

MODIFICATION REQUEST:

Modification to Concept Plan

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

Concept Plan MP06_0171 MOD 7

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

January 2013

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*NSW Government
Department of Planning & Infrastructure*

1. BACKGROUND

Fraser's Broadway Pty Ltd (the Proponent) has lodged an application to modify the approved Concept Plan Application MP06_0171, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act). The application seeks to modify the gross floor area (GFA) distribution and land use mix within the Kensington Precinct and Block 11.

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 are shown in **Figure 1**.

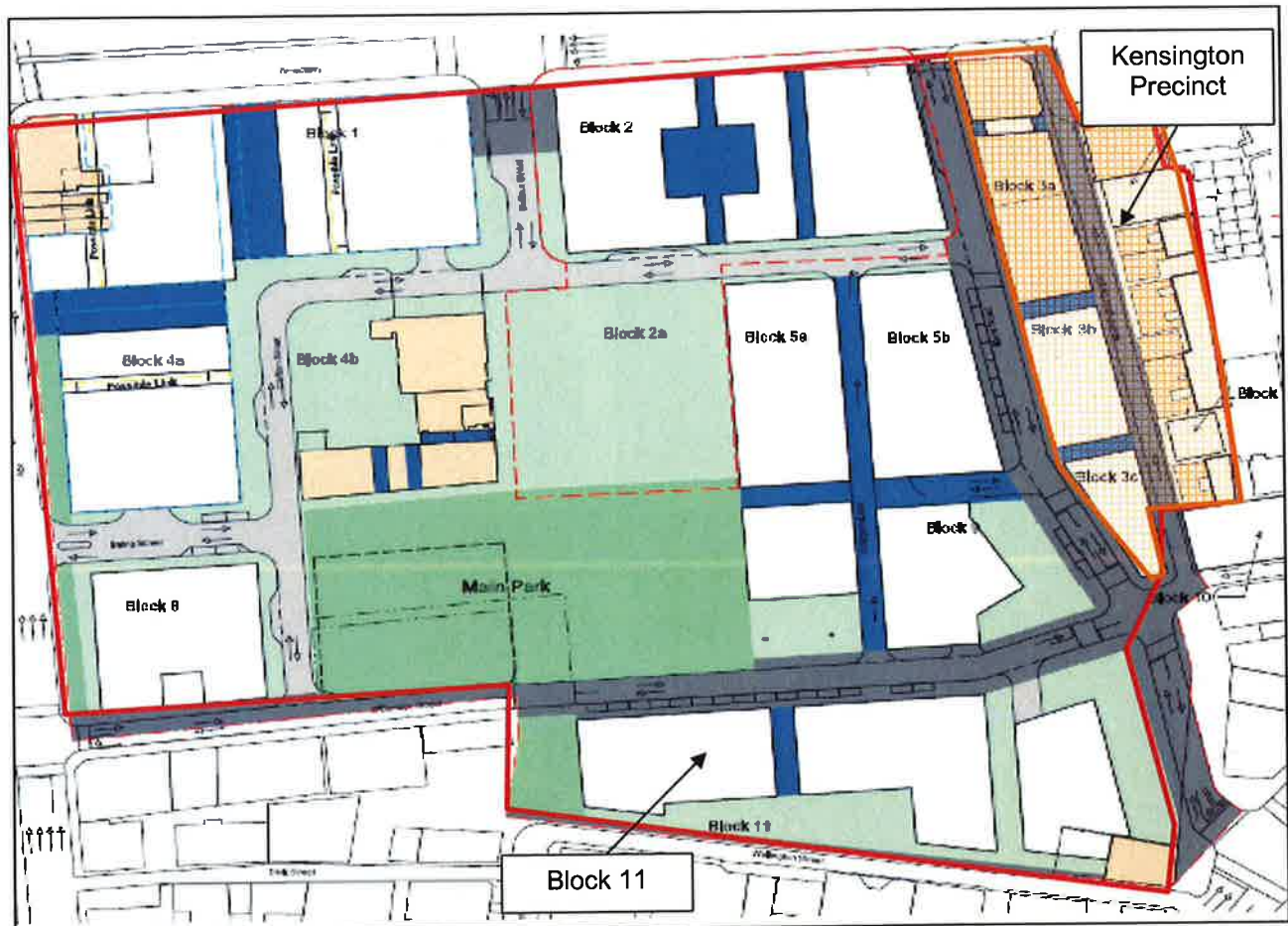


Figure 1: Approved Central Park Site layout

1.2 Concept Plan Application

On 8 February 2007, the then Minister for Planning approved Concept Plan MP06_0171 for the mixed use redevelopment of the former Carlton and United Breweries site for residential, commercial, retail uses and public open space.

1.3 Previous Modifications

On 18 July 2007, the then Minister for Planning approved a Modification Application (MP06_0171 MOD 1), in accordance with Section 75W of the Act. The modification granted approval to correct a typographical error in the consent notice and provide clarification on the future environmental assessment requirements in Part A, Schedule 2 of the Concept Plan.

On 5 February 2009, the then Minister for Planning approved a Modification Application (MP06_0171 MOD 2), in accordance with Section 75W of the Act. The modification granted approval for the following:

- increased site area and GFA;
- revised building envelopes for 11 development blocks;
- reconfiguration of floor plates to development blocks and changes to internal roads;
- revised residential and commercial land use mix splits;
- reduced car parking spaces;
- improved sustainable and energy efficiency measures; and
- modifications to the Voluntary Planning Agreements (VPA's).

On 16 May 2010, the Deputy Director-General, Development Assessment and Systems Performance approved a Modification Application (MP06_0171 MOD 3), in accordance with Section 75W of the Act. The modification granted approval to change the mechanism for executing the VPA from 'prior' to Project Approval to 'within 6 months of any Project Approval being issued for new building works (other than development the subject of Project Application MP09_0042)'.

