

**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

ABBREVIATIONS

Applicant	Central Park J.V. No. 2
CIV	Capital Investment Value
Consent	This development consent
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
Proponent	Fraser's Property Pty Ltd
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development

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

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EXECUTIVE SUMMARY

This report provides a concurrent assessment of a section 75W modification application to the Central Park Concept Approval (MP 06_0171 MOD 9) and a State Significant Development (SSD) Application (SSD 6092) seeking approval for a mixed use building on Block 8 at Central Park, Chippendale (former Carlton United Breweries site).

Central Park is located in the south-western part of the Sydney CBD within the City of Sydney Local Government Area (LGA).

The applications seek approval for the following:

- modification of the Concept Plan via 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; and
- excavation to provide a 3 level basement and 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 (SSD Application).

The applications were publicly exhibited concurrently for 31 days between Wednesday 5 February 2014 and Friday 7 March 2014. The Department received a total of 16 submissions during the assessment of the proposals, comprising:

- Modification to Concept Plan - three submissions from public authorities and three submissions from the public (including a submission from the Chippendale Residents Interest Group (CRIG) to the exhibition and RtS and a petition with 63 signatures objecting to massing and height of Block 8); and
- SSD Application - four submissions from public authorities and six submissions from the public (including a submission from the CRIG to the exhibition and RtS).

The key issues raised in the public submissions included the impact of the massing and height of Block 8 upon adjoining properties, overshadowing impacts, lack of open space, residential amenity and cumulative construction impacts.

The key assessment issues relate to the proposed amended building envelopes and suitability of the built form, the visual bulk and overshadowing impacts onto adjoining properties, and the residential amenity of Block 8.

The Department is of the view that the proposed built form and massing of Block 8 has acceptable visual and overshadowing impacts on adjoining properties and also provides a suitable transition to the lower scale development surrounding the site as envisaged by the Concept Approval.

The proposed facades are also of a high architectural quality and the proposal will make a positive contribution to the corner of Abercrombie and O'Connor Streets to the south and southwest and Central Park to the east.

Residential amenity to Block 8 is acceptable noting the site constraints and the overshadowing from adjoining buildings on the site. Slots are provided within building facades to maximise natural light and cross ventilation into apartments which is acceptable in this instance given the site's inner city location and excellent access to jobs, transport, open space, services and facilities.

Subject to the recommendations provided in this report and subsequent conditions, the Department recommends that the modification to the Concept Approval and concurrent SSD Application be approved.

1. BACKGROUND

This report provides a concurrent assessment of a section 75W modification application to the Central Park Concept Approval (MP 06_0171 MOD 9) and a State Significant Development (SSD) Application (SSD 6092) seeking approval for a mixed use building on Block 8 at Central Park, Chippendale (former Carlton United Breweries site).

In particular, the proposals seek approval for:

- modification of the Concept Plan via 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; and
- excavation to provide a 3 level basement and 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 (SSD Application).

1.1. Site Description

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 (**Figure 1**).

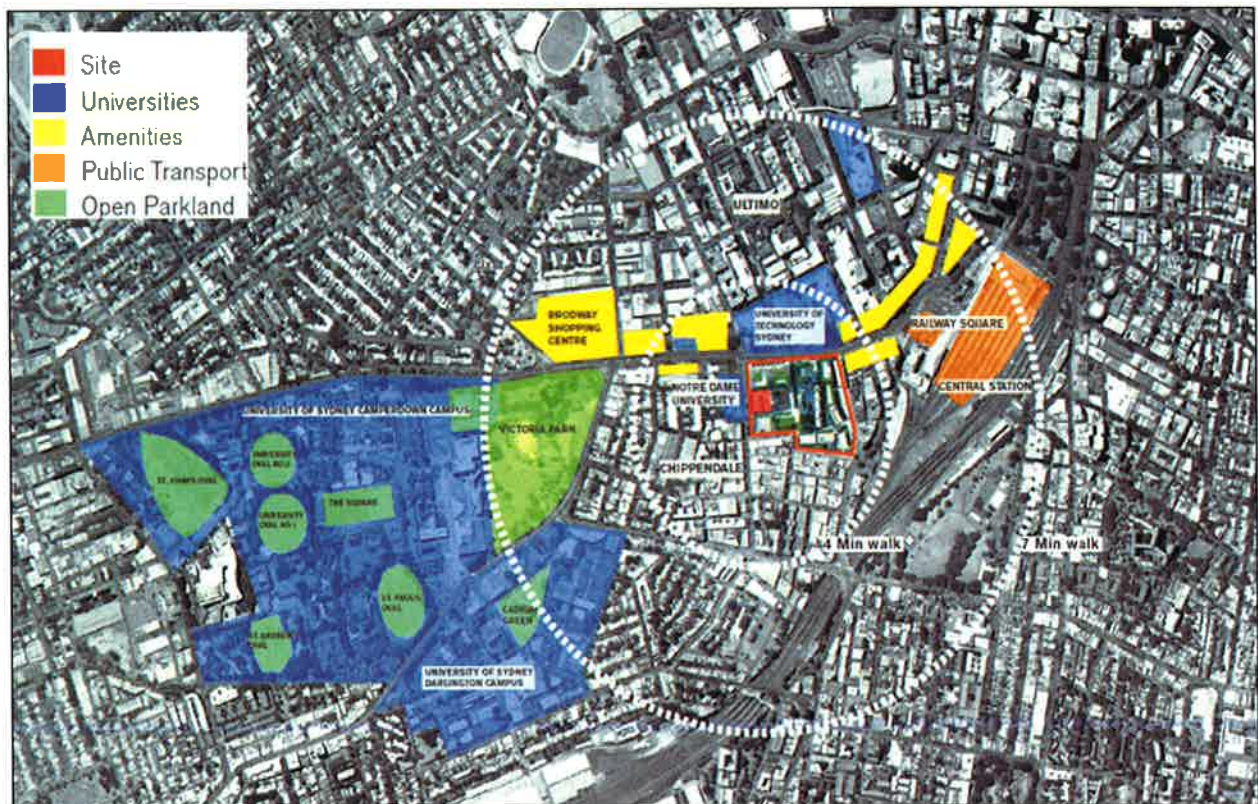


Figure 1: Central Park Location

The Central Park site boundary and the location of Block 8 are illustrated in **Figure 2**.

Block 8 has a site area of 2,437m² and is located on the south-western corner of the Central Park site and is bounded by Block 4S to the north, Central Park Avenue and the former Carlton Brewery building to the east, O'Connor Street to the south and Abercrombie Street to the west. The site is currently vacant and used as a construction staging area for Block 4S which is currently under construction.

