



MODIFICATION REQUEST:

Blocks 6 and 7, Central Park

MP 11_0091 MOD 1

**Modification to internal and external components
of the approved commercial and retail
development**

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2014

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1. BACKGROUND

The purpose of this report is to assess a modification application to the approved Project Application (MP 11_0091) for Block 6 and 7 at Central Park, Chippendale pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks approval for internal and external alterations to the commercial tenancies, relocation of bicycle parking, installation of security gates and the realignment of boundary walls.

1.1 Site Description

The subject site, 26 Broadway, Chippendale, is the former Carlton and United Breweries site, located at the south-western end of the Sydney Central Business District. Blocks 6 and 7 both front onto Kensington Street and Block 6 has a secondary street frontage to Dwyer Street (refer to **Figure 1**).



Figure 1: Block 6 and 7 within the Central Park site

1.2 Previous Approvals

On 9 February 2007, the then Minister for Planning approved a Concept Plan (MP 06_0171) for redevelopment of the site for a mix of residential, commercial, retail uses and public open space. The Concept Plan has been subsequently amended on 8 occasions.

On 4 July 2013, the Executive Director of Development Assessment Systems and Approvals granted approval to a Project Application (MP 11_0091) for Block 6 and 7, including:

- demolition of structures at No. 14 and construction of 1 x 2 storey building for retail use on the ground floor and restaurant on the first floor;

- demolition of structures at No. 42 - 44 to construct a 1 storey building and a pocket park fronting Kensington Street;
- heritage conservation and upgrade works to reinstate, reconstruct and upgrade internal and external building fabric of existing buildings to be retained;
- additional two floors above existing warehouse building at No. 2 - 10 including outdoor terraces on Levels 2 and 3;
- upgrade works and new glazed addition to rear of No. 46 - 48 and an enclosed outdoor courtyard;
- new single storey building built along the eastern boundary;
- erection of a glazed entry walkway between Nos. 20 - 22 and 28 - 30 to provide access from Kensington Street to rear courtyards;
- landscaping works to pocket park, rear courtyard areas and rear of existing terraces;
- use of tenancies within the precinct for retail, commercial office and food and drink premises;
- provision of bicycle parking spaces, lockers and end-of-journey facilities within Nos. 2 - 10, 14 and 42 - 44; and
- subdivision and consolidation of existing lots to create four lots.

This approval was furnished with conditions, including condition B4 and B6(b) which require respectively:

- details of the inclusion of security gates / doors to restrict access to the rear laneway; and
- the relocation and redistribution of 16 bicycle parking spaces from the pocket park, to alternative locations within the site.

A number of other approvals have been granted on the site, with the redevelopment of the Central Park site currently undergoing works to facilitate the mixed use development and public open space envisaged under the Concept Plan.

2. PROPOSED MODIFICATION

The proponent seeks to modify the approval by amending internal and external components of the approved commercial tenancies, installation of security gates and the realignment of boundary walls. In particular, approval is sought for:

- internal amendments including:
 - changes to layouts of storage areas, services, bathroom facilities and access provisions;
 - reduction of the mezzanine level of No. 42; and
 - replacement of an internal wall on the ground and first floor between No. 12 and 14.
- external amendments including:
 - realignment of the eastern boundary wall to correlate with an updated survey of the site;
 - increase the height of the glass parapet at No. 40-42 by 300mm (raising to a maximum RL 24.90);
 - the deletion of rear awnings and pergolas across all properties on Level 1;
 - inclusion of external ladders;
 - replacement of exterior wall to No. 12;
 - ventilation included within the glass screen to be constructed on No. 2-10 on Level 5;
 - inclusion of two security gates;
 - modification to street levels to coordinate with the approval for the public domain works along Kensington Street;
 - replacement of bicycle spaces; and
 - reduction of glazing height on the western façade of the building built along the eastern boundary.

- amendment to Statement of Commitments 1 and 12; and
- deletion of condition B4 and B6(b).

The proponent has advised that the above changes are as a result of design development. An updated Statement of Commitments is also proposed to address the above modifications.

In addition, it is proposed to delete the following conditions:

- condition B4 – details of the inclusion of security gates / doors to restrict access to the rear laneway in Lots 2, 3 and 4; and
- condition B6(b) – bicycle parking facilities.

