



Old Clare Hotel Block 3A Central Park

*State Significant
Development
Modification Assessment
(MP 11_0089 MOD 6)*

November 2018

© Crown Copyright, State of NSW through its Department of Planning and Environment 2018

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in MP 11_0089 MOD 6 Report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



Contents

Glossary	iii
1. Introduction.....	1
1.1 Background	1
1.2 Approval History	2
2. Proposed Modification	3
3. Statutory Context	7
3.1 Scope of Modifications	7
3.2 Environmental Planning Instruments.....	7
3.3 Part 3A Transition to State Significant Development	7
3.4 Consent Authority	8
4. Engagement	8
5. Assessment.....	9
6. Evaluation	12
7. Recommendation	13
8. Determination.....	13
Appendices.....	14
Appendix A – Statement of Environmental Effects/ Environmental Assessment	14
Appendix B – Consolidated Consent.....	14
Appendix C – Notice of Modification.....	14



1. Introduction

This report is an assessment of a request seeking to modify the Project Approval (11_0089) for the redevelopment of the Old Clare Hotel at Block 3A, Central Park, in the City of Sydney local government area. The request has been lodged by Planning Lab on behalf of Sonrac Pty Ltd (the Proponent) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal seeks to convert the Manager's Office and one restaurant into seven hotel rooms, and the CUB suite into an adaptable room, resulting in a total of seven additional hotel rooms across levels 1 and 2.

1.1 The Site

The Central Park site is located to the south-west of the Sydney Central Business District (CBD). The site has a total area of approximately 5.8 hectares and is bound by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Wellington Street to the south. The Central Park site is a major urban renewal site and comprises several, high density mixed use and residential buildings (see **Figures 1 and 2**).

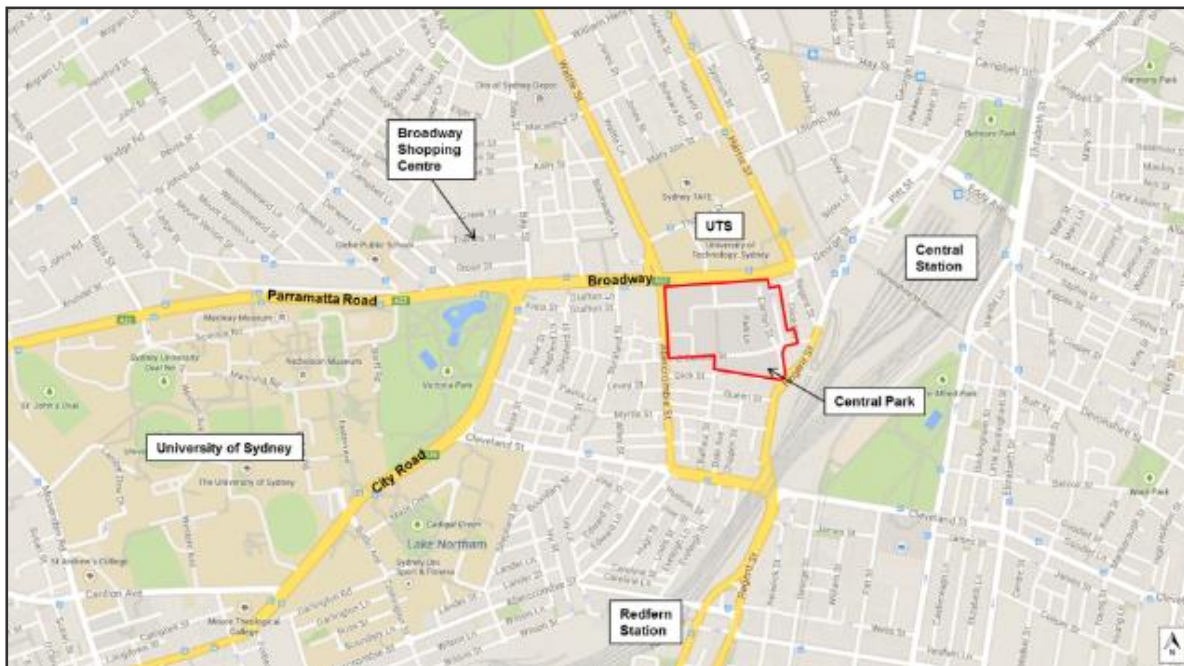


Figure 1 | Central Park site location (Base source: Nearmap)

The subject site is known as Block 3A and is located in the north-east corner of the Central Park site (refer to **Figure 2**). It contains the refurbished Old Clare Hotel and Administration Building which, together comprise a 60 bed boutique hotel and associated facilities, including rooftop pool and bar. The site is bounded by Broadway to the north, Carlton Street to the west, Kensington Street to the east and Blocks 3B and 3C to the south.