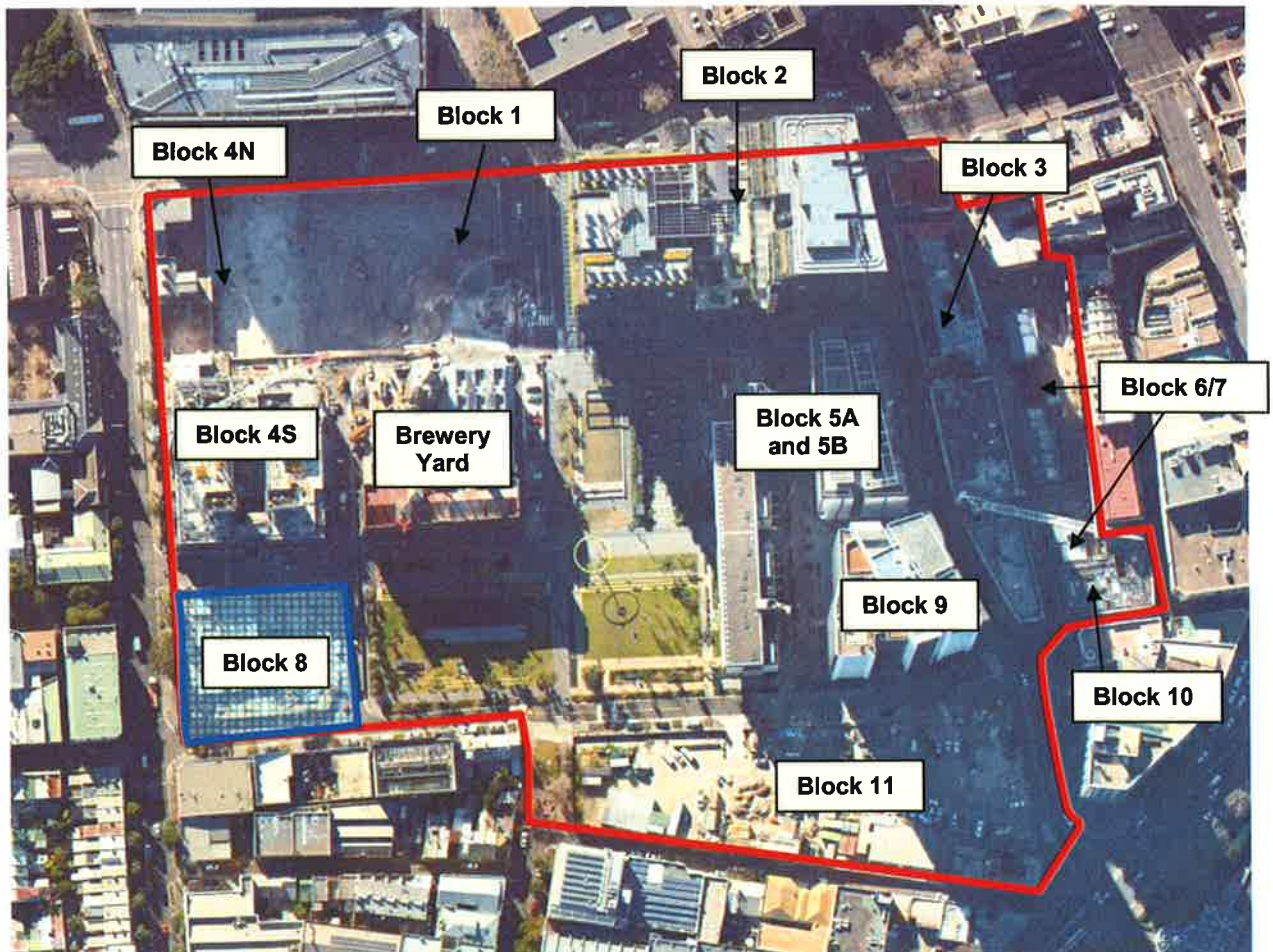


Figure 2: Concept boundary (red line) and location of Block 8 (Source: Nearmap)

1.2. History of Approvals

Concept Plan

On 8 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.

The Concept Approval has been subsequently modified on 8 occasions, with the most recent approval being granted on 23 December 2013 that:

- modified the gross area distribution and land use mix across the site;
- modified the building envelope to delete the connection between Blocks 4N and 4S; and
- modified other components of the public domain, car parking restrictions and revised Statement of Commitments.

Key aspects of the Concept Approval include:

- maximum 255,550m² GFA (including a maximum 195,985m² of residential and minimum 59,515m² of non-residential);
- a new park (6,000m²) and open space areas;
- employment during construction and operational phases of between 600-1200 jobs;
- increased housing supply and mix close to transport, universities and the Sydney CBD;
- a contribution of \$32 million for the provision of affordable housing within the locality; and
- retention of 33 heritage items associated with the former brewery and its adaptive reuse of existing buildings.

Other Related Approvals

The majority of the buildings across the Central Park site, associated with the former brewery use have been demolished in accordance with MP 07_0120, with the exception of the retained brewery buildings and heritage items. 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 a mixed use residential retail building on Blocks 5A and 5B (MP 09_0041);
- construction of a mixed use residential and retail building on Block 2 (MP 09_0078);
- stage 2 infrastructure and civil works (MP 09_0164);
- construction of a residential building on Block 5C (MP 10_0218);
- alterations to and adaptive reuse of Brewery Buildings (MP 10_0217);
- construction of student accommodation buildings on Blocks 3B, 3C and 10 (MP 11_0090);
- construction of commercial buildings on Blocks 4S, 4N and 1 (MP 08_0253);
- additions and adaptive reuse of Clare Hotel and administration building for a hotel (overnight accommodation) (MP 11_0089);
- 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 (MP 11_0091); and
- construction and operation of a student accommodation building on Block 4S (SSD 5700).

Figure 2 illustrates the current works being carried out on the site.

Blocks 2, 5 and 9 are constructed and residents are occupying these buildings. The retail area within Block 2 is also completed and operating. Chippendale Green is completed and is yet to be transferred to the ownership of City of Sydney Council. Construction works are currently being carried out on Block 4S, the basement of Blocks 1 and 4N and Blocks 3, 6, 7 and 10.

The Department is currently considering an application for a mixed use residential development of Block 1 (SSD 6554). Exhibition of the application concluded on 24 October 2014.

2. APPLICATION DESCRIPTION

2.1. Concept Approval Modification Description

The modification request seeks to amend the Concept Approval by modifying the:

- GFA of the individual blocks within the site while maintaining the overall GFA of 255,500m² (refer to **Table 5**);
- distribution of land uses within the development while maintaining a maximum of 195,985m² of residential GFA and minimum of 59,515m² of non-residential GFA;
- building envelopes and decreasing the separation distance between Block 4S and 8; and
- public domain, publicly accessible areas and driveway access points of individual blocks, including Block 1, 8 and 4S.