The proponent notes that the proposed modification provides sufficient detail to satisfy condition B4 and that condition B6(b) has been addressed in a separate application (previously approved).

Further details of the proposed modification are provided in **Appendix A** and diagrams illustrating the proposed amendments are shown in **Figures 2, 3 and 4**.

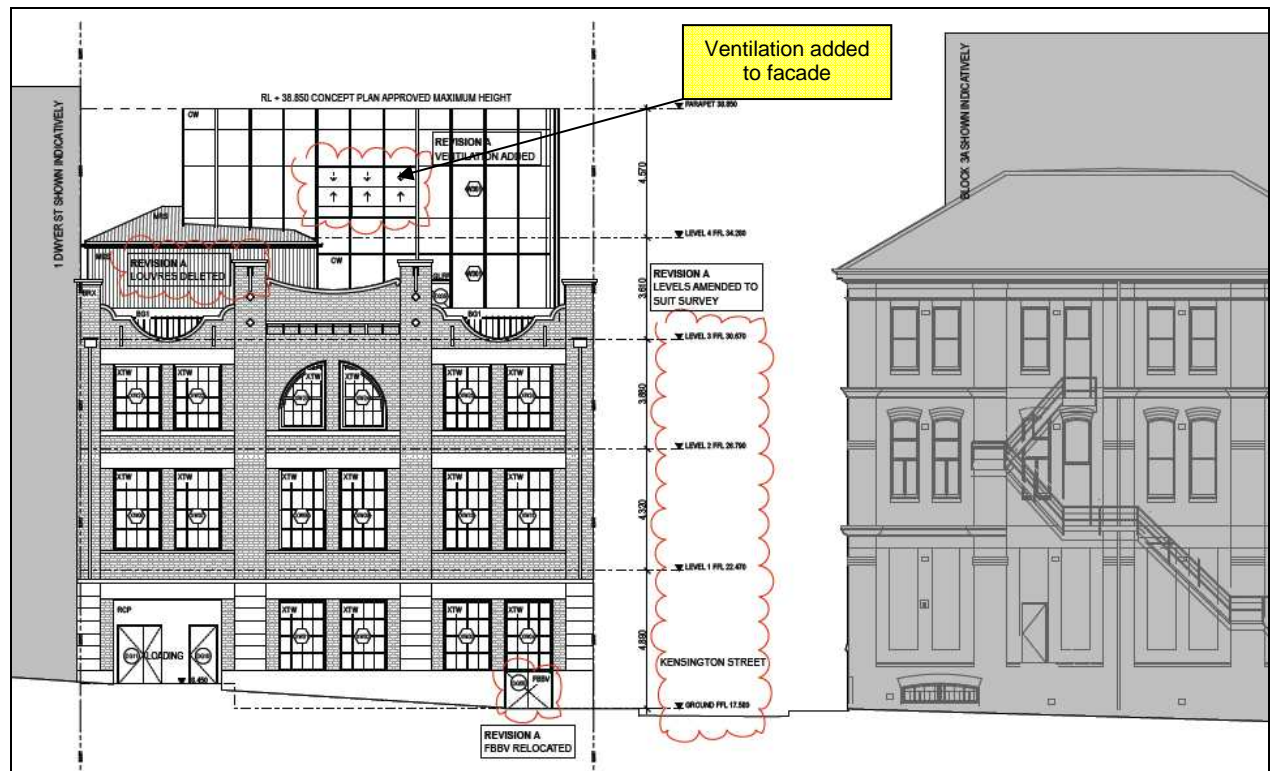


Figure 2: Proposed amendment to Level 5 of No. 2-10 Kensington Street illustrating location of ventilation added to northern facade (Source: Architectural plans from Proponent's Application)

