

***ADDENDUM REPORT FOR MODIFICATION
REQUEST TO CONCEPT APPROVAL AND
STATE SIGNIFICANT DEVELOPMENT
ASSESSMENT REPORT:***

**Concept Approval MOD 9
SSD Application for Block 8**

**Central Park (former Carlton United Breweries
site)**

MP 06_0171 MOD 9 and SSD 6092



**Secretary's
Environmental Assessment Report
Section 89H of the
*Environmental Planning and Assessment Act 1979***

November 2014

Cover Photograph: Artist impression of Block 8 from Abercrombie Street (Source: Applicant's Response to Submissions)

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BACKGROUND

Central Park JV No. 2 (the applicant) seeks development consent for construction of a 13 storey mixed use building (known as Block 8) containing 178 apartments and 135m² of non-residential uses on the ground floor and three levels of basement parking (SSD 6092).

Fraser's Broadway Pty Ltd also seeks to concurrently modify the Central Park Concept Approval (MP06_0171) to allow the redistribution of the gross floor area (GFA) within the site while maintaining the overall GFA of 255,500m², modification of Block 8 and Block 4S building envelopes and amendment to the public domain, publicly accessible areas and proposed driveway access points.

The application has been assessed by the Department. The Secretary's Environmental Assessment Report, dated November 2014 included a comprehensive assessment of the environmental impacts of the SSD proposal and the modification request. The assessment report also considered the issues raised in the nine public submissions and a petition from the Chippendale Residents Interest Group (CRIG). The Department recommended approval of the proposals, subject to conditions.

A copy of the assessment report and recommended conditions of approval were made publicly available on the Department's website on Friday 14 November 2014.

The Department received a further two submissions from the public in response to the recommendation being made publicly available. The submissions were received from the CRIG and a local resident, of which both made submissions during the Department's assessment. The additional submissions from the CRIG and local resident were identical in their content and are provided at **Appendix A**.

This addendum report provides consideration of the abovementioned submissions.

DEPARTMENT'S CONSIDERATION OF ISSUES

Open Space

The submissions raised concerns with the lack of open space available for residents of the building and the reliance on the use of Chippendale Green to justify the limited private open space within the development. The submissions were also concerned about the overall lack of open space in the locality and the use of Chippendale Green for events, which attracts high volumes of visitors to the area to the detriment of usable public open space.

The Department's assessment of the proposal included consideration of the private open space for the development, including individual courtyards/balconies and communal open space against the recommendations for residential developments in the Residential Flat Design Code (RFDC) and the recently exhibited draft Apartment Design Guide (ADG).

The Department concluded that each apartment was provided with adequate private open space in the form of courtyards or balconies which were generally consistent with the objectives of the RFDC/ADG. In addition, the Department also recommended that a condition be imposed on the development consent which requires an increase in rooftop communal open space.

The site is located in a dense urban area at the edge of the CBD and has excellent access to public transport and retail services and facilities including cafes and restaurants all within walking distance of the site. When considering this in combination with the adjacent Chippendale Green the open space provided as part of the proposal is acceptable.

Overshadowing

The submissions raised concern with overshadowing impacts on adjoining properties. The submitters consider that:

- some adjoining buildings were inaccurately identified as commercial (rather than residential) in the Department's previous assessment of the Concept Plan envelopes and therefore the acceptability of impacts on these buildings should be reviewed;
- solar access was a key outcome sought by the expert advisory board for Central Park in 2008; and
- a recent application for a development in Abercrombie Street was refused by the Land and Environment Court, which had bulk and scale and overshadowing impacts.

The Department's assessment reviewed the impact of the modified building envelope on adjoining properties and carefully considered any additional impacts above those which were previously acceptable in the Concept Approval. The Department maintains that this assessment is appropriate, noting that the Concept Approval provides building envelopes which were assessed as being appropriate in terms of height, bulk and amenity impacts.

The Department's assessment concludes that:

- existing shadows on surrounding properties are caused by taller buildings in Central Park;
- additional overshadowing created by the proposal will predominantly fall onto streets and rooftops; and
- surrounding properties will continue to achieve acceptable levels of sunlight and daylight access.

The recommendations of the Frasers Design Integrity Panel in November 2008 included a key recommendation in relation to Block 8 (and Blocks 1 and 4) along Abercrombie Street to ensure compatibility with the scale of buildings in the area. This informed the imposition of a Future Assessment Requirement B1 on the Concept Approval which requires that the future applications consider the resolution of the form and bulk of buildings along Abercrombie Street to ensure compatibility with the scale of buildings in the area and to maintain visual links into and outside the site, particularly heritage items. Although solar access is a key assessment issue in any application, it was not sought specifically by the Panel in its review.

The Department notes that the application in Abercrombie Street referred to in the submissions was refused by Council, and then dismissed by the Court. The reasons cited in the judgement include the proposal's contravention with Council's height of buildings and floor space ratio development standards, primarily on the grounds of heritage impacts. However, the court acknowledged that there are no adverse amenity impacts, including overshadowing as a result of the exceedance of the development standards. In any case this has no relevance to the Department's assessment of the SSD for Block 8.

On this basis the Department concludes that the overshadowing impacts of the proposal are acceptable in the context of the sites location in a dense urban environment at the edge of the CBD.