2.2. SSD Application Description

The SSD application seeks approval of a mixed use building on Block 8 (**Figure 3**) including:

- excavation to provide a 3 level basement area with car parking, bicycle parking, end of trip journey facilities and service infrastructure; and
- construction of a 13 storey mixed use building containing 178 apartments and 135m² of non-residential uses on the ground floor.

The SSD application relies on the approval of the amended Concept Approval as discussed in **Section 2.1**, with regards to modifying the approved building envelope and gross floor area.

Following the public exhibition of the EIS, the applicant provided a RtS (**Appendix A**), which contains further information and clarification on key issues raised by the Department, the public and agencies. The key issues addressed in the RtS report include:

- residential amenity of dual key and other apartments (including cross ventilation improvements, reduction in depths of single aspect units, noise attenuation measures along Abercrombie Street and impacts on apartments from cumulative construction activities);
- wind mitigation measures and reflectivity requirements; and
- integration with adjoining developments, accessibility arrangements and consistency with the ground floor public domain areas surrounding the site.

The key changes from the proposal as exhibited in the EIS include:

- increased GFA from 14,303m² to 14,875 m² (additional 572m²) predominantly as a result of the inclusion of loggia areas on the western façade and at ground level;
- addition of windows, where possible, to lobbies on all levels of the building, except level 12;
- reduction in the depth of single aspect apartments on average to 10 metres and reduction in the depth of south facing single aspect apartments on average from 14.5 to 14 metres;
- amending the basement car parking, motor bike parking and bicycle parking spaces;
- provision of potential outdoor seating for use by retail tenancies on the ground floor;
- redesign of the palisade fence and interface between the public / private domain; and
- clarification that child care centre spaces previously intended for Block 8 are now to be provided in Blocks 4N and 11.

The proposal has a Capital Investment Value of approximately \$69 million and is expected to generate 50 construction and 15 operational jobs once fully developed.

2.3. Summary Description of the SSD Application

The key components and features of the proposal are provided in **Table 1** below and a photomontage of the proposed building is shown in **Figure 3**.

Table 1: Key components of the SSD Application

Aspect	Description
Development Summary	Construction of a 13 storey mixed use building containing 178 apartments, non-residential uses on the ground floor and 3 levels of basement.
Apartments	178 apartments including: • 43 x studio apartments; • 63 x 1 bed apartments; • 59 x 2 bedroom apartments; and • 13 x 3 bed apartments.
Gross Floor Area	Total GFA of 14,875m ² comprising: • 14,740m² of residential floor space; and • 135m² of non-residential floor area on the ground level.
Maximum Heights	Maximum RL of RL 56.93 (top of plant)
Basement	Three level basement area providing: • 103 car parking spaces, including 28 accessible spaces; • 201 bicycle spaces, including 21 visitor spaces; • 9 motor bike spaces; and • end of trip journey facilities and service infrastructure.
Public Domain/Landscaping	• New paving and landscaping surrounding the building; and • rooftop terrace for access by residents.



Figure 3: View of Block 8 looking southwest from Park (Source: Applicant's RtS)

2.4. Project Need and Justification

NSW 2021

NSW 2021 is the NSW Government's strategic business plan for setting priorities for action and guiding resource allocation. *NSW 2021* is a ten year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

The proposal supports *NSW 2021*, through the provision of new residential accommodation within close proximity of metropolitan Sydney that is supported by access to public transport and services within the locality. The proposal will also assist in achieving targets for housing within the subregional plans.

Draft Metropolitan Strategy for Sydney to 2031

The *Draft Metropolitan Strategy for Sydney to 2031* was released in March 2013 and guides the development of Sydney metropolitan areas to 2031. In terms of the Central Subregion, the plan seeks to provide an additional 138,000 dwellings and 230,000 jobs by 2031.

The proposal is consistent with the objectives of the Draft Strategy as it will contribute toward the provision of dwellings within a central location with access to jobs, services and facilities. In addition, the proposal provides a number of construction jobs.

Draft Sydney City Subregional Strategy

The Central Park site falls within the area defined by the *Draft Sydney City Subregion Strategy*. Housing and employment targets for the subregion have been updated by the draft Metropolitan

Strategy, as identified above. The Sydney City Subregion has a total housing target of 55,000 additional dwellings and 58,000 additional jobs by 2031, within the draft Subregional Strategy. This will be updated now the Metropolitan Plan has been released.

The proposal is considered to be consistent with the aims and objectives of the Draft Subregional Strategy as it contributes towards identified housing targets within the Sydney city centre and increases densities within close proximity to public transport services and employment opportunities.

3. STATUTORY CONTEXT

3.1. State Significant Development

Under clause 2 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*, development with a Capital Investment Value (CIV) in excess of \$10 million located within the Broadway (CUB) site, now known as Central Park, is identified as State Significant Development.

As the proposal is for development with a CIV of \$69 million, within the Broadway (CUB) site, the Minister for Planning is the consent authority.

3.2. Modification of the Minister's Approval (MP 06_0171 MOD 9)

Section 75W of the EP&A Act provides for the modification of a Minister's approval including '*revoking or varying a condition of the approval or imposing an additional condition on the approval*'.

The Minister's approval for a modification is not required if the proposed as modified will be consistent with the existing approval. However, in this instance the proposal seeks to amend the Block 8 building envelope within the Concept Approval, which requires further assessment and therefore approval to modify the Concept Plan is required.

3.3. Environmental Assessment Requirements

Modification to Concept Approval

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of Environmental Assessment Requirements (SEARs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister. No additional requirements were issued with respect to the proposed modifications, as sufficient information was provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original SEARs.

SSD Application

In accordance with section 78A(8A) of the EP&A Act, the Secretary notified the applicant of the Environmental Assessment Requirements for the SSD Application. The Department is satisfied that **Section 1.4** of the EIS adequately addresses compliance with the SEARs to enable the assessment of the application for determination purposes.

3.4. Determination under Delegation

In accordance with the Minister's delegation of 10 November 2014, the Executive Director, Infrastructure and Industry Assessments may determine the applications as:

- the relevant local council has not made an objection;
- 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.

3.5. Permissibility

The site is zoned City Edge by the *Sydney Local Environmental Plan 2005*. The proposed mixed use development containing residential and retail uses is permissible within the zone.

3.6. Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the site:

- *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 No. 65 - Design Quality of Residential Flat Development & accompanying Residential Flat Design Code*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*; and
- *Sydney Local Environmental Plan 2005*.

An assessment of compliance with the relevant EPIs is provided in **Appendix B**. In summary, the Department is satisfied that the application is consistent with the requirements of the EPIs.