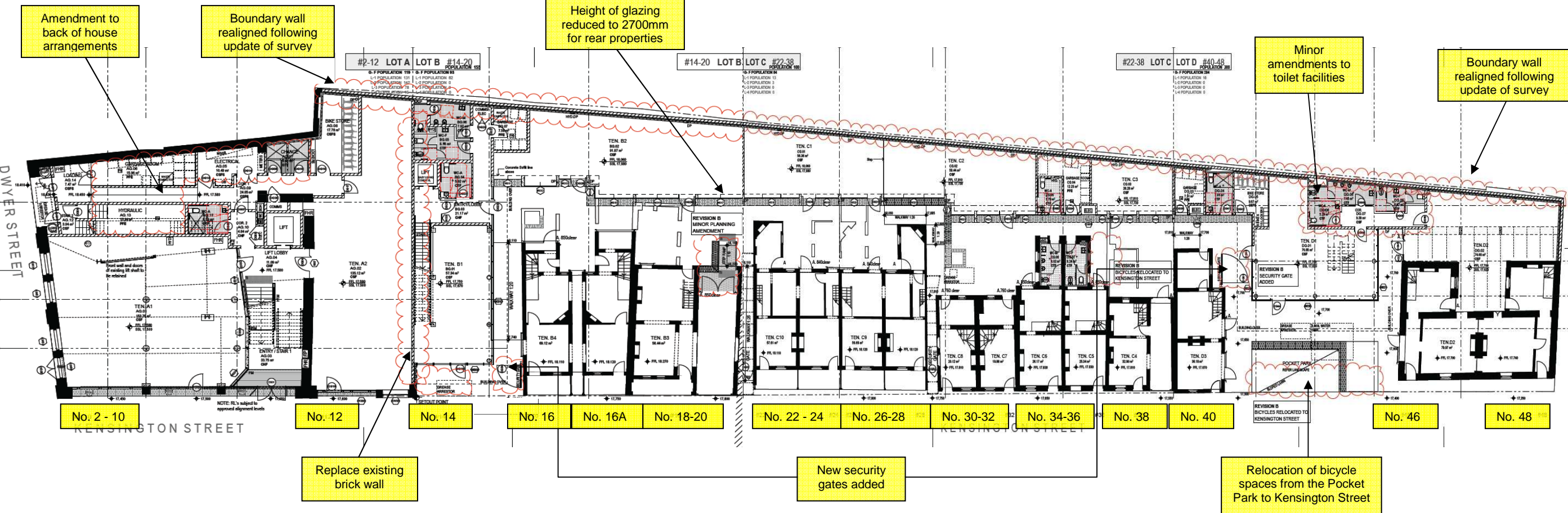


Figure 3: Proposed amendments to ground floor of development (Source: Architectural plans from Proponent's Application)

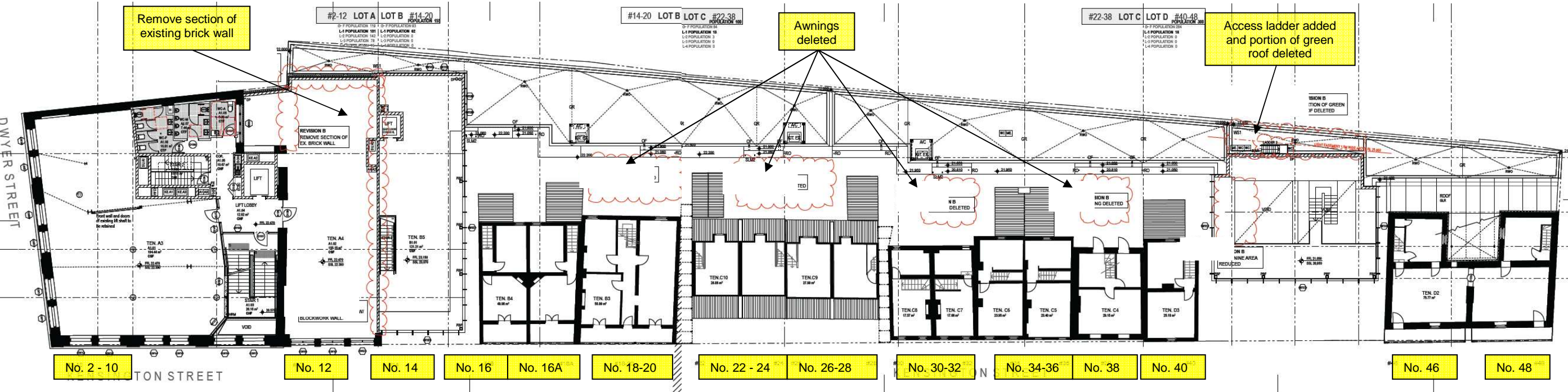


Figure 4: Proposed amendments to first floor of development (Source: Architectural plans from Proponent's Application)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) may approve or disapprove of the carrying out of the project under Section 75W of the EP&A Act.

