



Planning Assessment Report

Application to modify the Minister's Approval of the Concept Plan for the Carlton United Breweries Site, Chippendale

1 BACKGROUND

The Carlton United Brewery Site (CUB Site) is located at 26 Broadway, Chippendale in the City of Sydney Local Government Area.

The Minister for Planning approved the Concept Plan for the Carlton United Brewery Site (MP 06_0171) on 9 February 2007, subject to modifications.

In summary, the Concept Plan approved by the Minister involved:

- The layout of development into 11 blocks, a new park and street layout,
- Building envelopes including maximum heights,
- Maximum floor space (GFA) within each development block.

The CUB Site was recently sold by the Foster' Group to Frasers Broadway Pty Ltd, which is part of Frasers Property.

2 THE PROPOSED MODIFICATIONS

On 9 July 2007, Frasers Broadway Pty Ltd wrote to the Director-General requesting that the Minister modify the Concept Plan approval MP 06_0171. The reason for this request is as follows:

The instrument of approval contains a reference to future assessment requirements being contained in Part B of Schedule 2. Given that there is no Part B of Schedule 2 we request the Minister to modify the concept plan approval to identify what terms in Part A of Schedule 2 are the environmental assessment requirements for future development under the approved concept plan.

The letter of request from Frasers Broadway P / L is at **Tag "B"**.

3 ASSESSMENT PROCESS

The approval for Major Project 06_0171 was granted in accordance with Part 3A of the Act pursuant to section 75O.

The Minister can modify an approval of a Concept Plan upon request. Approval of the Minister is not required where the Major Project as modified will be consistent with the original approval.

The modification application requests the Minister to modify the Concept Plan approval to correct a minor error. The project as modified would arguably, on a strict view, be inconsistent with the formal terms of the Minister's approval on 9 February 2007 and the Minister's approval to modify the Concept Plan approval is therefore desirable.

The Director-General may issue environmental assessment requirements with respect to the modification.

The Director-General did not issue environmental assessment requirements on the basis that the proposal to modify the Concept Plan is considered to be of minimal environment impact due to it involving the correction of a minor error. (Tag “C”)

4 CONSULTATION AND EXHIBITION

The request to modify the concept plan was placed on the Department’s website in accordance with section 75X(2) of the Act.

Modifying a Major Project need not be publicly exhibited. It was considered not to publicly exhibit the proposal to modify the Concept Plan approval because it was considered to be of minimal environmental impact.

5 DESCRIPTION OF PROPOSED MODIFICATIONS

The proposal to modify the Concept Plan involves identifying the future assessment requirements in Part A of Schedule 2.

6 CONSIDERATION

Part A of Schedule 2 in the Concept Plan approval by the Minister includes modifications within the meaning of section 75O(4) of the Act. The purpose of these modifications is to condition the Concept Plan as lodged.

The section 75O(2) modifications include matters to be addressed as part of future development and, therefore, represent further environmental assessment requirements within the meaning of section 75P(1).

The section 75O(2) modifications to the Concept Plan approval that involve further environmental assessment requirements are listed and justified in Table 1 below.

TABLE 1

Section 75O(2) modification to Concept Plan approval	Reason it represents a further environmental assessment requirement pursuant to section 75P
A1(d)	Requires that covenants be placed on the land once subdivided identifying the maximum GFA attributable to the land parcel.
A1(e)	Identifies that future applications must demonstrate satisfying the approval requirements, the design excellence provisions, and environmental considerations before achieving the maximum GFA allowed for the CUB Site and each development block.
A2	Requires the submission of certain documentation to confirm the amount of GFA consumed by a future building on site with further applications.
A3	Requires a design excellence competition to be held for future development on large sites, tall buildings, each block, and critical development within the CUB Site with further applications.
A7(5)	Requires with further applications on Blocks 1, 5 and 9 that upper level setbacks to these blocks be subject to heads of consideration through the design excellence process.
A10	Requires with further applications for the 5,000 sq m Park within the CUB Site, the road layout, and building design on Block 8 to show that the design has the capacity to attract residents from the remainder of Chippendale to the 5,000 sq m Park.
A13	Requires that no further application be lodged seeking approval for the

Section 75O(2) modification to Concept Plan approval	Reason it represents a further environmental assessment requirement pursuant to section 75P
	use of a public car park anywhere within the CUB Site.
A14	Requires that future applications demonstrate that they are consistent with the car parking provisions of the City of Sydney LEP 2005.
A15	Requires that certain matters be considered with further applications to ensure that the CUB Site is developed in an orderly manner.
A16	Requires road infrastructure associated with further applications to achieve certain design measures and ensure funding for intersections is provided.
A17	Requires noise, vibration, and electrolysis associated with rail use close to the site to be addressed with further applications and to consult with RailCorp to a suitable level.
A18	Requires further applications to comply with BASIX to the satisfaction of the Department
A19	Requires further applications to demonstrate that SEPP 55 requirements have been met

The proponent's request for a modification to identify the future environmental assessment requirements in the concept plan approval arises because the current reference in the concept plan approval to Part B of Schedule 2 is an error – there is no such Part B.

The erroneous reference to Part B of Schedule 2 in the approval arose because of late formatting changes to the approval document. The proposed modification simply involves clarification of the identification of the future environmental assessment requirements (being requirements found within Part A of Schedule 2 of the approval). It does not involve any change to the substance of the approval.

The Department considers that it is desirable that the current approval of the Concept Plan be clarified with respect to what are the further environmental assessment requirements for development on the CUB Site, so as to put this issue beyond doubt.

It is considered that the proposal, as modified, continues to achieve the same objectives as the approved Concept Plan MP06_0171 and does not alter the overall nature, need or justification of the approved Concept Plan.

7 CONCLUSION

The Department concludes that the proposal to modify the Concept Plan approval to identify further environmental assessment requirements is minor in detail, is made simply to clarify the original intentions in the approval, and will not result in amendments to the overall scale and appearance of the building as approved.

The Department concludes it is appropriate to modify the Concept Plan approval to identify the section 75O(2) modifications listed in Table 1 above as further environmental assessment requirements pursuant to section 75P.

It is recommended that the proposal to modify the concept plan approval be approved.

8 RECOMMENDATION

It is recommended that the Minister for Planning modify the Concept Plan approval in the manner identified at **Tag “A”**.

Endorsed:

Marcus Ray
Director
Legal Services Branch

Michael File
Director
Strategic Assessments

Sam Haddad
Director-General

Approved:

Frank Sartor
Minister for Planning