

ASSESSMENT REPORT

Block 11 - Central Park, Chippendale SSD 6376 MOD 5

1. INTRODUCTION

This report is an assessment of an application seeking to modify the state significant development (SSD) consent (SSD 6376) for a mixed-use development known as Block 11 at Central Park in the City of Sydney local government area.

The application has been lodged by Frasers Broadway Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval for the removal of plant equipment on Level 13 to be replaced by 2 x one-bedroom apartments. The modification also seeks approval for several minor internal and external changes.

2. SITE LOCATION

2.1. Central Park

The Central Park site (previously known as the Carlton & United Breweries Site) is located on the south-western edge of the Sydney 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 (**Figures 1 and 2**).

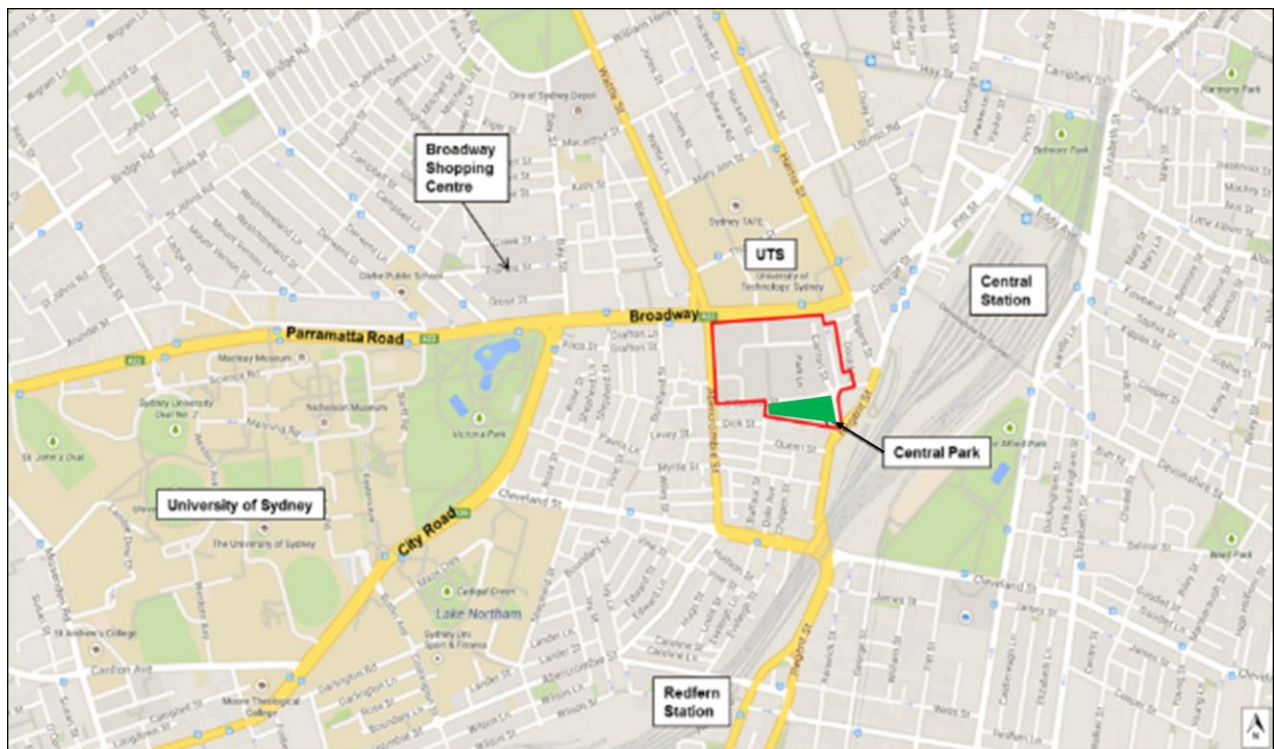


Figure 1: Central Park Precinct (outlined red) and Block 11 (highlighted green) (Source: Nearmap)

2.2. Subject Site

Block 11 is located at the south-eastern corner of the Central Park Precinct (refer to **Figure 2**) and is bound by O'Connor Street to the north, Kensington and Regent Streets to the east, Wellington Street to the south and Balfour Park and Balfour Street to the west.