On 30 August 2011, the Planning Assessment Commission approved a Modification Application (MP06_0171 MOD 4), in accordance with Section 75W of the Act. The modification granted approval to modify Condition A2 which stated "5 years from the date of determination" to read "5 years from the date of determination unless a Project Application for approval to carry out all or part of the project the subject of this Concept Plan Approval has been submitted".

On 31 July 2012, the Deputy Director-General, Development Assessment and Systems Performance approved a Modification Application (MP06_0171 MOD 5), in accordance with Section 75W of the Act. The modification granted approval to modify Future Assessment Requirement B12 'ESD and Sustainable Design'.

On 24 July 2012, the Deputy Director-General, Development Assessment and Systems Performance approved a modification application (MP06_0171 MOD 6), in accordance with Section 75W of the Act. The modification granted approval for the following:

- modify GFA to Blocks 3, 6 and 10;
- correction to description of land to which approval applies; and
- amendments to build envelopes of Blocks 6 & 10.

1.4 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).

2. PROPOSED MODIFICATION

The proposed modification seeks an amendment to the allocation of GFA within the Kensington Precinct and Block 11. The Kensington Precinct is made up of Blocks 3, 6, 7 and 10.

The application does not seek any change to the total amount of GFA approved across the site, nor the overall split of residential and non-residential land use mix on the site.

3. STATUTORY CONTEXT

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 with the 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.

3.4 Delegation

On 14 September 2011, the Minister for Planning and Infrastructure delegated his powers and functions under Section 75W of the Act to the Deputy Director General, Development Assessment and Systems Performance, 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.

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 and Systems Performance, under delegation.

