



***MODIFICATION REQUEST:***

***Modification to Concept Plan***

***Central Park, Chippendale (former Carlton &  
United Breweries site)***

***Concept Plan MP06\_0171 MOD 6***

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

July 2012

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*NSW Government  
Department of Planning & Infrastructure*

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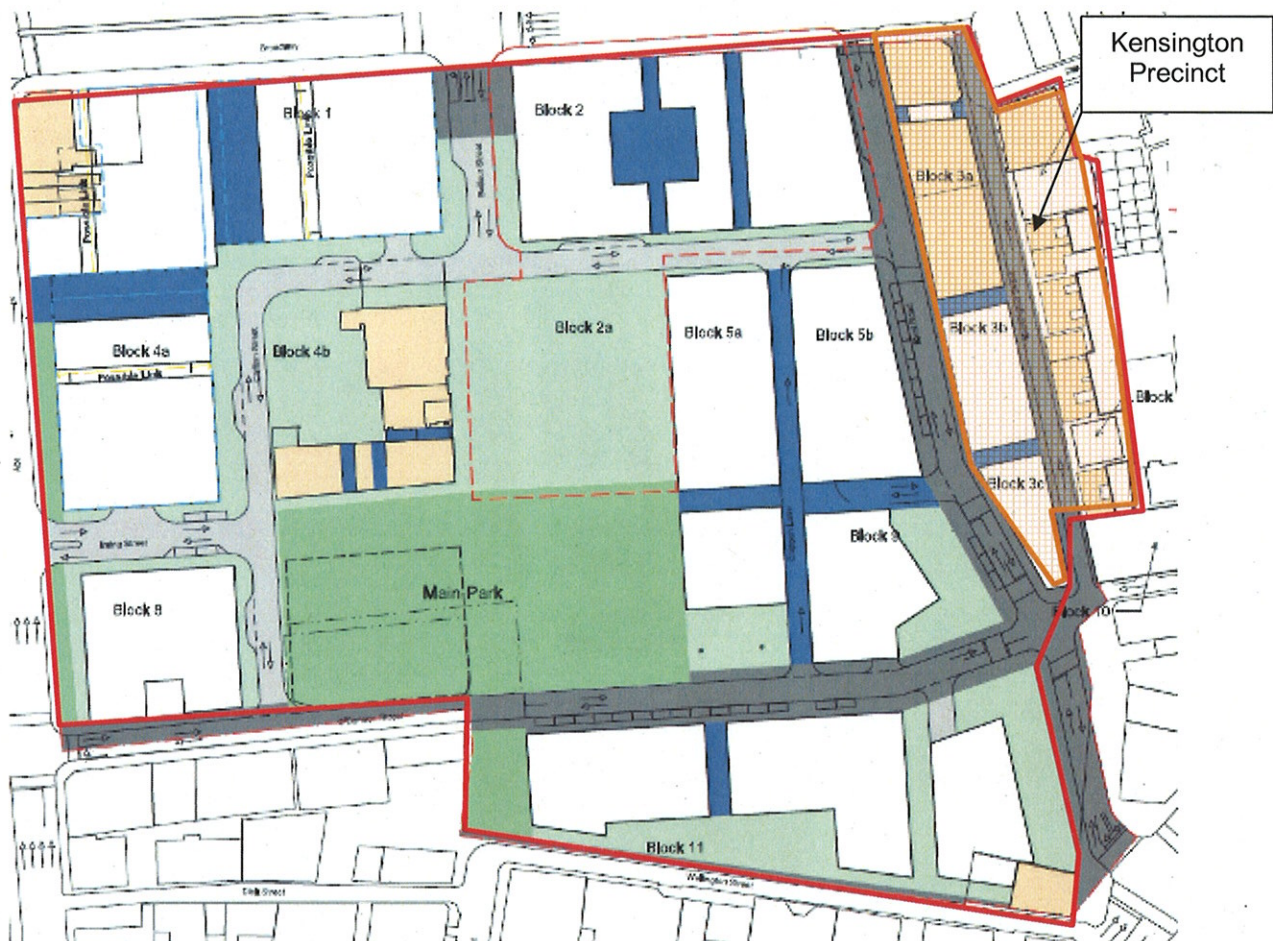
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## 1. BACKGROUND

The purpose of this report is to determine a request to modify the approved Concept Plan for the mixed use redevelopment of the Central Park site, Chippendale (former Carlton & United Breweries). The modification request seeks to modify the approved allocation of gross floor area (GFA) and the residential GFA distribution, within the Kensington Precinct. The request also seeks to rectify an error in the description of land to which the Concept Plan approval applies.