The site is being redeveloped for a mixed-use development and includes the refurbishment of the Castle Connell Hotel. Residential and commercial buildings are located to the south, east and west of the site on the opposite side of Wellington, Kensington and Balfour Streets. To the north of the site, within the Central Park precinct, the neighbouring blocks comprise high density, mixed use residential developments at Block 5a (9 storeys) and Block 5c (27 storeys).

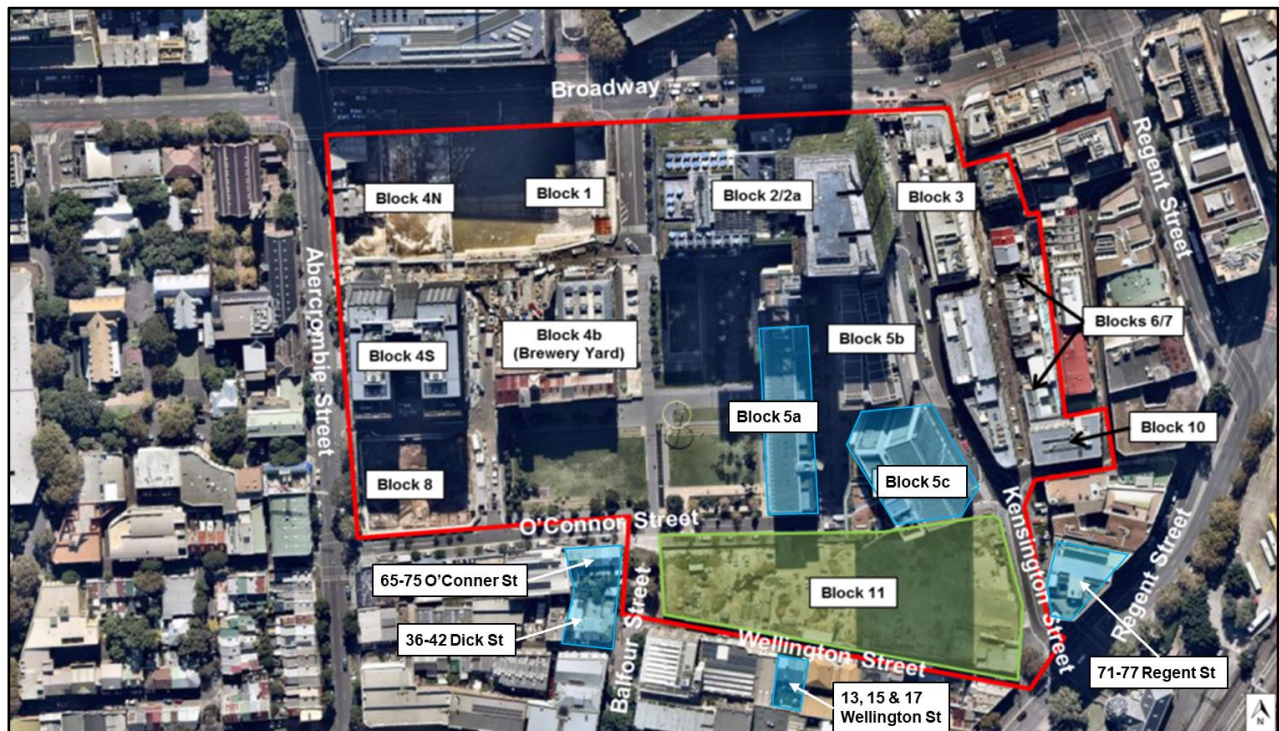


Figure 2: Concept Plan Approval site boundary (outlined in red), the location of Block 11 (highlighted green) within the site and closest sensitive receivers (highlighted blue) (Base source: Nearmap)

3. APPROVAL HISTORY

3.1. Concept Plan Approval

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 development (Concept Approval). Key aspects of the Concept Approval (as modified) include:

- maximum 255,621 m² GFA (including a maximum 195,985 m² of residential and minimum 59,515 m² of non-residential)
- 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 re-use of existing buildings.

The Concept Approval established the framework for the assessment of subsequent detailed applications within the Central Park Precinct. Block 11 was the final development block within Central Park.