3.7. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act and read as follows:

- (a) *to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposal complies with the above objects, particularly (a)(ii) and (vii) as the proposal promotes the orderly and economic use of the site consistent with the Concept Approval and the proposal includes measures to deliver an ecologically sustainable development (**Section 3.6**).

3.8. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*

- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

Precautionary Principle – The proposed residential and retail use of the site will complement the existing development occurring on the Central Park site. The proposal will also not result in any serious or irreversible environmental damage.

Inter-Generational Equity - The applicant has proposed to design the buildings to achieve a 5 Star Green Star rating, which will minimise its energy intake and environmental impacts. The proposal also includes a central heating and cooling system that will be connected to Central Park's central thermal plant providing chilled and hot water for the benefit of future generations.

Biodiversity Principle – The subject site has been extensively developed for some time and was previously fully occupied by built structures and impermeable surfaces. It is considered that there is no threat of serious or irreversible environmental damage as a result of the proposal. The proposed redevelopment of the Central Park site involves new landscaping throughout the site, with particular reference to Chippendale Green that includes a large park for the enjoyment of residents on the site and within the surrounding locality.

Valuation Principle – The Central Park development includes the provision of a Central Thermal Plant and Blackwater Recycling Plant. Rainwater harvesting will also occur reducing environmental impacts and energy / utility costs to residents.

3.9. Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75X(2)(f) of the EP&A Act, the Secretary is required to make a modification request publicly available. Under section 89F of the EP&A Act and clause 83 of the EP&A Regulation, the Department must make the EIS of a State Significant Development application publicly available for at least 30 days.

After accepting the applications, the Department:

- publicly exhibited the applications concurrently from Wednesday 5 February 2014 until Friday 7 March 2014 (31 days) on its website, at its Information Centre and at City of Sydney Council;
- advertised the exhibition in the Sydney Morning Herald, Daily Telegraph and Central Courier on 5 February 2014; and
- notified adjoining landholders, relevant State government authorities and City of Sydney Council in writing.

The Department received a total of 16 submissions during the assessment of the proposals, comprising:

- Modification to Concept Plan - three submissions from public authorities and three submissions from the public (including a submission from the Chippendale Residents Interest Group (CRIG) to the exhibition and RtS and a petition with 63 signatures objecting to massing and height of Block 8); and

- SSD Application - four submissions from public authorities and six submissions from the public (including a submission from the CRIG to the exhibition and RtS).

Copies of the submissions may be viewed at **Appendix A**. A summary of the issues raised in the submissions is provided below.

4.2. Public Authority Submissions

A total of 4 submissions were received from public authorities, with the Transport for NSW raising no issues with the proposal.

A further 2 submissions were received in response to the RtS. The issues raised by the public authorities are summarised in the **Table 2** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instrument of consent at **Appendix C**.

Table 2: Summary of public authority submissions

City of Sydney Council <i>Section 75W Modification</i> Council raised the following matters for the Department's consideration: • incremental modifications to the allocation of GFA across the site are not supported where it will result in any change to the approved land use mix (minimum 59,515m² for non-residential and a maximum of 195,985m² for residential uses); • the GFA for Block 8 is to be confirmed (noting an inconsistency in the GFA between this application and the SSD application); and • the proposed amendments to the building envelopes and internal layout results in excessively deep single aspect apartments. Council also advised that it supports the relocation of the vehicular crossing point for Block 1 (from the south-eastern to the south-western portion of the block) as this provides greater separation between the vehicular crossing and the intersection of Central Park Avenue and Chippendale Way. Council raised no objections to the RtS and noted that the overall land use mix for non-residential uses and residential uses is consistent with the Concept Approval. Issues in relation to apartment depths and floor plates were maintained (this is addressed in the concurrent SSD application for Block 8). <i>Block 8 SSD Application</i> Council raised no objections to the proposal, however provided the following comments: • single aspect apartments include excessive unit depths which should be reviewed; • loggia areas should be included in the GFA calculations if they have a balustrade of more than 1.2 metres in height and are more than 75% enclosed above the balustrade height; • layout of apartments should be reviewed to reduce potential noise impacts between apartments; • the palisade fencing should be a maximum of 1.4 metres high and 50% transparent; • increased communal open space should be provided; • additional window openings should be provided to the common corridors to enhance natural light; • landscape treatments should be reviewed to ensure no overhang of the building; • easements should ensure public access and use by pedestrians; and • the submitted Crime Prevention Through Environmental Design report should be updated and provide additional information. Council recommended conditions of consent, should the application be supported. Council raised no objections to the RtS, however maintained or raised additional concerns with: • unit depth of single aspect apartments and impact upon residential amenity; • apartment layouts within the building and noise between apartments, particularly bedrooms being adjacent to open space areas; • increased car parking provided for the building by reducing the number of bicycle spaces; and
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- the amount of communal open space provided.

Roads and Maritime Services (RMS)

Section 75W Modification

RMS raised no objection, as the modifications will not have a significant traffic impact on the classified road network.

Block 8 SSD Application

RMS raised no objection to the proposal provided that all buildings and structures are clear of the Abercrombie Street road reserve. RMS requested that the residential component of the development be designed such that road traffic noise from Abercrombie Street is mitigated by durable materials as required under SEPP (Infrastructure) 2007.

Conditions of consent were recommended to include in any determination.

No objection was raised with the RtS.

Ausgrid

Section 75W Modification

No comments.

Block 8 SSD Application

Ausgrid raised no objections to the proposal and recommended conditions of consent to be applied prior to commencement of works and when works are occurring as part of the approval.

4.3. Public Submissions

Section 75W to Concept Approval

A submission was received from the CRIG objecting to the proposal on the basis of:

- impacts from reallocation of GFA onto Block 8 from Block 1 and Block 4S;
- loss of open space in the slot area of the southern façade to O'Connor Street;
- overshadowing, wind impacts and loss of vistas;
- mass of the O'Connor Street façade;
- insufficient setbacks to Abercrombie Street and communal open space for the site;
- inclusion of loggia areas as GFA due to loggias being closed; and
- solar access to apartments in Block 8.

Following the submission of the RtS documentation, the Department received a submission from the CRIG and a petition of objection with 63 signatures. The submission maintained concerns over the impact of the massing and height of Block 8 upon adjoining properties and also raised issues with the accuracy of overshadowing studies and identification of buildings in terms of residential / non-residential uses.