4. CONSULTATION AND SUBMISSIONS

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. CONSIDERATION OF PROPOSED MODIFICATIONS

5.1 Impacts to Approved GFA and Building Envelopes

The proposed modification seeks an amendment to the allocation of GFA within the Central Park site. The proponent has indicated that 600m² of floor space from Blocks 6, 7 and 11 will be reallocated to Block 3. The proposed modification intends to respond to the proposed schemes for both Block 3A (MP09_0089) and Blocks 6 and 7 (MP09_0091) of the Kensington Precinct. The reallocation of floor space within the Central Park site is shown in **Table 1**:

Block	Approved GFA (m ²)	Proposed GFA (m ²)	Difference (m ²)
1 & 4	77,000	77,000	0
2	68,000	68,000	0
3	10,500	11,100	+600
5A	11,000	11,000	0
5B	16,000	16,000	0
6	2,180	2,000	-180
7	1,250	1,100	-150
8	14,500	14,500	0
9	27,000	27,000	0
10	2,070	2,070	0
11	26,000	25,730	-270
Total	255,500	255,500	0

Table 1: Approved and proposed GFA for Central Park site

Source: JBA, 2012

Condition A1 of the approved Concept Plan stipulates a maximum GFA of 255,500m² for the whole Central Park site. **Table 1** illustrates that the proposed redistribution of floor space will not affect the overall GFA of the site. Furthermore, the modifications will not modify the approved building envelopes. Therefore, the proposed modification is consistent with the Concept Plan approval.

5.2 Impacts on residential and non-residential uses

The approved Concept Plan also requires a land use mix comprising a maximum of 70% residential and a minimum of 30% non-residential split within the Central Park site. The proposed modification seeks to decrease the residential floor space by 270m². The redistribution of residential and non-residential uses in the Kensington Precinct is shown in **Table 2** below.

Block	Concept Plan Approved Land Use Mix			Approved Project Applications & Proposed Kensington Street GFA				Status of Project Application
	Residential GFA (m ²)	Non-residential uses GFA (m ²)	Total GFA (m ²)	Residential GFA (m ²)	Non-residential GFA (m ²)	Total GFA (m ²)	Variation to Concept Plan (m ²)	
1 & 4	0	73,000	73,000	0	72,780	72,780	-220	Approved
Brewery Building	0	4,000	4,000	0	4,143	4,143	143	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	6,094	4,991	11,085	585	Proposed
5A & 5B	25,000	2,000	27,000	26,883	1,436	28,319	1,319	Approved
6	1,200	1,350	2,550		1,943	1,943	-607	Proposed
7	0	1,250	1,250		1,028	1,028	-222	Proposed
8	13,500	1,000	14,500			0	-14,500	
9	27,000	0	27,000	26,453	191	26,644	-356	Approved
10	850	850	1,700	1,804	272	2,076	-376	Proposed
11	23,800	2,200	26,000				-25,730	
TOTAL	151,450	104,050	255,500	109,625	106,019	215,644	-40,338	
%	60%	40%	100%	51%	49%	100%		

Table 2: Approved and Proposed Land Use Mix on the Central Park Site

Source: JBA, 2012

Table 2 indicates that the approved development on the Central Park site and the proposed modifications to the approved GFA will result in 51% of the approved floor space (109,625m² of 215,644m²) being allocated to residential uses. The proponent has also indicated that 49% of the approved floor space (106,019m² of 215,644m²) will be dedicated to non-residential uses.

City of Sydney Council raised no objections to the modifications as the redistribution of floor space complies with the required land use mix.

The proposed modifications are considered to be consistent with the Concept Plan approval in relation to the requirements for maximum GFA, building envelopes and the residential/non-residential land use mix. The proposal is considered negligible and will not produce adverse impacts on the built form or the environment.

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 will not affect the required land use mix.

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

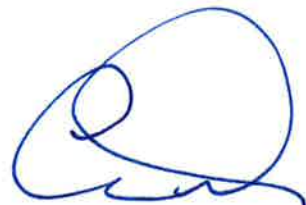
7. RECOMMENDATION

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.

Endorsed by


Karen Jones 18/12/2012
Director
Metropolitan & Regional Projects South

 7. 1. 13
Chris Wilson
Executive Director
Major Projects Assessment

Approved by

 17/1/13
Richard Pearson
Deputy Director General
Development Assessment & Systems Performance

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5654

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5654

APPENDIX C RECOMMENDED MODIFYING INSTRUMENTS