The neighbouring blocks within the Central Park precinct, to the west and south of the site, comprise high density mixed-use residential and student accommodation developments. The blocks to the east of the site comprise low-rise commercial buildings as well as a six storey mixed-use residential building fronting Broadway.

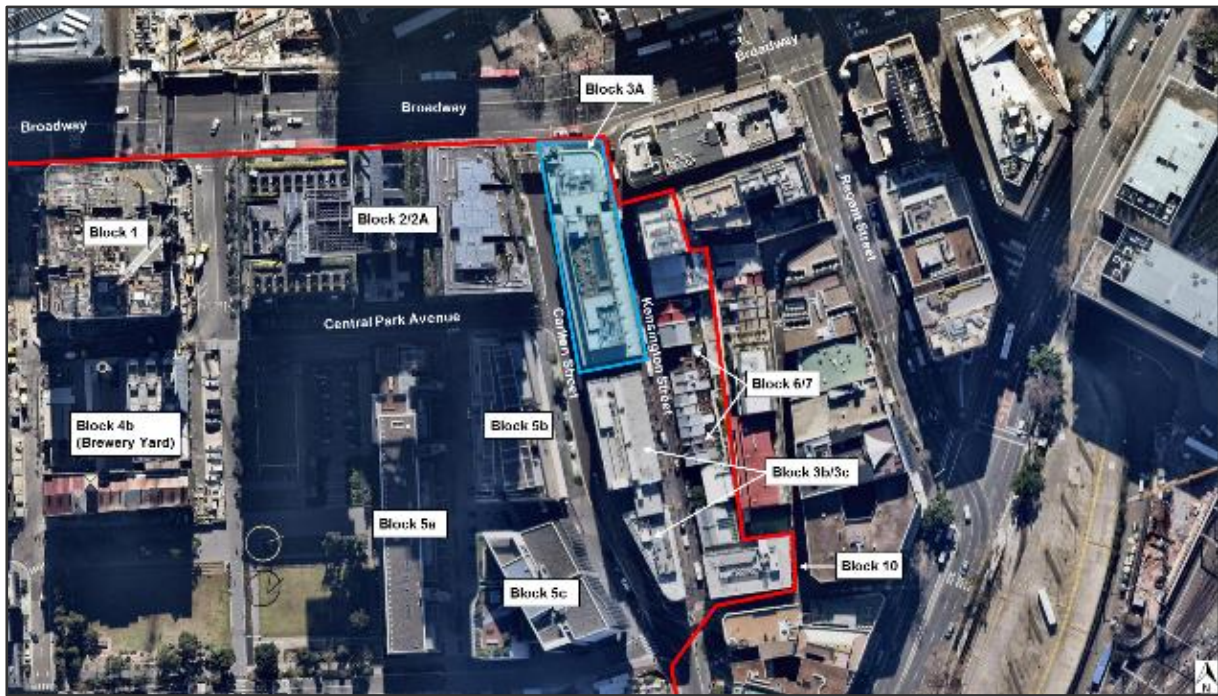


Figure 2 | Site location (highlighted blue) within the Central Park site (outlined in red) (Base source: Nearmap)

1.2 Approval History

Concept Approval

On 9 February 2007, the then Minister for Planning approved a Concept Plan (MP 06_0171) for redevelopment of the site for a residential, commercial, retail uses and public open space development (Concept Approval). Key aspects of the Concept Approval (as modified) include:

- maximum 255,621 square metres (m²) gross floor area (GFA)
- a new park (6,000 m²) and open space areas
- a contribution of \$32 million for the provision of affordable housing within the locality
- retention of 33 heritage items associated with the former brewery and the adaptive reuse of existing buildings.