### 1.1 The Site

The Central Park site has an area of 5.834ha, and is located in the south-western part of the Sydney CBD, within short walking distance to Central Railway Station and Railway Square Bus Terminal. The approved Concept Plan layout of the site and the location of the Kensington Precinct, the subject of this section 75W request, are illustrated in **Figure 1**.



**Figure 1: Approved Central Park Site layout**

### 1.2 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 Breweries site for residential, commercial, retail uses and public open space. The Concept Plan was subsequently modified on 18 July 2007, 5 February 2009, 16 May 2010 and 20 August 2011.

### 1.3 Related Approvals

The majority of the buildings across the CUB site, which were associated with the former brewery use, have been demolished (approved under MP 07\_0120), with the exception of the retained heritage items. Construction of the basement car parking area under Blocks 2, 5 and 9 (approved under MP 09\_0042) and the construction of Blocks 2 and 5A & 5B is currently underway. Other approvals granted on the site include:



- remediation and transitional works (MP 07\_0163);
- Main Park and stage 1 infrastructure (MP 08\_0210);
- construction of commercial Blocks 1 and 4 (MP 08\_0253);
- construction of mixed use residential and retail development on Block 2 (MP09\_0078);
- construction of mixed use residential and retail Blocks 5A and 5B (MP 09\_0041);
- stage 2 Infrastructure and Civil Works (MP 09\_0164);
- construction of a residential building on Block 5C (formally Block 9) (MP10\_0218); and
- alterations and additions to and the adaptive reuse of the Brewery Buildings (MP10\_0217).

The Department is currently considering MP06\_0171 MOD 5, relating to Green Star Ratings for buildings on the site.

The Department is currently assessing MP11\_0090 for the construction of student accommodation on Blocks 3B, 3C & 10 within the Kensington Precinct.

Director General's Requirements have been issued for the following projects within the Kensington Precinct:

- the adaptive reuse of existing buildings on Block 3A for hotel and food and drink premises (MP11\_0089); and
- the 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.

## **2. PROPOSED MODIFICATION**

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### **2.1 Description of Proposed Concept Plan Modification**

The modification request seeks to amend Concept Plan Modification A1 to amend the approved GFA allocations for Blocks 3 (including 3A, 3B & 3C), 6 and 10, within the Kensington Precinct. The Kensington Precinct is made up of Blocks 3, 6, 7 & 10.

Specifically, additional residential floor space is proposed to be provided in Blocks 3 and 10 and the approved residential floor space to Block 6 is proposed to be deleted. No changes are proposed to the approved GFA allocation for Block 7.

In addition, the proposed modification also seeks to amend the currently approved Concept Plan building envelopes of Block 6 and 10.

## **3. STATUTORY CONTEXT**

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### **3.1 Continuing Operation of Part 3A to Modify the Project Approval**

In accordance with clause 3 of Schedule 6A of the *Environmental Planning & Assessment Act 1979* (the Act), section 75W of the 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 his delegate) may approve or disapprove the modification of the projects under section 75W of the Act.

### **3.2 Modification of the Minister's Approval**

The modification of the Minister's Approvals by way of section 75W is appropriate because the proposal is consistent original Concept Plan and Project approvals and will have limited environmental consequences.

### **3.3 Environmental Assessment Requirements**

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

In this instance, following an assessment of the modification requests, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to section 75W(3) with respect to the proposed modifications, as sufficient information was provided to the Department to consider the application.

### **3.3 Determination Under Delegation**

The Minister has delegated his functions to determine section 75W modification requests to the Deputy Director-General, Development Assessment & Systems Performance, where:

- the 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 objecting to the proposal.

The Department did not receive any public submissions and Council has not objected to the proposal. The Proponent has disclosed a reportable political donation in relation to previous project applications. However, there has been no political disclosure statement made for this modification request.

Accordingly the application is able to be determined by the Deputy Director General, Development Assessment & Systems Performance, under delegation.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Exhibition**

In accordance with section 75X(2)(f) of the Act, the Director-General is required to make modification requests publicly available. The modification request was made available on the Department's website and referred to City of Sydney Council for comment. Due to the nature of the proposed modifications, the modification request was not exhibited by any other means.

Council advised that no objections were raised to the proposed modification. In addition, no public submissions were received in relation to the modification requests.

## **5. ASSESSMENT**

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

- impacts of redistribution of residential & non-residential uses;
- changes to approved GFA; and
- modifications to approved building envelopes.

### **5.1 Impacts of Redistribution of Residential & Non-residential Uses**

The proposed relocation of residential uses within the Kensington Precinct will not result in the introduction of residential uses where they were not previously approved. Instead the proposed modification will result in an intensification of residential GFA within buildings already approved for residential development. The increased GFA in Blocks 3 and 10 is largely made possible by the proposed use of the buildings on those Blocks for student residential accommodation. This type of

accommodation allows for a denser residential development compared to traditional market residential accommodation.