3.2. SSD Approval

On 2 March 2016, the then Planning Assessment Commission (Commission) granted development consent (SSD 6376) for the development of Block 11 for a mixed-use building comprising:

- construction of a 10 to 13 storey building (maximum height, RL 64.17) over two basement levels
- total GFA of 25,220 m² comprising 292 residential apartments, 758 m² GFA retail, and 655 m² childcare facility (90 children capacity)
- retention, refurbishment and alteration of the Castle Connell Hotel (external only)
- 174 on-site car parking spaces (including 10 car share spaces) and two service vehicle spaces, six regular and three short term, on-street car parking spaces, and 448 bicycle parking spaces
- 3,300 m² of open space, public domain works and landscaping
- subdivision and strata subdivision.

The SSD Consent has been previously modified on three occasions, as summarised in **Table 1**.

Table 1: Summary of the modification to the SSD Consent

MOD no.	Summary of Modifications	Approval Date
MOD 1	Deletion of wind conditions B7, B8 and B9 relating to wind assessment and mitigation measures.	4 November 2016
MOD 2	Increase number of apartments, GFA, internal and external reconfigurations and amendments, and use of 30 car parking spaces in Block 8.	13 October 2017
MOD 3	Extend standard construction hours to 7:00 am to 7:00 pm.	Withdrawn
MOD 4	Extend internal construction hours to 24 hours per day, seven days a week.	6 March 2018

4. PROPOSED MODIFICATION

On 1 December 2017, the Applicant lodged an application (SSD 6376 MOD 5) seeking approval to:

- remove Level 13 plant room services and replace with 2 x one-bedroom units (see **Figures 3 and 4**)
- modify eight units on the northern elevation by replacing loggias with balconies (see **Figures 5 and 6**)
- include additional projecting wall signage above the ground level entry to retail tenancies
- remove internal stairs (stair 5) between Ground Level and Level 1
- make minor internal and external modifications to service and plant structures
- reduce the overall GFA of the building from 25,220 sqm to 25,194 sqm as a result of additional area used for services.

The modification is requested as the design development phase identified opportunities for a more orderly and efficient development of the building. Furthermore, the Applicant notes that the proposed replacement of loggias with balconies is required to satisfy BASIX requirements.