The Concept Approval established the framework for the assessment of subsequent detailed applications within the Central Park Precinct and has been modified on 14 occasions.

Project Approval

On 5 April 2013, the then Executive Director, Development Assessment Systems and Approvals, granted Project Approval for MP 11_0089 comprising:

- construction of a boutique hotel consisting of:
 - 60 hotel rooms
 - a total GFA of 4,595.90 m²
 - 1,098 m² of food and drink premises, including three restaurants and a lounge
 - conference and meeting facilities, staff offices and amenities
 - a rooftop deck and pool
 - storage and loading facilities
- a single storey addition to the Old Clare Hotel and a two-storey addition to the Administration Building
- construction of a new, glazed link between the two buildings to create a hotel foyer/entry space.

The proposal has been modified on four occasions, as summarised at **Table 1**.

Table 1: Summary of modifications to the Project Approval

MOD No.	Summary of Modifications	Approval Date
1	Internal alterations at basement to second floor levels, relocation of the rooftop pool, increase pool canopy by 100 mm and modification of external facades.	1 March 2014
2	Modification to the timing of the implementation of façade heritage conservation works.	26 May 2015
3	Establishment of hours of operation of the rooftop pool terrace bar and erection of rooftop structures.	27 November 2017
4	Conversion of existing basement storage space into a day spa/salon and associated internal alterations and establishing the hours of operation for the day spa/salon.	28 February 2018
5	Amendment of Condition B23(c) to allow use of a self-closing door on the glazed wall on roof level.	6 September 2018



2. Proposed Modification

The proposal seeks approval for the following:

- conversion of the Manager's office on level 1 into a hotel suite
- conversion of the restaurant on level 2 into six hotel suits
- conversion of the CUB suite on level 2 into an adaptable room that could be used as a guest room, lounge, or function room.

No change to the gross floor area (GFA) is proposed.

The proposed changes are illustrated in **Figures 3 to 5** below.