3.2 Modification of a Minister's Approval

The modification application has been lodged with the department pursuant to Section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval."*

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify the approved development which requires further assessment and therefore approval is required.

3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the department may notify the proponent of Environmental Assessment Requirements 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 suitable information was provided to the department to consider the application.

3.4 Delegated Authority

In accordance with the Minister's delegation of 4 April 2013, the Executive Director, Development Assessment Systems and Approvals may determine Section 75W modifications where:

- 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 less than 10 public submissions in the nature of objections.

City of Sydney Council raises no objections to the application. There has been a political donation disclosure statement provided with this application stating that no political donations have been made within the past 2 years, however a political donation was disclosed with a previous application on the site. The department received no public submissions.

Accordingly, the application is able to be determined by the A / Executive Director, Development Assessment Systems and Approvals, under delegation.

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the department is required to make the modification request publicly available. The modification request was made available on the department's website on 17 January 2014 and referred to City of Sydney Council, relevant agencies and the Chippendale Residents Interest Group for

comment. Due to the nature of the proposal, the modification request was not exhibited by any other means.

City of Sydney Council

The City of Sydney Council initially commented that:

- the proposed internal and external modifications are generally supported;
- no concerns are raised with the deletion of condition B4 and B6(b); and
- concerns are raised with the proposal to reduce the height of the glazing on the western façade of the rear laneway buildings to 2.7 metres (this glazing was previously provided at varying heights across this facade) on the basis that the modification does not contribute to design quality of the buildings.

On 20 February 2014, the proponent responded to Council's concerns by providing additional justification for the proposed design, which included amended glazing diagrams and supporting comments as to how the modified designs achieve modulation along the parapets. In addition, comments were also provided on how the proposal has maintained acknowledgement of the heritage significance of the locality.

Council has since reviewed the additional information and has confirmed that the design quality of the proposed modification to the glazing height is acceptable and on this basis, it raises no objections to the amended application.

5. ASSESSMENT

The key issues in the department's assessment are:

- external modifications;
- internal modifications;
- deletion of condition B4 and B6(b); and
- modifications to Statement of Commitments.

External Modifications

The proponent seeks the following external modifications, including:

- realignment of the eastern boundary wall to correlate with an updated survey of the site;
- increase the height of the glass parapet at No. 40-42 by 300mm (raising to a maximum RL 24.90;
- the deletion of rear awnings and pergolas across all properties on Level 1;
- inclusion of external ladders;
- replacement of exterior wall to No. 12;
- ventilation included within the glass screen to be constructed on No. 2-10 on Level 5;
- inclusion of two security gates to satisfy condition B4;
- modification to street levels to coordinate with the approval for the public domain works along Kensington Street;
- removal of bicycle spaces to partly satisfy condition B6(b); and
- reduction of glazing height on the western façade of the building built along the eastern boundary.

The modifications are detailed in **Figures 3 and 4** within Section 2 of this report.

The department considers that the majority of the modifications such as the removal of awnings and pergolas, inclusion of ladders, replacement of the exterior wall to No. 12 and street level amendments are minor in nature and do not impact upon adjoining properties or on the suitability of the proposal that was considered satisfactory during the assessment of the original application.

The department has considered the impacts of the proposed modifications on the external appearance of the development. In particular:

- the increase in height to No. 40-42; and
- the reduction in glazing height to the western façade of the rear building.

The proposed 300mm increase in height to the glass parapet height at No. 40-42 (raising to a maximum RL 24.90) will be visible from Kensington Street. A comparison between the approved and proposed elevation is provided at **Figure 6**. The increase in height of the parapet follows a refinement of the design to improve the appearance of the glass parapet to Kensington Street and ensure that it is of a similar height to the ridgeline of the buildings to the south.

The increase in height of the parapet does not impact upon the building light easement height of RL 25.00, which is provided to ensure light onto the Kensington Street public domain area. On this basis, the department supports this increase, noting that the minor increase will have minimal impacts on the external appearance and amenity of the Kensington Street public domain.