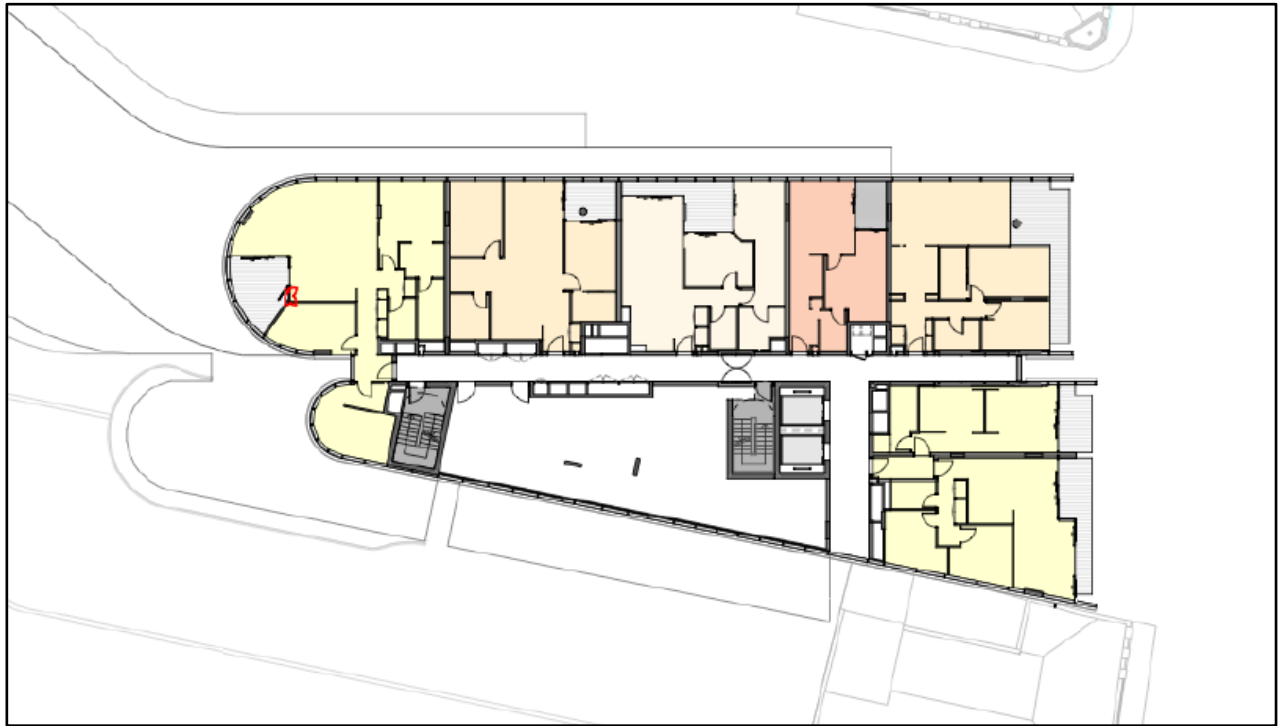


Figure 3 - Level 13 as approved under SSD 6376 (source: Applicant's EIS)

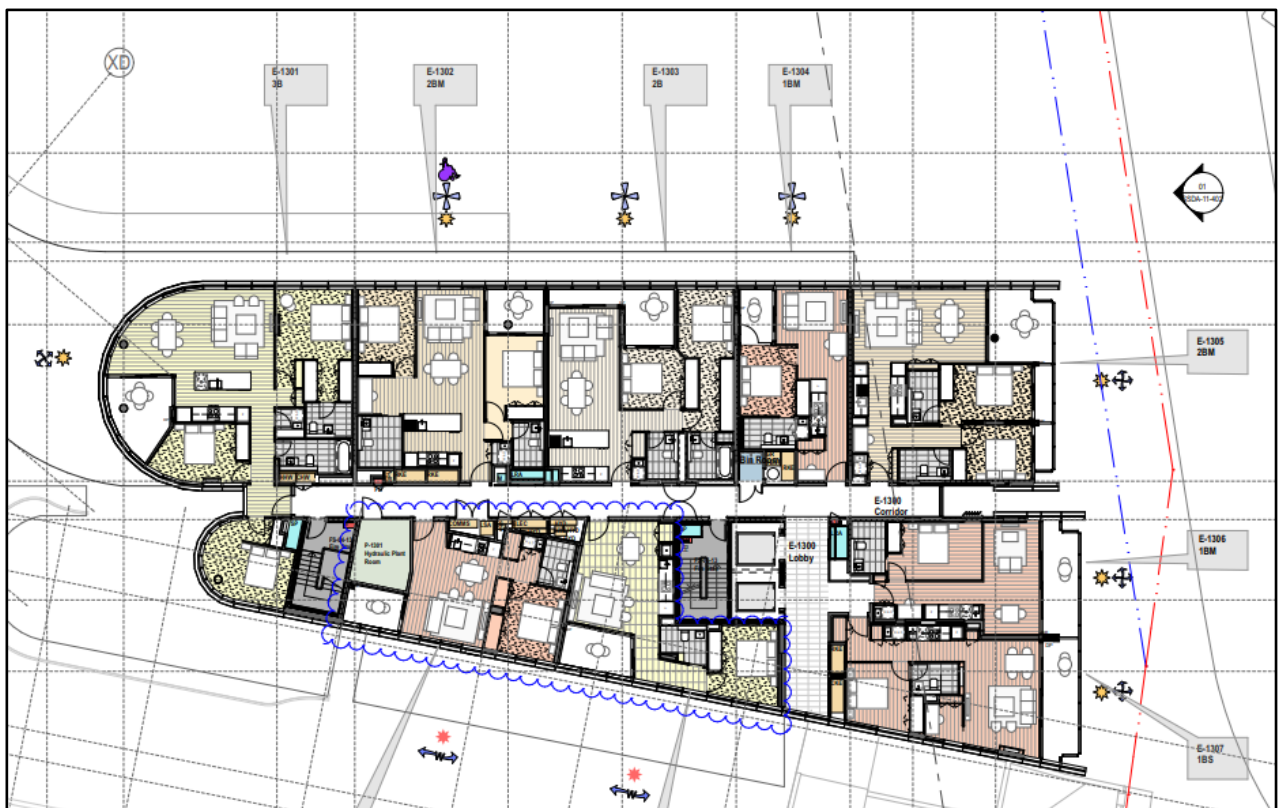


Figure 4 – The proposed Level 13 layout with the current location of plant equipment shown by the blue clouded line (source: Applicant's EIS)