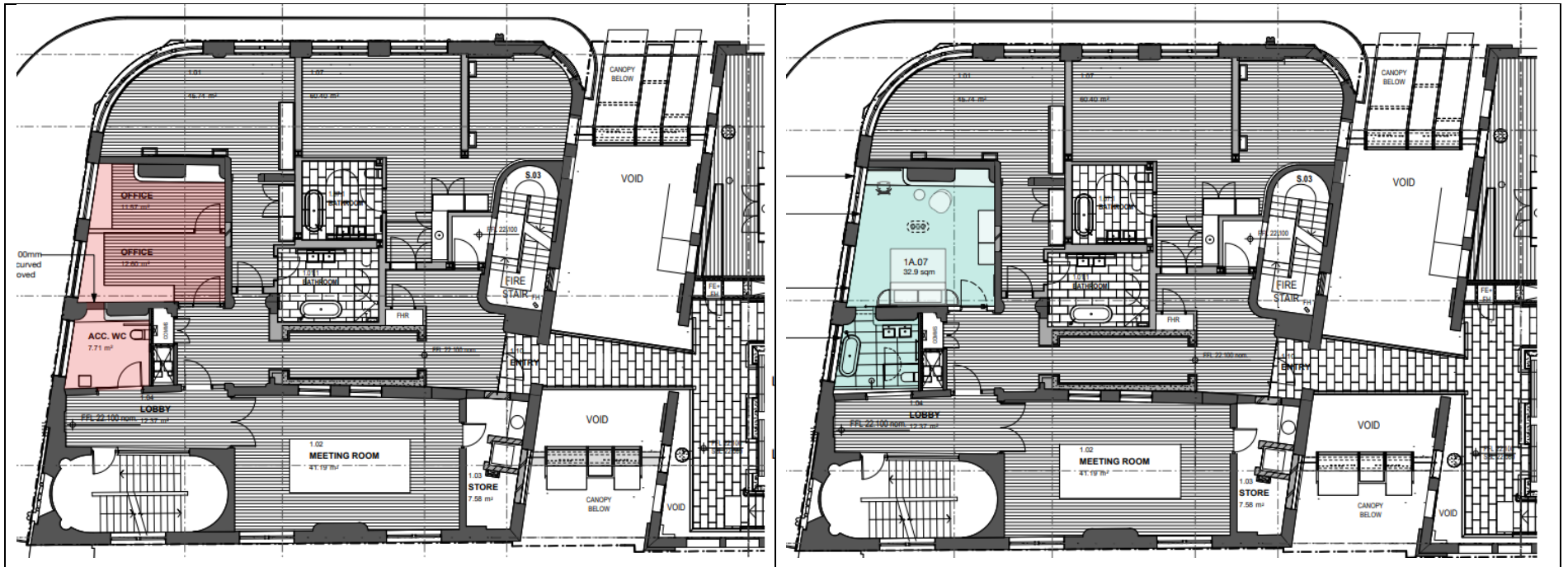


Figure 3 | Approved Manager's Office on Level 1 (left) and proposed conversion into hotel room (right)

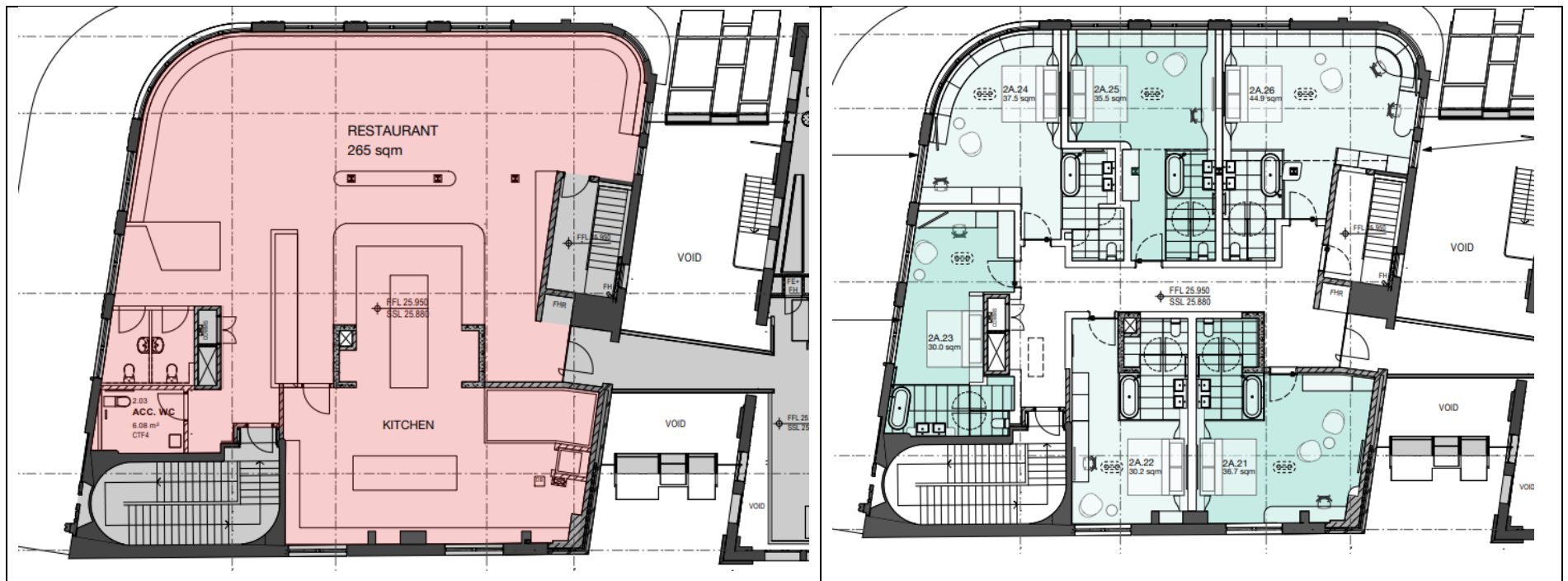


Figure 4 | Approved restaurant on level 2 (left) and proposed conversion into 6 hotel rooms (right)