The Department has considered the likely impacts of the redistribution of the residential GFA and is satisfied that there will be no negative impacts resulting from the re-organisation of uses. This aspect of the proposed modification is therefore supported.

## 5.2 Changes to Approved GFA

The proposed modification seeks approval for a redistribution of approved GFA within the east part of the Central Park site, known as the Kensington Precinct, which includes Blocks 3A, 3B, 3C, 6, 7 and 10.

Additional residential GFA will be allocated to Blocks 3 and 10, with the deletion of the residential GFA allocated to Block 6. The modification does not seek changes to the approved GFA for Block 7. The proposed modification to the approved GFA is illustrated in **Table 1**.

**Table 1: Approved & Proposed GFA of Buildings on Blocks 3, 6 & 10**

Block	Concept Plan Approved Land Use Mix			Proposed Kensington Street Land Use Mix			Variation to approved CP-Resi	Variation to approved CP-Total GFA
	Max Resi GFA (m <sup>2</sup> )	Additional GFA for non-resi uses (m <sup>2</sup> )	Total	Resi GFA (m <sup>2</sup> )	Non-resi GFA (m <sup>2</sup> )	Total		
3A, 3B & 3C	5,100	5,400	10,500	6,125	4,375	10,500	+1,025	0
6	1,200	1,350	2,550	0	2,180	2,180	-1,200	-370
10	850	850	1,700	1,800	270	2,070	+950	370
<b>TOTAL</b>	<b>7,150</b>	<b>7,600</b>	<b>14,750</b>	<b>7,925</b>	<b>6,825</b>	<b>14,750</b>	<b>+775</b>	<b>Nil</b>

### Maximum Permitted GFA at Central Park

Modification A1 of the approved Concept Plan stipulates a maximum GFA for the whole Central Park site of 255,500m<sup>2</sup>. The proposed modification will result in a redistribution of the approved residential GFA between Blocks 3, 6 and 10. The total residential GFA for these blocks will increase by 775m<sup>2</sup>. The non-residential GFA will be reduced by 775m<sup>2</sup> to ensure that there will not be any net change to the total GFA provided by development on these Blocks, thus not impacting upon the maximum permitted GFA for the Central Park site.

The total GFA and the provision of residential and non-residential GFA across the Central Park site will continue to be monitored as part of the assessment of future Project Applications on the site.

### Mix of Land Uses at Central Park

Council raised no objections to the proposed modified land uses within the Kensington Precinct. Council did however advise that the modification should not preclude the Central Park development from achieving the minimum 30% non-residential floor space required by Modification A1(c) of the approved Concept Plan.

The requirement for a minimum 30% provision of non-residential floor space was imposed as a result of recommendations from the independent Expert Advisory Panel (EAP) established by the then Minister for Planning to review the original Concept Plan application. The EAP recommendation sought to ensure an acceptable diversity of uses was provided across the site.

**Table 2** illustrates the maximum permitted GFA for individual Blocks on the Central Park site, as per Modification A1 of the approved Concept Plan. In addition the maximum permitted residential floor space, as detailed on architectural plan A-1253 (approved by MP06\_0171 MOD2) is illustrated. The Concept Plan does not stipulate any maximum permitted non-residential GFA for mixed use buildings.

The table also displays the GFA approved by approved Project Applications across the Central Park site and the GFA proposed for the Kensington Precinct, allowing the impacts of the proposed modification to be assessed against the approved Concept Plan. To date, no Project Applications have been approved for Blocks 3, 6, 7 and 10 within the Kensington Precinct.

Although the proposed modification will not result in an increase in the total GFA for the Central Park site, it will result in an increase in the provision of permitted residential GFA of 775m<sup>2</sup>. The Department has considered what impact this proposed increase will have on the whole Central Park site, given the Concept Plan restrictions on the split of residential and non-residential GFA for the site.

**Table 2** illustrates that the approved development on the Central Park site and proposed modifications to the approved GFA to the Kensington Precinct will result in the provision of 49% of the approved floor space (105,975m<sup>2</sup> of 215,627m<sup>2</sup>) being non-residential uses. This is consistent with the required minimum provision of 30% non-residential uses.

The table does not take into account future development on Blocks 8 and 11, for which no development applications have yet been lodged. However, if the maximum permitted residential and non-residential GFAs for both these blocks is considered (ie the maximum permissible residential GFA and remaining maximum total GFA as non-residential uses), the resulting percentage of non-residential uses on the site would be 42%. This is consistent with the minimum 30% non-residential GFA, required by the Concept Plan.