Figure 5 – The northern elevation as approved under SSD 6376 (source FJMT)



Figure 6 – The proposed northern elevation (source FJMT)

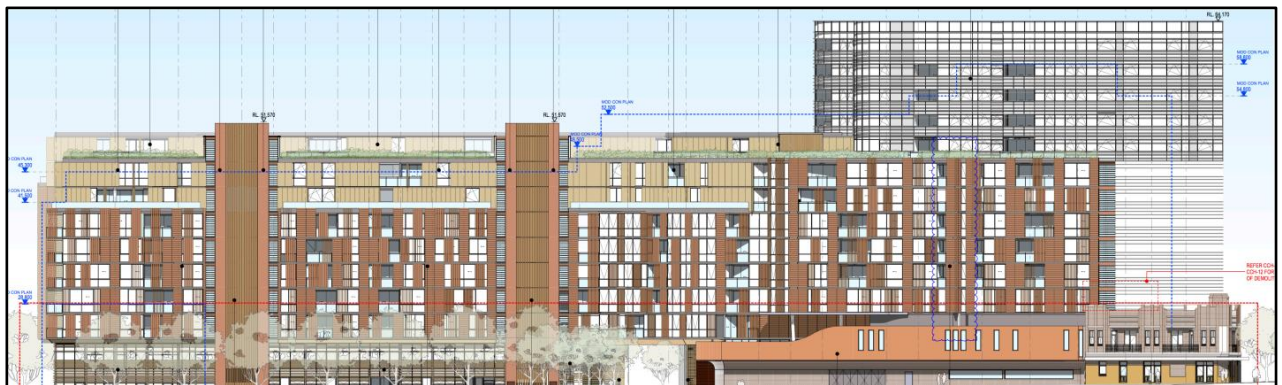


Figure 7 – The approved southern elevation (source FJMT)

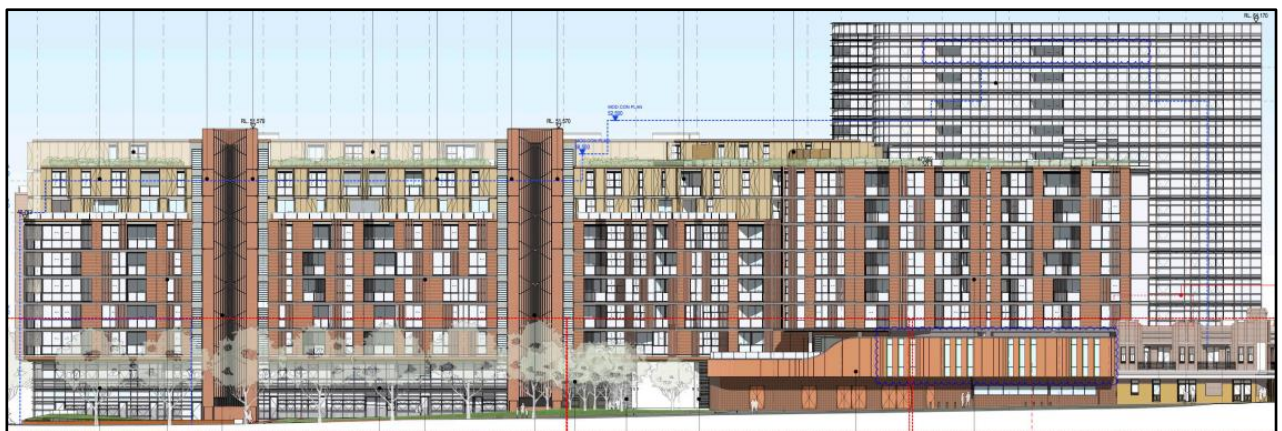


Figure 8 – The proposed southern elevation (source FJMT)

5. STATUTORY CONSIDERATION

5.1. Modification of approval

Section 4.55(1A) of the EP&A Act requires the consent authority to be satisfied that all applications seeking modification approval address the matters listed in **Table 2**.