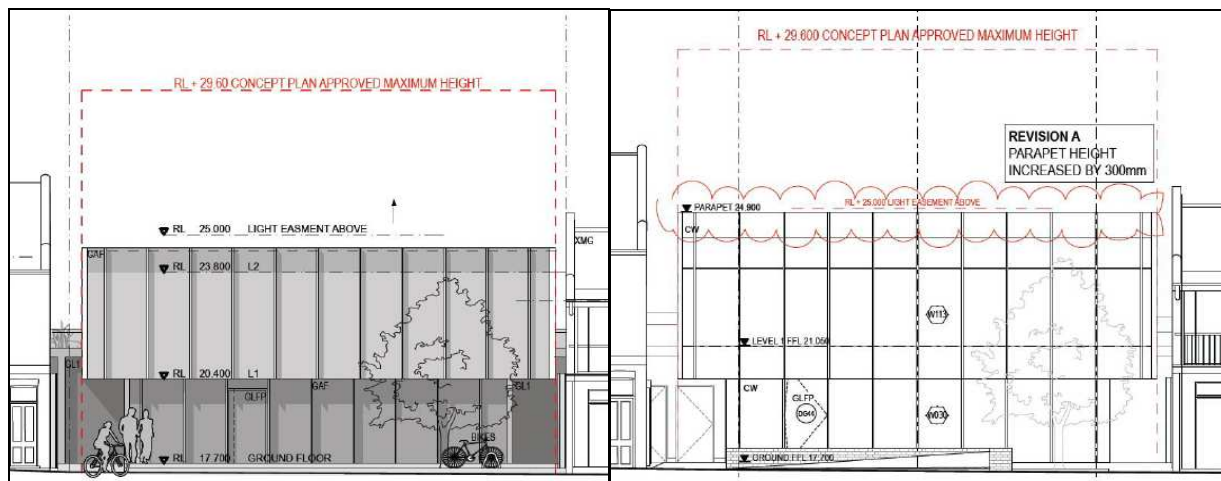


Figure 6: Approved (left) and proposed (right) modifications to parapet height at No. 40-42 Kensington Street (Source: Proponent's Application)

The approved glazing height on the western façade of the rear laneway building is to be reduced to 2.7 metres (this was previously provided at varying heights across this façade). A comparison between the approved and proposed elevation is provided at **Figure 7**. In support of the modification, the application was accompanied by a Heritage report which notes that there would be no heritage impact from this modification.



Figure 7: Approved (left) and proposed (right) modifications to glazing height along the western façade of the rear building (Source: Proponent's Application)

The proposed reduction in height of the glazing is considered to be an improvement over the extensive use of glazing compared that originally approved and is supported.

The inclusion of security gates and removal of bicycle spaces are considered separately below.

The department is satisfied that the modifications retain the existing heritage significance of the buildings and will not result in any material impacts and are therefore supported.

Internal Modifications

The proponent seeks to undertake minor internal modifications to the approved development, as illustrated in **Figure 2** and **3**. These predominantly include modifications to bathroom facilities and plant rooms, which are proposed to improve the efficiency and access throughout the buildings and into the rear laneways. The department supports these minor modifications that provide greater access to these areas.

Another proposed amendment is the replacement of the existing dividing wall between No. 12 and 14 (ground and first floor), which was originally proposed to be retained. The existing wall has been found to be unstable and unsuitable for retention. The proponent's heritage consultant advised that the replacement of this internal wall will not have any negative impacts upon the heritage significance of the site. It is noted that Council also did not raise any concerns with this modification on heritage grounds. The department therefore supports this internal modification.

The modifications to the approved buildings result in a redistribution of GFA between the Blocks (Block 6 is proposed to increase to 1,934.54m² (an increase of 14m²), while Block 7 reduces to 1062.8m² (a reduction of 14m²) while retaining the overall approved GFA of 2,997.34m². The minor redistribution of floor space will not cause any additional impacts and is supported.

Deletion of Condition B4 – Security Gates

The proponent seeks to delete condition B4 following further consideration of the treatment of access to the rear laneway in Lots 2, 3 and 4, which now includes the inclusion of security gates. Condition B4 requires:

B4 Details of proposed gate/doors to restrict access to rear laneway in Lots 2, 3 and 4

Amended drawings illustrating the proposed location and design details of the gates and/or doors to be installed to restrict public access to the rear laneway, are to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate and prior to the creation of a documentary Right of Public Access and registration on the Titles of Lots 2, 3 and 4.