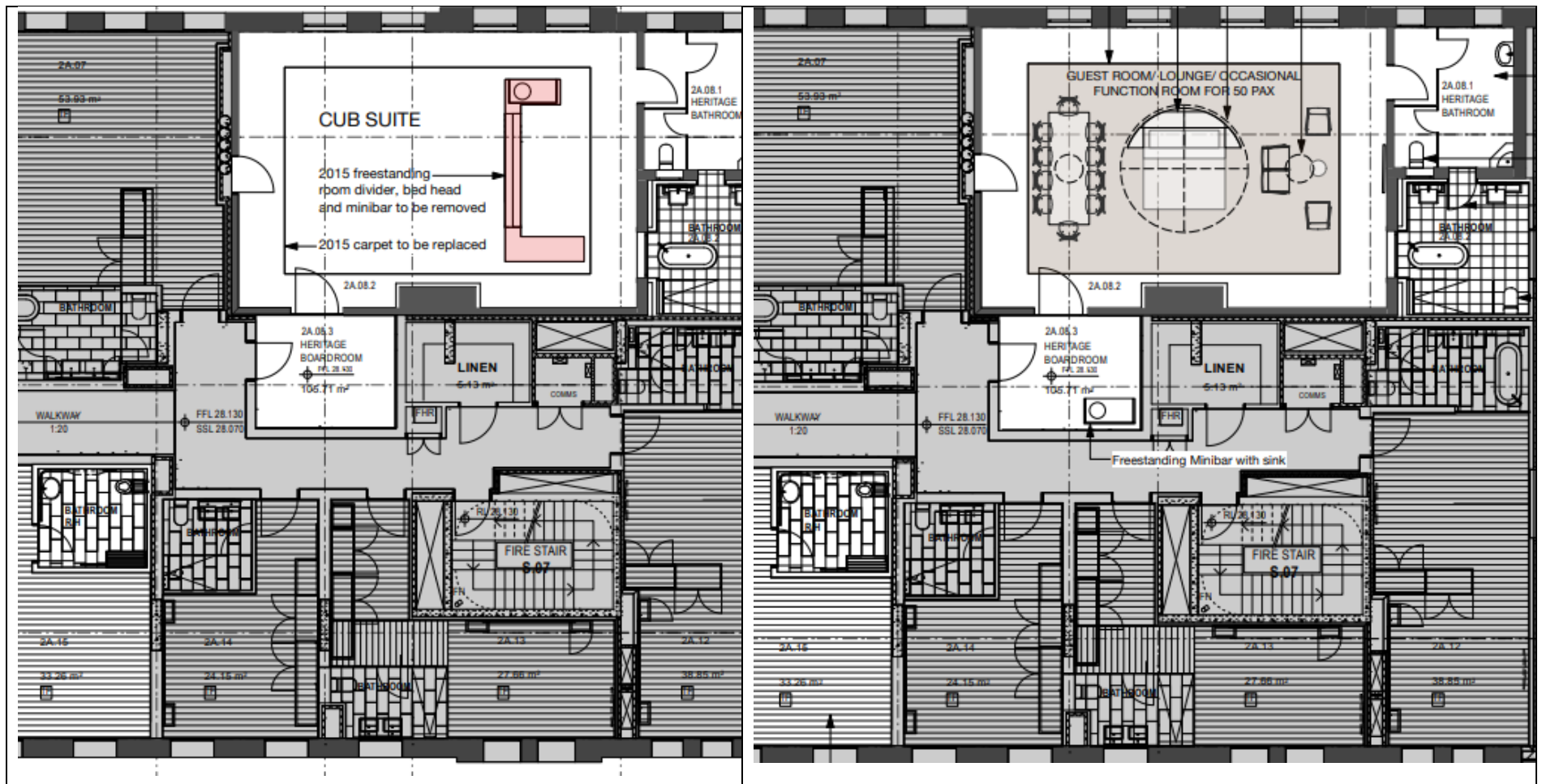


Figure 5 | Approved CUB Suite on Level 2 (left) and proposed conversion into guest room/ lounge/ occasional function room (right)



3. Statutory Context

3.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the project approval have been considered in **Table 2**.

Table 2 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications will have minimal environmental impacts.
b) 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), and	The proposed modification seeks approval for minor changes and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 4 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department did not receive any submissions on the proposal.