Block 8 SSD Application

Two public submissions were received during the exhibition of the application, including one from the CRIG. The concerns raised in the submissions are summarised below:

- excessive building mass / scale and incompatibility with existing streetscape;
- loss of sunlight;
- façade design of the Abercrombie Street elevation should be improved;
- objection to the reallocation of GFA from other buildings back onto Block 8 and loggia areas should be included in GFA calculations;
- insufficient communal open space and reliance on 'Chippendale Green';
- amenity for future Block 8 residents;

- use of retail shops and the public domain areas surrounding the building;
- access and parking on the site and accumulative construction impacts;
- conflict between use of materials to address noise attenuation while maintaining commitments to meet ESD requirements; and
- impact upon ESD standards and Green Star Rating.

The Department received 4 submissions from the public in response to the RtS, including one from the CRIG, which raised the following concerns:

- impact of the massing and height of Block 8 as a result of deletion of the slot on the southern side of the building and changes to the building envelope;
- lack of adequate open space for residents;
- solar access to building and overshadowing onto adjoining areas and impact upon amenity;
- inconsistent with objectives of the EP&A Act as the proposal does not provide the effective and orderly use of land, the provision of land for public purposes and a better environment;
- non-compliance of the building with requirements of SEPP 65 – Design Quality of Residential Flat Development;
- impact upon heritage conservation area and built form;
- the proposal should address recent crime problems occurring on Chippendale Green;
- future use of retail spaces on ground floor may impact on adjoining properties; and
- staging of construction works and its cumulative impact with other works occurring in the area including the light rail project.

The Department has considered the issues raised in the submissions during the assessment of the application and given specific consideration to key issues raised in **Section 5** of this report.

4.4. Applicant's Response to Submissions

A response to the key issues raised by the public submissions in response to the exhibition of the modification application and SSD applications was received. The full response to submissions is included at **Appendix A**. The Department is satisfied that the issues raised in submissions have been comprehensively addressed, through the RtS, this report and the recommended conditions of consent.

5. ASSESSMENT

5.1. Section 79C Evaluation

Table 4 identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD, in accordance with section 89H of the EP&A Act. The EIS has been prepared by the applicant to consider these matters and those required to be considered in the SEARs and in accordance with the requirements of section 78(8A) of the EP&A Act and schedule 2 of the Regulation.

Table 4: Section 79C(1) Matters for Consideration

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPI's is provided in Appendix B of this report
(a)(ii) any proposed instrument	Not applicable
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to state significant development. Notwithstanding, consideration of relevant controls has been given in Section 5.4, 5.5 and Appendix B
(a)(iia) any planning agreement	Not applicable

Refer Division 8 of the EP&A Regulation	relating to applications (Part 6 of the Regulations), public participation procedures for State Significant Developments and Schedule 2 of the Regulation relating to environmental impact statements
(a)(v) any coastal zone management plan	Not applicable
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report
(c) the suitability of the site for the development	Suitable as discussed in Sections 3 and 5 of this report
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 4 and 5 of this report
(e) the public interest	Refer to Section 5 of this report
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

5.2. Key Assessment Issues

The Department has considered the objectives of section 79C of the EP&A Act, the EIS, the issues raised in submissions, the RtS to these issues in its assessment of the proposal. The Department considers the key issues associated with the proposal to be:

Concept Approval Modification:

- redistribution of residential and non-residential floor space across development blocks;
- modifications to the approved building envelopes; and
- public domain and access arrangements.

State Significant Development Application:

- consistency with Concept Approval; and
- residential amenity.

Each of these issues is discussed in the following sections of this report. Other matters including access and parking, cumulative construction impacts and child care spaces are discussed in **Section 5.5**.

5.3. Modifications to the Concept Approval

5.3.1. Redistribution of residential and non-residential floor space

Modification A1 of the Concept Approval outlines the distribution of GFA between blocks across the site up to a maximum of 255,500m². Minor variations (of no more than 5%) are permitted to this GFA distribution, subject to the overall GFA on the site not exceeding 255,500m². The Concept Approval also specifies a land use mix of:

- a maximum of 195,985m² residential GFA; and
- a minimum of 59,515m² non-residential GFA.

The modification application seeks to redistribute the GFA on the site (**Table 5**), with a particular reference to Block 8 where the proposal seeks to increase the GFA by approximately 30% (11,300m² to 14,879m²) and other reductions to Blocks 1, 4B, 4S and 11.

Although the modification seeks to amend the residential and non-residential distribution across the site, the Department is satisfied that the approved land use mix can be adhered to. This is outlined in **Appendix C**, which demonstrates the currently approved and proposed GFA (of applications before the Department) across the development, which is still on target to meet the minimum non-residential and maximum residential land use requirements.

Table 5: Comparison between approved and proposed GFA allocation (Source: Proponent's application)

Block	Concept Approval GFA (m ²)	Proposed Concept Approval GFA (m ²)	Difference between Concept Approval and Proposed GFA (m ²)
1	25,702	24,515	-1,187
4N	25,000	25,930	+930
4S #	24,500	22,326	-2,174
4B (Brewery) ##	4,258	3,898	-360
2	67,626	67,626	
3	11,043	11,043	
5	28,316	28,316	
6	2,000	2,000	
7	1,000	1,000	
8*	11,500	14,879	+3,379
9 (known as 5C)	26,598	26,598	
10	1,844	1,844	
11	26,113	25,525	-588
Total	255,500	255,500	0

the reduction in floor space to Block 4S follows an amendment to the envelope to achieve compliance with the 14.5 metre separation requirement between Block 4N and 4S as required by Concept Approval MOD 8 (discussed in **Section 5.2.2**).

the 360m² reduction in floor space to Block 4B follows a review by the proponent that the entire GFA is not commercially viable.

* the area of Block 8 includes loggia areas for apartments on the western façade and ground floor apartments along O'Connor Street and Central Park Avenue.

The Department concludes that the redistribution of GFA is acceptable as:

- the proposal maintains the overall maximum GFA and ability to achieve the mix of residential and non-residential uses consistent with the Concept Approval;
- the GFA amendments, excluding Block 8, are predominantly minor (ranging from 2.2% to 8% amendments) and have inconsequential impacts; and
- the additional GFA to Block 8 (an increase of 29%) has minimal impacts upon adjoining properties (as discussed in more detail in **Section 5.3.2**).

5.3.2. Changes to approved building envelopes

The proposal seeks to modify the approved building envelope of Blocks 8 and 4S. The key issues are:

- visual impacts;
- overshadowing; and
- building separation.

Block 8

Visual impacts

The proposed modifications to the Block 8 envelope include:

- increased height of the overall envelope (excluding the plant room) by 1.65 metres;
- increased height of Abercrombie and O'Connor Street façade by 2.55 metres up to Level 7;
- increased width of between 1.4 to 4 metres when viewed from Abercrombie Street between Level 7 to 11;

- increased width when viewed from O'Connor Street between Level 7 to 11 by a maximum of 18.75 metres (noting that 5 metres of this width are balconies);
- increased separation distance between Blocks 4S and 8 at Levels 8 to 11 by 1.3 metres (19.3 metres); and
- deleting the slot on the southern side of the building.