Table 2: Section 4.55(1A) matters for consideration

Section 4.55(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied there are no adverse environmental impacts beyond those already assessed and approved.
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).	<p>The Department is satisfied the proposal seeks approval for minor changes and the impacts of the proposed modification are negligible. On this basis, the proposal would result in development that is substantially the same as the originally approved development.</p> <p>However, the Department is not satisfied the proposed signage is substantially the same development as Condition A6 states that the consent does not approve signage and 'separate approval/s for the fit out of the building and signage to be obtained for this development/use if required by the EP&A Act'.</p> <p>Accordingly, the consent cannot be modified to include signage as it was not approved in the original application. The Applicant will need separate approval/s for the signage in accordance with the requirements of Condition A6.</p>
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received a submission from Council on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2. Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and accompanying Apartment Design Guide
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Development Control Plan (SDCP 2012).

The Department undertook a comprehensive assessment of the development against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification is generally consistent with the EPIs.

5.3. Approval 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 not been made, and
- there are no more than 25 public submissions in the nature of objections.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. It was made publicly available on the Department's website and referred to the agencies listed below. Letters were also sent to adjoining owners/occupiers.

The City of Sydney (Council) did not object to the proposal but provided the following comments:

- the addition of two apartments is suitable as there is no increase in overall building height
- the proposed projecting signage should be reduced in size (to be less than 0.5 m²) and elevated to 2.6 m above ground level to comply with Council's signage guidelines.

Transport for NSW, Roads and Maritime Services, the Environment Protection Authority, the Office of Environment and Heritage and Redfern Police Local Area Command did not object to the modification.

No **public submissions** were received.

6.1. Response to Submissions (RtS)

Following the notification of the modification application the Department placed copies of all submissions received on its website. It requested the Applicant to provide a response to the issues raised in the Council's submission.

The Applicant provided a RtS report, including an assessment of the proposal against the Apartment Design Guidelines (ADG). The Department made the RtS available on its website and referred the it to the aforementioned authorities.

7. ASSESSMENT

The key issues associated with the proposed modification have been considered in **Table 3**.

Table 3: Assessment of issues

Table 6: Assessment of Issues					
Issue	Consideration			Recommendation	
Consistency with Concept Plan	<ul style="list-style-type: none">• The site is subject to a Concept Plan approval which guides the future redevelopment of the site.• The Concept Plan approval includes the following GFA restrictions for Block 11:				No additional conditions or amendments necessary.
		Approved	Proposed (MOD5)	Complies	
	Maximum GFA	25,220 m ²	23,807 m ²	Yes	
	Maximum residential GFA	23,807 m ²	23,679 m ²	Yes	
	Minimum non-residential GFA	1,413 m ²	1,515 m ²	Yes	
	<ul style="list-style-type: none">• As outlined above the proposal will comply with the GFA controls prescribed within the Concept Plan approval for Block 11.• The Department also notes the approved Concept Plan approval requires on-site car parking to comply with the SLEP 2005 which stipulates maximum car parking rates. The proposal does not seek to change the total number of car parking spaces or car share spaces provided on-site. As such the proposal would continue to comply with the SLEP 2005 car parking requirements.• The Department is therefore satisfied the proposal remains consistent with the Concept Plan approval.				
Built Form	<ul style="list-style-type: none">• The proposal seeks approval to remove the building plant located within Level 13 and replace it with 2 x one bedroom units (see Figure 4). This would increase the total number of units within Block 11 from 293 units to 295 units.			No additional conditions or	