3.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- 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 and 2012.

The Department has considered the proposed modifications against these EPIs, and is satisfied that the proposal continues to be consistent with the requirements of the EPIs.

3.3 Part 3A Transition to State Significant Development

The project was originally approved under section 75J of Part 3A of the EP&A Act and was a transitional Part 3A project under Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (ST&OP) Regulations).

Following amendments to the EP&A Act and the associated EP&A (ST&OP) Regulations that commenced on 1 March 2018, the power to modify Part 3A approvals under former section 75W has been wound up for modification applications submitted after 1 March 2018. In order to modify a transitional Part 3A approval, the Minister for Planning can declare the development to be SSD by order under clause 6 of Schedule 2 of EP&A (ST&OP) Regulations. If a declaration is made the approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant test.

On 11 July 2018, the Director, Regional Assessments (as delegate of the Minister for Planning), made an order under clause 6 of Schedule 2 declaring the development the subject of the project approval to be SSD. This order was published in the NSW Government Gazette on 20 July 2018 and took effect from that date.

The effect of this order is that the:

- the project approval is taken to be a development consent under Part 4 for the carrying out of the development
- the modification request is taken to be an application to modify under section 4.55 of the EP&A Act.

3.4 Consent Authority

Minister's delegate as consent authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are no public submissions in the nature of objections.



4. Engagement

The modification request was made publicly available on the Department's website, and it was referred to City of Sydney Council (Council) for comment.

Council advised it does not have any comments on the proposed modification.

The Department requested additional information outlining how the CUB Suite would be used as an adaptable room, and the potential impacts associated with this.

Response to Submissions

The Proponent provided additional information in response to the Department's request, which stated that most furniture items, such as the desk, shelving and wardrobe, telephone, TV would remain in the room at all times. Only a very small of furniture and equipment would need to be moved when changing the purpose of the room, and any furniture would be stored in the basement level storage when not in use.



5. Assessment

The Department has considered the key issues associated with the proposed modification in **Table 3** below.