It is also noted that the proposed height of the plant room is reduced, however it has been shifted to the south. Comparison images are provided in **Figure 4** and **5**.

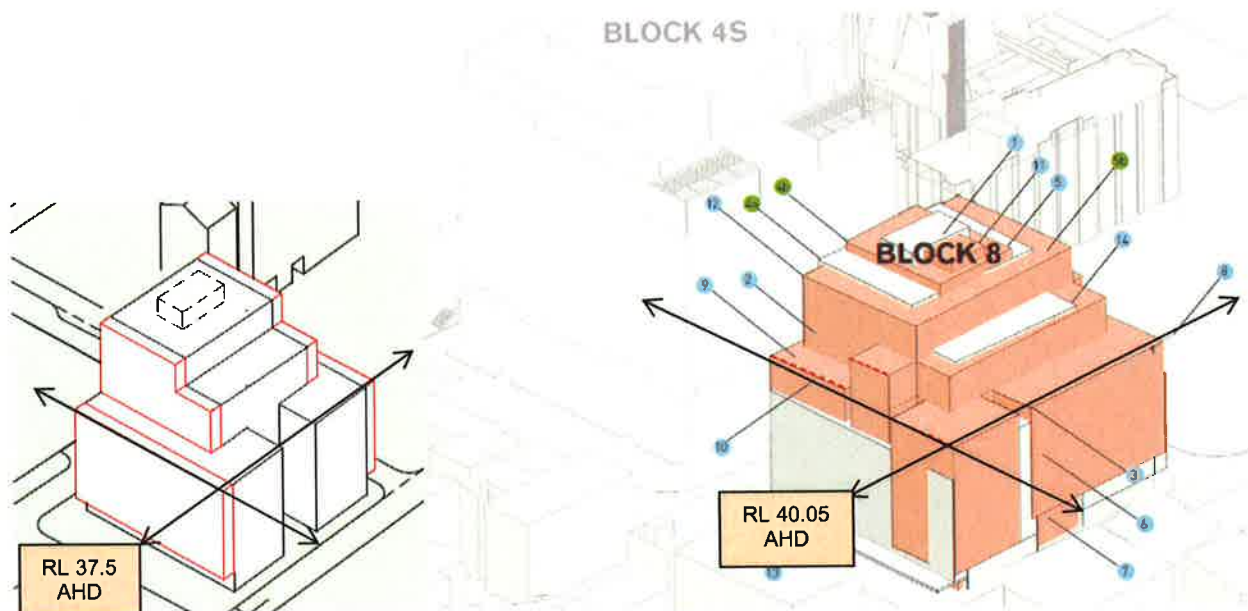


Figure 4: Comparison between Concept Approval and proposed envelope of Block 8 (Source: Applicant's RtS)

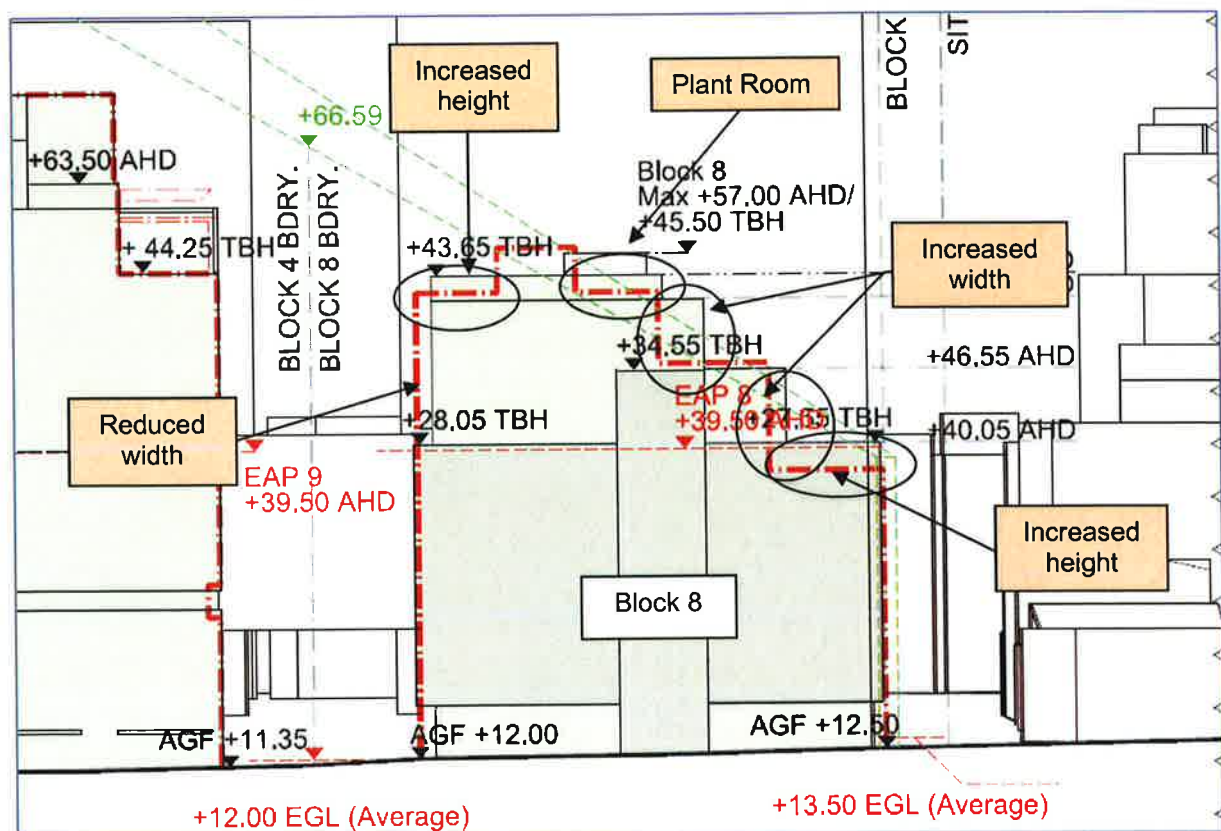


Figure 5: Abercrombie Street elevation looking east comparing amended envelope to Concept Approval envelope dotted red (Source: Proponent's application)

A key concern raised by the Department (and within public submissions) was the additional height and bulk and associated amenity impacts to nearby properties resulting from the modified building envelope when viewed from Abercrombie Street (west) and O'Connor Street (south).