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> The Applicant notes that a significant portion of the approved plant area on Level 13 was originally intended to accommodate heat rejection equipment for the retail, childcare and community spaces. Most of this area however, is no longer needed because it will be connected to the precinct's central thermal plant which will enable more efficient heating and cooling of the building. The Department considers the proposed modification to Level 13 is acceptable as it would not change the height, bulk or scale of the approved building and it would not result in any adverse environmental impacts on adjoining neighbours. Further, the connection of the building to the precinct's central thermal plant will enable more efficient heating and cooling of the building, improving its sustainability. 	amendments necessary.
<i>Residential Amenity</i>	<ul style="list-style-type: none"> The Applicant provided a detailed assessment of the proposal against SEPP 65 and the provisions of the ADG. The assessment demonstrates the additional units generally maintain compliance with the ADG. In particular, the Department notes Units E1308 and E1309 are 53 m² and 50 m² in area, respectively. This meets the minimum size requirement of 50 m² for one bedroom apartments in the ADG. However, the Department notes Unit E1309 proposes a balcony 0.5 m² below the minimum of 6.5 m². The Department considers this is a minor non-compliance and the proposed unit would otherwise have an acceptable layout, outlook and comply with the requirements of the ADG. The Department therefore considers the new apartments would achieve acceptable levels of residential amenity. 	No additional comments or amendments necessary
<i>Replace loggias with balconies</i>	<ul style="list-style-type: none"> The proposal seeks to modify a total of eight north-facing units on Levels 2 and 3 by replacing loggias with balconies (see Figures 5 and 6). The Applicant notes the proposal would enable the development to comply with the energy saving requirements of BASIX and will negate the requirement for further glazing. The modification request is accompanied by an updated BASIX certificate. The Department considers the proposed amendment to eight of the units is acceptable as: <ul style="list-style-type: none"> it will enable 8 units to comply with BASIX requirements the proposed balconies result in only a minimal change to the northern façade of the building the balconies will provide acceptable levels of amenity as they will be oriented toward the north, overlooking the adjacent park 	No additional comments or amendments necessary
<i>Ground Level Retail Tenancies Signage</i>	<ul style="list-style-type: none"> The proposal seeks approval for five projecting wall signs on the Ground Level above the retail tenancies. The signage will comprise illuminated light boxes affixed to the retail tenancy façades. The proposed signs are 450 mm high and 1750 mm wide. Council has expressed concern that the proposed signage does not comply with its signage guidelines. To achieve compliance, Council requires the proposed signage to project no more than one metre from the façade, be elevated to 2.6 m above the ground level of the footpath and be less than 0.5 m² in area. The Applicant notes that indicative signage zones were approved under SSD 6376 and the proposed signage is consistent with other signage in the Central Park precinct. However, the Department notes Condition A6 states that the consent does not approve signage and 'separate approval/s for the fit out of the building and signage to be obtained for this development/use if required by the EP&A Act'. Accordingly, the consent cannot be modified to include signage as it was not approved in the original application. As such, the Applicant will need separate approval/s for the signage in accordance with the requirements of Condition A6. 	No additional comments or amendments necessary
<i>Remove internal stairs (stair 5) between Ground Level and Level 1</i>	<ul style="list-style-type: none"> The proposal seeks approval to remove one stair (Stair 5) located between the Ground Level and Level 1. The Applicant considers the stair is not required by the BCA. The Ground Level and Level 1 will remain connected by three other stairs and a dedicated lift. The Applicant's BCA statement confirms that only two exit stairs are required for Level 1 to comply with the requirements of the BCA. The Department considers the removal of Stair 5 is appropriate as BCA compliance can still be achieved with the remaining exit stairs and lift. The Department also notes existing Condition B2 requires the development to comply with the requirements of the BCA before the release of a Construction Certificate. 	No additional comments or amendments necessary

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<ul style="list-style-type: none"> The Department considers the proposal is acceptable as it is capable of complying with the BCA and the loss of the stairs would not result in any significant impact on access or circulation. 	

8. CONCLUSION

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 the proposed modification is appropriate on the basis that:

- it would continue to provide acceptable levels of amenity for residents
- no changes to the height, bulk or scale of the building are proposed
- the proposed units on Level 13 generally comply with the ADG requirements
- it would not result in any significant environmental impacts beyond those already assessed and approved.

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

9. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- consider** the findings and recommendations of this report
- determine** that the application falls within the scope of section 4.55(1A) of the EP&A Act
- approve** the Block 11 modification application (SSD 6376 MOD 5), subject to conditions
- sign** the attached notice of modification (**Attachment A**).

Recommended by:

Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8953

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8953

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8953

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8953