The Department is satisfied that the proposed modification will not preclude the Central Park development from achieving the required residential/ non-residential GFA split for the whole site.

The proposed modified GFA distribution is therefore recommended for approval.



**Table 2: Approved Concept Plan maximum GFA & Approved & Proposed GFA for Blocks on Central Park Site**

Concept Plan Approved Land Use Mix				Approved Project Applications & Proposed Kensington Street GFA				Status of Project Application
Block	Max permitted Residential GFA (m <sup>2</sup> )	Additional GFA available for non-resi uses GFA (m <sup>2</sup> )	TOTAL Max permitted GFA*	Residential GFA (m <sup>2</sup> )	Non-residential GFA (m <sup>2</sup> )	TOTAL GFA	Variation to approved CP	
1 & 4	0	73,000	73,000	0	72,780	72,780	-220	Approved
Brewery Buildings	0	4,000	4,000	0	4,258	4,258*	258	Approved
2	55,000	13,000	68,000	48,391	19,235	67,626	-374	Approved
3A, 3B & 3C	5,100	5,400	10,500	6,125	4,375	10,500	0	Part Proposed/ Part DGRs issued
5A & 5B	27,000	n/a	27,000	26,883	1,436	28,319*	1,319	Approved
6	1,200	1,350	2,550	0	2,180	2,180	-370	DGRs issued
7	0	1,250	1,250	0	1,250	1,250	0	DGRs issued
8	13,500	1,000	14,500	-	-	-	-	Not yet submitted
5C (previously 9)	27,000	n/a	27,000	26,453	191	26,644	-356	Approved
10	850	850	1,700	1,800	270	2,070	370	Proposed
11	23,800	2,200	26,000	-	-	-	-	Not yet submitted
<b>TOTAL</b>	<b>151,450</b>	<b>up to 104,050</b>	<b>255,500</b>	<b>109,652</b>	<b>105,975</b>	<b>215,627</b>	<b>-39,978</b>	-
<b>%</b>	<b>60%</b>	<b>40%</b>	<b>100%</b>	<b>51%</b>	<b>49%</b>	<b>100%</b>	<b>-16%</b>	-

\* Modification A1(f) of the approved Concept Plan allows for a 5% variation of maximum GFA for each block however, the total GFA for the site is not to exceed 55,500m<sup>2</sup>

### **5.3 Modification to Approved Building Envelopes**

The proposal seeks to revert the existing approved building envelope of Block 10 back to the building envelope approved as part of the original Concept Plan approval. Council advised that the existing approved building envelope is preferred, as it includes additional articulation, including the use of a podium.

The proposed modified building envelope is consistent with a Project Application, for a building on Block 10, currently being assessed by the Department (MP11\_0090). The Department considers that the amendment to the approved building envelope is acceptable as the assessment of the project application will allow an assessment of acceptable detailed building form and articulation to be considered as part of the Project Application assessment.

The proposed modification will result in a reduction in the approved maximum building height applying to part of Block 6, from 36.17 AHD to 31.20 AHD. The modification has resulted from the proposed change of use from residential to retail use, and the resulting modified requirements of the building envelope. The proposed modification will not have any detrimental impacts and is recommended for approval.

### **5.4 Correction to Description of Land**

The Proponent has advised that the legal description of the land to which the approval relates is incorrect. It is therefore recommended that Modification A2 of Schedule 2 of the approval be amended to correct the misdescription.

## 6. CONCLUSION

The Department is satisfied that the modification request, as per the existing and recommended modifications, complies with the requirements of the approved Concept Plan (as modified).

There will be no negative impacts on amenity of surrounding development as a result of the reallocation of residential GFA across the Kensington Precinct. In addition, the proposed modification will not result in an increase to the Central Park site's maximum GFA, permitted by the Concept Plan and the requirement for at least 30% of the GFA to be non-residential uses will not be jeopardised by the modification.

It is therefore recommended that the modification request be approved, subject to the amended modifications of the approved Concept Plan.

## 7. RECOMMENDATION

It is **RECOMMENDED** that the Deputy Director General, Development Assessment & Systems Performance, as delegate for the Minister for Planning and Infrastructure:

- **note** the information provided in this report;
- **approve** the modification request, subject to conditions; and
- **sign** the attached modifying instrument.

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## **APPENDIX A      MODIFICATION REQUEST**

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)



## **APPENDIX B SUBMISSIONS**

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See the Department's website at [www.majorprojects.planning.nsw.gov.au](http://www.majorprojects.planning.nsw.gov.au)

## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENTS**

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