In response to the Department's concerns, the proponent states that the height and scale is generally consistent with the approved envelope and the building steps down in height from the centre to the edges to minimise visual impacts. In this regard, the proponent notes that:

- the building steps down towards the south which lessens the impact at street level and responds to surrounding built form; and
- vistas are maintained into the Main Park and also the retained heritage brewery building.

The Department notes that the approved envelope provides a six storey street wall height to Abercrombie and O'Connor Streets. In addition, it provides a distinct stepping down of building heights from the north to the south and a substantial slot in the southern façade.

The proposal seeks to both increase the height of the Abercrombie Street and O'Connor Street facade by 2.55 metres and delete the large slot in the façade (a reduced slot is provided to the west), as shown in **Figure 4**.

The Department also notes that a portion of the Abercrombie Street façade increases to an additional 6.5 metres above this façade, however the Department considers that this portion of the envelope is acceptable as it provides additional interest to the facade.

The removal of the slot itself is acceptable as it provides clearer definition of public and private spaces and improves the activation of O'Connor Street, compared to the approved envelope and does not result in any adverse visual or amenity impacts.

The Department considers that the scale of the building maintains the transition from Block 4S immediately to the north, by stepping down in height towards O'Connor Street (immediately adjoining to the south is a four storey approved development and other two to three storey buildings) and the varied heights on the Abercrombie Street frontage add visual interest to the roofline. The increase in height of the street edge to Abercrombie and O'Connor Street (notwithstanding the project above the streetwall) provides a consistent reference height to the heritage brewery building and achieves the transition envisaged in the Concept Approval.

The Department concludes that the visual impacts of the modified envelope are acceptable as:

- the changes are relatively minor and the envelope incorporates additional building articulation, particularly along the Abercrombie Street frontage; and
- the built form maintains a stepping down of the building having regard to the higher buildings to the north and lower buildings to the south.

Overshadowing impacts

The proposal results in minor increases in overshadowing to residential properties along Abercrombie, O'Connor and Dick Street compared to the approved Block 8 envelope. Public submissions raised concerns with the additional overshadowing onto residential properties (and subsequent reduction in sunlight across the day).

Abercrombie Street

The proposal results in an increase in shadows to neighbouring properties to the west, particularly the eight terraces between 41-57 Abercrombie Street up to 10.30am during midwinter (June 21).

The proponent's shadow analysis indicates that impacts primarily occur on rooftops (**Figure 6**), and that all properties with frontage to Abercrombie Street will retain their existing solar access from 11:00am (**Figure 7**).

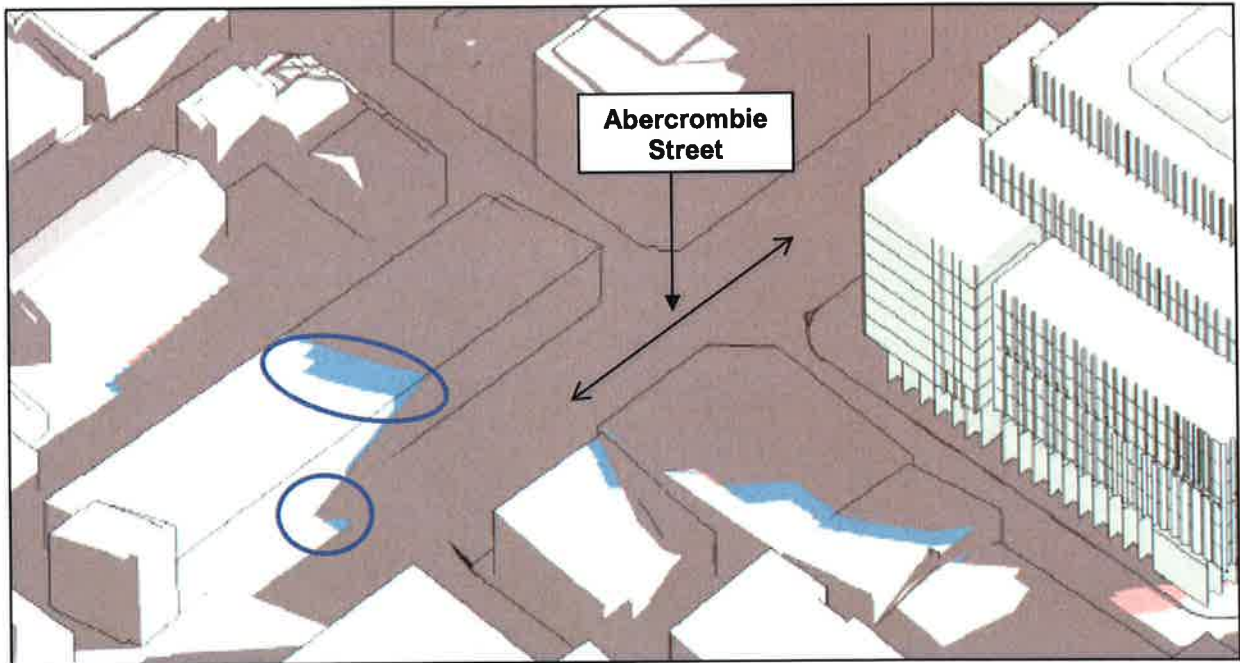


Figure 6: Comparison between approved and proposed overshadowing at 9.30am on June 21 as a result of revised Block 8 envelope (Source: Proponent's RtS)