Council considers that the details provided in the application are acceptable and satisfy condition B4 and as such Council does not raise any concerns with the proposed deletion.

The department notes that the original intent of the condition was to ensure that no public access was provided to the rear courtyards of the properties outside of the hours of operation of the retail and commercial premises and that an acceptable streetscape appearance of any barriers would be provided in order to manage these spaces.

In this regard, the details provided with the application are acceptable as the proposed gates are capable of restricting public access outside of trading hours. As the changes satisfy the requirements of condition B4, the department supports deletion of condition B4.

Deletion of Condition B6(b) – Bicycle Parking

The proponent seeks to delete condition B6(b) which requires the relocation and redistribution of 16 bicycle parking spaces from the pocket park, to alternative locations within the site.

This request follows the determination of MOD 1 to MP 09_0164 (Stage 2 Infrastructure and Civil Works). This approval allowed for the conversion of the Kensington Street roadway into a shareway and associated public domain upgrades, include the provision of an additional 24 bicycle parking spaces within the public domain of Kensington Street. The proponent noted that the 24 spaces includes the relocation of the 16 bicycle parking spaces from the pocket park. In it's assessment of the previous application (MOD 1 to MP 09_0164), the department supported this relocation and the subsequent provision of 24 bicycle spaces within the public domain area of Kensington Street.

Condition B6 is therefore to be modified by the deletion of B6(b) as follows:

B6 Bicycle Spaces & Facilities

- (a) A minimum of 41 bicycle parking spaces must be provided for the site for employees, customers and visitors to the site.
- ~~(b) Amended drawings showing the relocation and distribution of 16 bicycle parking spaces from the pocket park to alternative locations, are to be submitted to and approved by Council, prior to the issue of the relevant Construction Certificate.~~
- (c) The layout, design and security of bicycle facilities shall be installed in accordance with the specification of the JOSTA system, or equivalent.
- (d) Bicycle facilities rooms must be provided close to staff/employee bicycle parking in accordance with Section 3.11.3 of the Sydney Development Control Plan 2012.

Council raised no objection to the deletion of this requirement, acknowledging the approval of MOD 1 to MP 09_0164 adequately satisfies this requirement. The department notes that this arrangement as approved under the previously approved modification provides additional cycle parking spaces in suitable locations on the site and therefore supports the deletion of this condition.

Modification of Statement of Commitments

The proponent seeks to modify Statement of Commitments 1 and 12 as follows:

1	Design	The proposed development will be constructed in accordance with the Architectural Plans prepared by TZG and dated November 2012 <u>December 2013</u> and documentation submitted with the Project Application, <u>and relevant modifications.</u>
12	Heritage	The proposed works will be carried out in accordance with the recommendations of the Heritage Impact Statement and Specific Element Conservation Management Plan prepared by Paul Davies Pty Ltd and dated November 2012, <u>and supplementary letter dated 17 November 2013 and 20 February 2014.</u>

The department notes that the modifications to the above Statement of Commitments relates to the inclusion of amended architectural plans and supporting heritage document that were provided as a result of the current application, and therefore the departments supports amending the Commitments accordingly.

6. CONCLUSION AND RECOMMENDATIONS

The department has assessed the application on its merits. The proposed modifications to the internal and external components of the approved development are satisfactory and have adequately considered the heritage features of the site. Having regard to the above, the department is satisfied that the proposed modifications are acceptable, subject to the recommended conditions.

It is therefore recommended that the A / Executive Director of Development Assessment Systems and Approvals, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report;
- **approve** the modification request, subject to conditions; and
- **sign** the attached modifying instrument (**Appendix C**).

Endorsed by:



Amy Watson
A / Team Leader
Key Sites and Social Projects

Endorsed by:



Ben Lusher
Manager
Key Sites and Social Projects

Approved by:

Daniel Keary
A / Executive Director
Development Assessment Systems and Approvals

APPENDIX A MODIFICATION REQUEST

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6360

APPENDIX B SUBMISSIONS

See the department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6360

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
