separate waste service compartments are not proposed to be designated to each storey of the building, contrary to City of Sydney Council's Waste Policy. As waste collection is to be centrally managed by hotel staff, correct storage and segregation of waste throughout the building will be required by the hotel operator.

Concern was raised in a number of submissions that the loading dock location was not appropriate opposite to a number of food and beverage venues on Kensington Lane and requested that the loading dock be relocated to the western side of the Administration Building. Concerns were also raised by the Department with regard to the proposed single loading dock for the hotel and restaurant uses. The Department requested the proponent provide justification for the proposed loading dock for a single service vehicle, in terms of the number, size and type of service vehicles expected to visit the site to cater for the hotel and restaurant uses.

The Proponent provides the following justification for the loading dock location and size:

- It is consistent with the loading provisions required for 'hotel' and 'other' uses under the *Central Sydney Development Control Plan 1996*;
- The proposed loading area is 13m and can accommodate a large rigid truck, a medium sized truck plus a van, or two small rigid trucks; and



- Carlton Street is not appropriate for servicing as it provides for one lane of traffic and does not provide direct street level access due to the change in floor level.

Given the heritage significance of the existing buildings, the loading dock from Kensington Lane is considered to be an appropriate location which will allow for retention of significant heritage features of the building while also facilitating for active uses along the majority of the Kensington Lane elevation.

Subject to the recommended condition requiring all service and vehicle movements to be addressed within the Hotel Management Plan, the proposal is considered acceptable in relation to access.

### **Car Parking**

Concerns were raised in a number of public submissions that adequate car parking spaces had not been allocated to the proposed hotel and restaurant uses and this would have flow on effects for the availability of on-street car parking in the surrounding area. No car parking is proposed as part of this Project Application. The Department is currently considering a modification request to Major Project Approval MP09\_0042 (as modified), for the basements below Blocks 2, 5A, 5B and 5C. This modification will result in the provision of 10 car parking spaces for the use of hotel guests and staff. It is proposed that guest's cars will be parked via a valet service run by the hotel operator.

The proposed parking numbers comply with Council's maximum parking requirements. Given the nature of the uses proposed for the site and the location in close proximity to public transport services, the amount of car parking proposed is considered acceptable. The Proponent has committed to managing the basement parking provided beneath Blocks 2 and 5 in accordance with a car park management plan, prepared by the building manager. Refer to Statement of Commitments at **Appendix F**.

### **Building management**

The Proponent submitted a Preliminary Operational Management Plan with the EA that sets out the responsibilities, procedures and protocols to be followed by the hotel operator. The Operational Management Plan addresses:

- Responsibilities of the hotel operator and building management;
- Emergency and evacuation procedures;
- Critical incident management protocols;
- Contactability (including over the holiday period);
- Maintenance and cleaning schedule;
- Deliveries, loading and unloading;
- Car parking, guest arrival and hotel valet service;
- Building security and access;
- Registration and grievances and guest dispute procedure;
- External complaints handling procedure;
- Guest behaviour – hotel rules; and
- Management of internal and external common areas.

The preliminary Operational Management Plan is generally acceptable however, it is noted that this will need to be finalised prior to issue of an Occupation Certificate to reflect the specific requirements of the future hotel operator. This is reflected in the Proponent's Statement of Commitments (**Appendix A**).

## **5.4 Other Issues**

### **Public Art**

The Public Art Strategy for the Central Park site (prepared by Jennifer Turpin Studio & Michaelie Crawford, dated 25.5.09) as a requirement of MP06\_0171 identified three permanent artwork sites

within the Kensington Precinct. The Proponent has committed to develop the detailed design of these artworks in consultation with Council and the Department, to be installed prior to issue of a final Occupation Certificate. Refer to **recommended Condition E12**.

## 6 CONCLUSION

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The Department is satisfied that the Project Application generally complies with the relevant conditions of the approved Concept Plan (as modified). Also, the Department considers that the proposal illustrates quality urban design and a commendable response to the historic character of the former Administration Building and the Clare Hotel, subject to recommended conditions.

The key issues considered in the assessment of the proposal relate to:

- Consistency with the approved Concept Plan;
- Heritage Conservation; and
- Management and operation of the development.

The proposal provides a new 60 room hotel in this highly accessible location, where currently there is low vacancy rates in Sydney hotels. The proposal provides a good level of amenity and appropriate activation of the surrounding public domain. The significant historic features are retained or reinterpreted.

The future use and fit out of the restaurant tenancies fronting Kensington Lane will be subject to the future Part 4 Development Applications to the City of Sydney. Appropriate management of the proposed tenancies will be determined by the City of Sydney through the assessment of those development applications.

The Department considers that the proposal is in the public interest, and therefore the Department recommends that the Project Application be approved, subject to the recommended conditions of approval and the Proponent's Statement of Commitments.

## 7 RECOMMENDATION

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It is recommended that the Executive Director, Development Assessment Systems and Approvals, as Delegate for the Minister for Planning and Infrastructure:

- **note** the information provided in this report and the recommendations of this report;
- **approve** the Major Project Application, subject to conditions; and
- **sign** the attached instrument.

Prepared by: Urbis Pty Ltd  
Consultant Planners



Karen Jones 21/3/13  
Director

Metropolitan and Regional Projects South

Chris Wilson  
Executive Director  
Development Assessment Systems  
and Approvals

## **APPENDIX A ENVIRONMENTAL ASSESSMENT**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4808](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4808)

## **APPENDIX B      RESPONSE TO SUBMISSIONS**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4808](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4808)



## **APPENDIX C SUBMISSIONS**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4808](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4808)

## **APPENDIX D      CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS**

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### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)**

To satisfy the requirements of Section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the EA of the project.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 - Remediation of Contaminated Land
- State Environmental Planning Policy 64 – Advertising and Signage
- Sydney Local Environmental Plan 2005

The provisions of development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

### **COMPLIANCE WITH CONTROLS**

#### **State Environmental Planning Policy (Major Development) 2005**

The then Minister for Planning approved Major Project 06\_0272 for a Concept Plan for the mixed use redevelopment of the Central Park site. In this approval, the then Minister determined that approval to carry out the project of stages of the project with a CIV of \$5 million or more, is subject to Part 3A of the Act. As the CIV for this project is in excess of \$5 million, the proposal is therefore a project to which Part 3A of the Act applies.

#### **State Environmental Planning Policy (Infrastructure) 2007**

Schedule 3 of the SEPP requires referral of applications for traffic generating development to the Roads and Maritime Services (RMS) for concurrence. The proposed works are defined as traffic generating development and therefore require the RMS to be consulted under the *Roads Act 1993*. Recommended conditions from the RMS have been included within the recommended conditions of approval.

#### **State Environmental Planning Policy Remediation of Contaminated Land**

The remediation of the whole former CUB site was considered and undertaken as part of approved MP 07\_0163 Remediation and Transitional works. The Proponent has committed to the preparation of a Site Audit Statement certifying that the site has been remediated to a level suitable for the approved use.

#### **Sydney Local Environmental Plan 2005**

The site is zoned 'City Edge' under the Sydney LEP 2005. The proposed hotel and restaurant uses are permissible with consent in the City Edge Zone.

## **APPENDIX E    RECOMMENDED CONDITIONS OF APPROVAL**

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