Apartment mix and design

Submissions raised concerns that the applicant did not address key concerns raised in previous submissions including apartment mix and apartment depth.

The Department's assessment report assessed the proposal against the RFDC and the draft ADG, and included detailed consideration of building depth, solar access and apartment sizes.

In relation to apartment mix and apartment depth the Department notes that:

- a mix of studios, 1, 2 and 3 bedroom apartments are provided, including dual key apartments to provide flexibility in tenancy and housing choice; and

- apartment depths are generally 11 to 14.5 metres, which is acceptable given that the internal layout provides living areas located at the edges of the building and non-habitable rooms located in the central parts of the building.

Determination under Delegation

The submissions raised concern that the petition which was submitted in response to the Response to Submissions was only counted as one submission. The Department notes that the key concern is that residents did not have the opportunity to make further representations to the Planning Assessment Commission at a public meeting:

As outlined in the Department's Assessment Report, the Executive Director, Infrastructure and Industry Assessments may determine the applications under delegation of the Minister for Planning as:

- City of Sydney Council does not object to the applications;
- a political donations disclosure statement was made on a previous application; and
- nine public submissions were received in the nature of objections (including a petition with 63 signatures).

The issues raised in public submissions have been comprehensively addressed in the Department's Assessment report. For the purpose of exercising its delegation the Department has consistently taken the view that a petition constitutes a single submission. Further to this, in the context of the number of people notified (approximately 1,300 neighbouring property owners/occupiers) the Department is of the view that the petition does not contain such a large number of signatures that warrants a higher level of delegation being exercised.

CONCLUSION

The Department has reviewed the comments received from submissions and reiterates the Department's previous assessment provided in the Secretary's Environmental Assessment Report.

The Department concludes that the matters raised have been carefully considered and no additional amendments to the proposed conditions are required.

RECOMMENDATION

It is recommended that the Executive Director, Infrastructure & Industry Assessments, as delegate of the Minister for Planning:

- a) **consider** the findings and recommendations of the Secretary's Environmental Assessment Report;
- b) **consider** the findings and recommendations of this addendum report;
- c) **approve** the modification application (MP 06_0171 MOD 9) under section 75W of the EP&A Act, having considered all relevant matters in accordance with (a) above, and **sign** the attached Instrument of Modification at **Appendix B**; and
- d) **approve** the State Significant Development Application (SSD 6092), under section 89E of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the attached development consent at **Appendix C**.

Endorsed by:



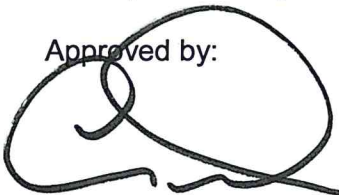
Amy Watson
Team Leader
Metropolitan Projects

Endorsed by:



Ben Lusher
Manager
Key Sites

Approved by:



27.11.14

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

APPENDIX A SUBMISSIONS IN RESPONSE TO REPORT



Images: Courtesy City of Sydney Archives

Chippendale Residents Interest Group

Email: chippendalecommunity@gmail.com

23 November, 2014

The Department of Planning
23 - 33 Bridge Street
SYDNEY NSW 2000

Attention: Mark Brown
Email: mark.brown@planning.nsw.gov.au

Dear Mark

Central Park: Response to Department's Assessment

We appreciate being notified about the draft assessment, and thank you for extending time to responds. In response, we believe the review has erred and warrants further review in terms of open space and overshadowing.

Further, we ask that the department review the process for this particular application to allow each petition (per one individual) to be considered as one submission.

In particular we note that local residents had confidence that their voices would be heard through the "petition", only to learn later that their petition is being treated as one submission – thereby limiting the potential for independent review of the proposal; and making further representations in person.


Many of these residents live in the immediate area near Block 8.

Key concerns are the lack of open space, potential loss of privacy and any increase in overshadowing – particularly as the initial assumptions in terms of property type (residential vs commercial use) was often incorrect, which transpired in the wrong base data and considerations in terms of solar access.

Further given many of these properties already have limited solar access, with living areas often having insufficient solar or daylight access, it makes the case for having sufficient access to both private and public space. In particular, many of these properties only have limited private open space, increasing the reliance on Chippendale Green for public open space.

However, given the projected population for Chippendale (from 4,061 in 2011 to well over 9,000 by 2017) and the significant increase in workers and visitors, while the introduction of Chippendale Green is welcome it does not address the critical lack of open space, which in 2006 was already only 1.36sqm per person – barely 20% of the minimum open space for the City of Sydney.

Block 8 - Central park



Mon 11/24/2014 1:55 PM

To: Mark Brown <Mark.Brown@planning.nsw.gov.au>;

The Department of Planning 23 - 33 Bridge Street SYDNEY NSW 2000

Attention: Mark Brown

Email: mark.brown@planning.nsw.gov.au

Dear Mark

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As such, any reliance for open space by residents of new buildings, such as Block 8 on Chippendale Green should not be permitted to be built without having sufficient private open space in their building – as any reduction increases the reliance on Chippendale Green and effectively reduces the open space for local residents. It also effectively impacts incoming residents both in terms of the open space they have, as well as the incoming population.

**APPENDIX B RECOMMENDED CONCEPT APPROVAL INSTRUMENT
OF MODIFICATION**

APPENDIX C RECOMMENDED DEVELOPMENT CONSENT