Table 3 | Assessment of Issues

Issue	Findings	Recommended Condition
Consistency with Concept Approval	<ul style="list-style-type: none">• The proposal seeks to convert the Manager's Office and a restaurant into hotel rooms, and the CUB Suite into an adaptable room.• The Concept Approval outlines a maximum GFA for Block 3A, and the portion of GFA to be used for residential and non-residential uses across the site.• The Department notes that no change to the GFA is proposed, as all areas to be modified were previously included in the GFA calculations. Further, the proposal does not seek to alter the portion of GFA allocated to residential and non-residential uses.• The Department also notes the proposal would not change the approved building envelope, external design or car parking provision.• The Department is therefore satisfied the proposal remains consistent with the Concept Approval.	No additional conditions or amendments necessary.
Heritage	<ul style="list-style-type: none">• The subject site is identified as a local heritage item pursuant to the <i>Sydney Local Environmental Plan 2005</i>.• The Department notes the proposed changes relate to the conversion of the spaces into hotel rooms, and do not involve any significant changes to the internal fabric. No changes to the external appearance of the building are proposed.• A Heritage Impact Statement (HIS) was submitted with the modification request. The HIS states the proposed alterations would have no adverse impacts on the internal fabric of the hotel, and:<ul style="list-style-type: none">◦ the proposed works would enhance the setting of the retained fireplace on Level 1.	No additional conditions or amendments necessary.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> o the conversion of spaces into hotel rooms is consistent with the original use. • The Department has considered the findings of the HIS and is satisfied the proposal is acceptable in terms of heritage impacts, particularly given it would not result in any significant changes to the internal or external fabric of the hotel. 	
Traffic and Parking	<ul style="list-style-type: none"> • The Department notes the proposal seeks to replace the Manager's Office and one restaurant with seven hotel rooms. This would increase the total number of hotel rooms from 60 to 67. • Approval was originally granted for 60 hotel rooms, with 10 car parking spaces for hotel guests and staff, in the basement beneath Blocks 2 and 5 (MP 09_0042). • The LEP permits a maximum car parking rate of 1 space for every 4 bedrooms up to 100 bedrooms. Based on this rate, a maximum of 17 spaces for the hotel are permitted for the proposed 67 rooms. • The proposal does not seek to increase the existing number of spaces from 10, therefore it complies with the LEP in terms of minimising parking provision. • The proposal also seeks to convert the CUB suite into an adaptable room that could be used as a guest suite, function room or lounge. • The Department notes the function room is proposed for occasional use only and would have a maximum capacity of 50 patrons. • The Department notes the parking required for the function space is comparable to that of the current CUB Suite which comprises a lounge with capacity of 70 people. • The Department also considers that: <ul style="list-style-type: none"> o the parking and traffic impacts associated with the increase in hotel rooms and possible function space would be offset by the removal of the restaurant 	No additional conditions or amendments necessary.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> o additional car parking would not be required, given the site's CBD location and excellent access to public transport services. • The Department notes the ratio of bicycle parking required for the additional hotel rooms is consistent with that required for the restaurant, therefore no additional spaces would be required. • The Department is therefore satisfied the proposal is acceptable in terms of traffic and parking impacts. 	
Acoustic Impacts	<ul style="list-style-type: none"> • The proposal seeks to replace the Manager's Office and one restaurant with seven hotel rooms, and convert the CUB suite into an adaptable room that could be used as a guest suite, function room or lounge. • The Proponent notes that acoustic internal glazing is proposed for all new hotel rooms, in accordance with the existing heritage approved glazing used throughout the hotel. • The Department notes acoustic impacts on surrounding properties was a concern raised as part of the original assessment and considers the proposal to convert the restaurant to hotel rooms would reduce noise impacts on surrounding properties. • The Department notes the function space is likely to have similar acoustic impacts to the restaurant, but would be used less frequently. The Department also considers existing Condition F6 would appropriately manage potential noise impacts associated with the proposal. • The Department has recommended a modified Condition A7 requiring a development application to be submitted for the use of the CUB Suite as a function space. • The Department therefore considers the proposal is acceptable in terms of acoustic impacts, and is likely to generate less noise emissions compared to the current approval. 	<p>The Department has recommended a modified Condition A7 stating that further approval is required for the use of a function room.</p>

Issue	Findings	Recommended Condition
Adaptable Room	<ul style="list-style-type: none"> The proposal seeks approval to convert the CUB Suite into an adaptable room that could be used as a guest suite, function room or lounge. 	The Department has recommended a modified Condition A1 stating that the adaptable room may only be used as a guest suite, function space or lounge.
	<ul style="list-style-type: none"> It is requested to provide flexibility, depending on demand for services within the hotel. 	
	<ul style="list-style-type: none"> The Proponent provided details of the logistics for changing the use of the space, and noted minimal furniture would be required to be relocated, and would be stored in the basement when not in use. 	
	<ul style="list-style-type: none"> The Department has considered the impacts of all proposed uses for the room in terms of heritage, traffic and parking, amenity and acoustics, and considers the proposal would not result in any additional impacts beyond those already assessed and approved. 	
	<ul style="list-style-type: none"> The Department has updated Condition A1 to state that the adaptable room may only be used as a guest suite, function room or lounge. 	
	<ul style="list-style-type: none"> The Department therefore considers the proposal is reasonable as the use of the space as a guest suite, function room or lounge would allow flexibility and would not result in unacceptable impacts. 	



6. Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- is consistent with the Concept Approval and would not change the overall GFA or the use of the building
- would not result in any adverse heritage, traffic or noise impacts
- is likely to reduce acoustic and traffic impacts due to the replacement of a restaurant with hotel rooms.

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

I shou



7. Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application MP 11_0089 MOD 6 falls within the scope of section 4.55(1A)] of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modifies** the consent MP 11_0089
- **signs** the attached modification instrument (Appendix B)

Recommended by:

Anthony Witherdin

Director

Regional Assessments



8. Determination

The recommendation is: **Adopted:**

Anthea Sargeant

Executive Directors

Key Sites and Industry Assessments



Appendices

Appendix A – Statement of Environmental Effects/ Environmental Assessment

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9650

Appendix B – Notice of Modification

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9650