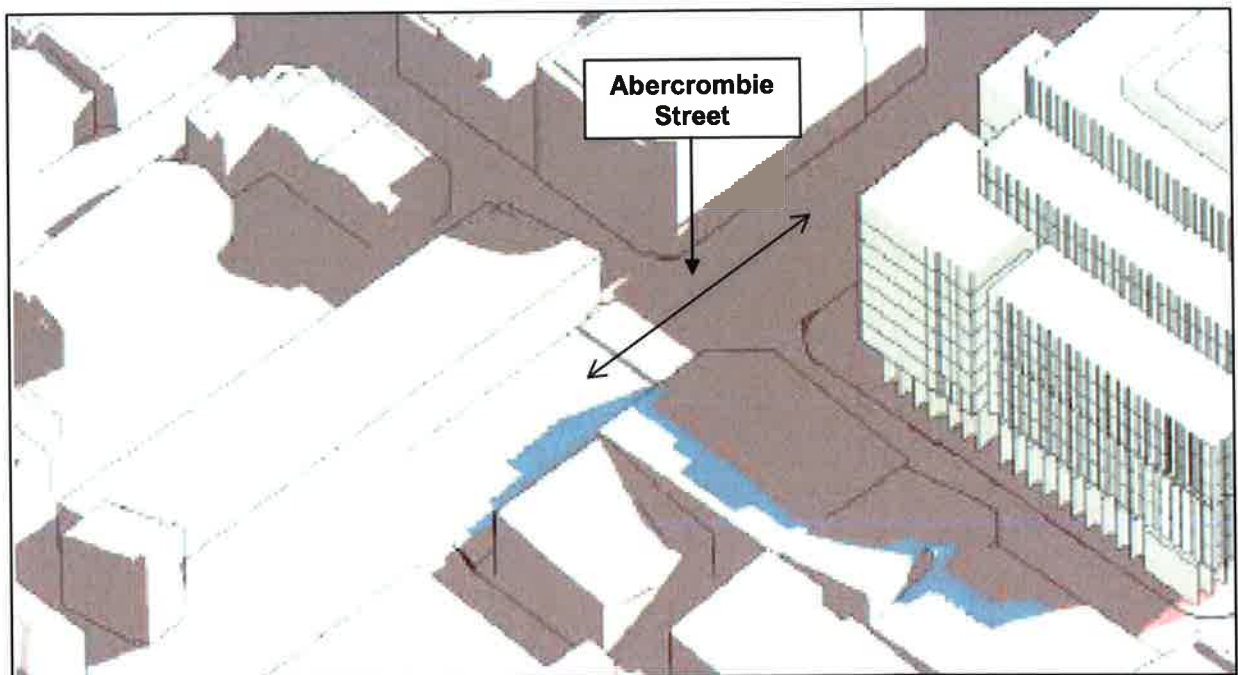


Figure 7: Comparison between approved and proposed overshadowing at 11.00am on June 21 as a result of revised Block 8 envelope (Source: Proponent's RtS)

The Department accepts that the additional overshadowing primarily occurs over rooftops or along the eastern elevation of Abercrombie Street residences.

The eastern facades generally contain recessed windows on the ground level façade and first floor balconies / bedroom windows setback from the street façade. It is noted that a level of self-shadowing is created by the design of the building and recessed design of the windows.

Despite the minor additional impacts before 11.00am, Abercrombie Street terraces will continue to maintain the same level of sunlight access after 11.00am. Noting this and the context of this dense city edge urban environment, the Department concludes that the minor amount of additional overshadowing on Abercrombie Street properties is reasonable.

O'Connor Street

The proposal causes minor additional overshadowing to O'Connor Street properties during mid-winter, between 1.00pm and 2.30pm. The extent of additional overshadowing at 1.30pm is shown in **Figure 8**. The rooftops of buildings also receive additional overshadowing, however this does not impact upon the amenity of these properties.

On this basis, the Department concludes that the overshadowing impact on O'Connor Street properties is acceptable in the context of the site's dense city edge urban location.

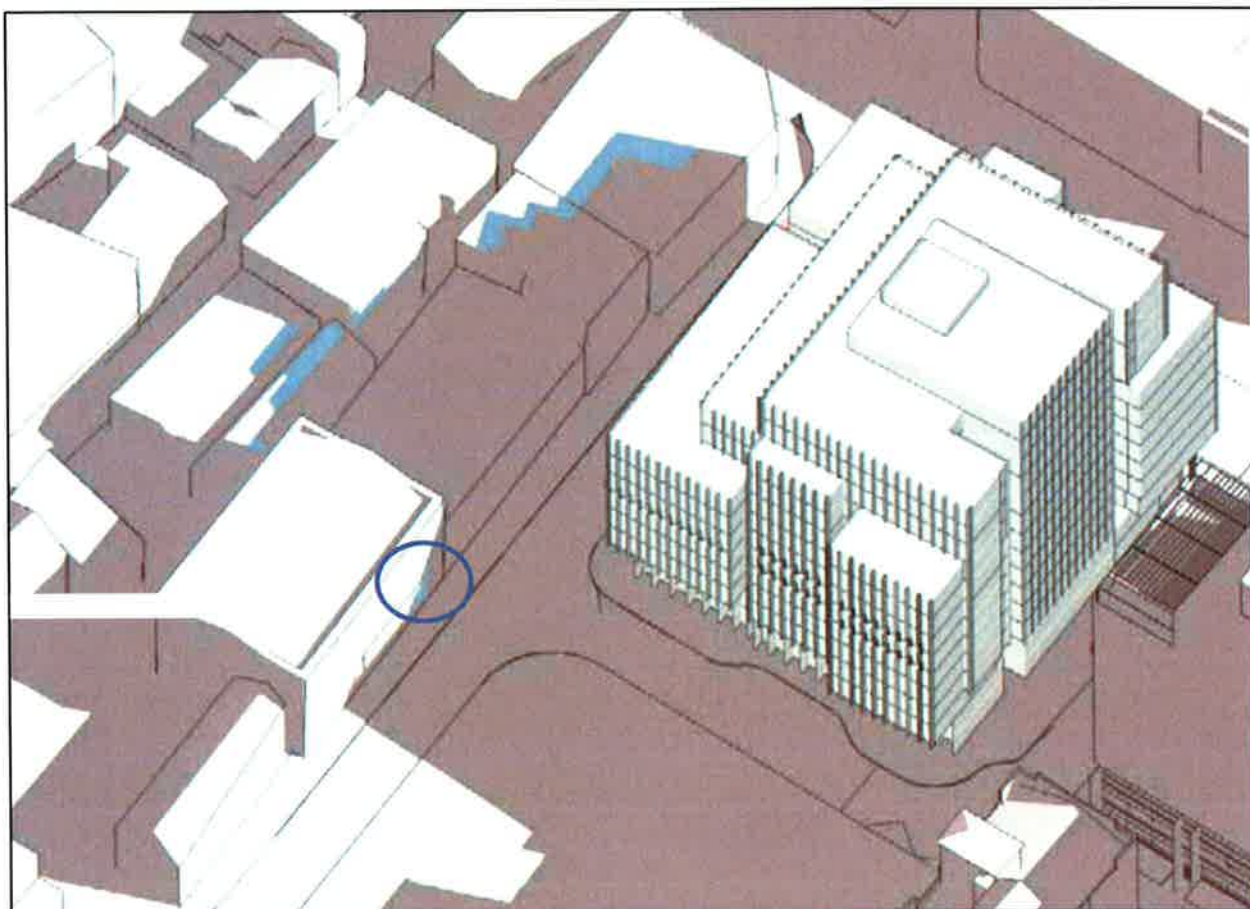


Figure 8: Comparison between approved and proposed overshadowing at 1.30pm on June 21 as a result of revised Block 8 envelope (Source: Proponent's RtS)

Dick Street

The proposal will also result in minor increases in shadowing to properties in Dick Street, which is located to the south of O'Connor Street and includes a mix of warehouse / residential uses. A public submission was received from a property on Dick Street that contains residential uses above ground level with views towards Block 8 (**Figure 9**).

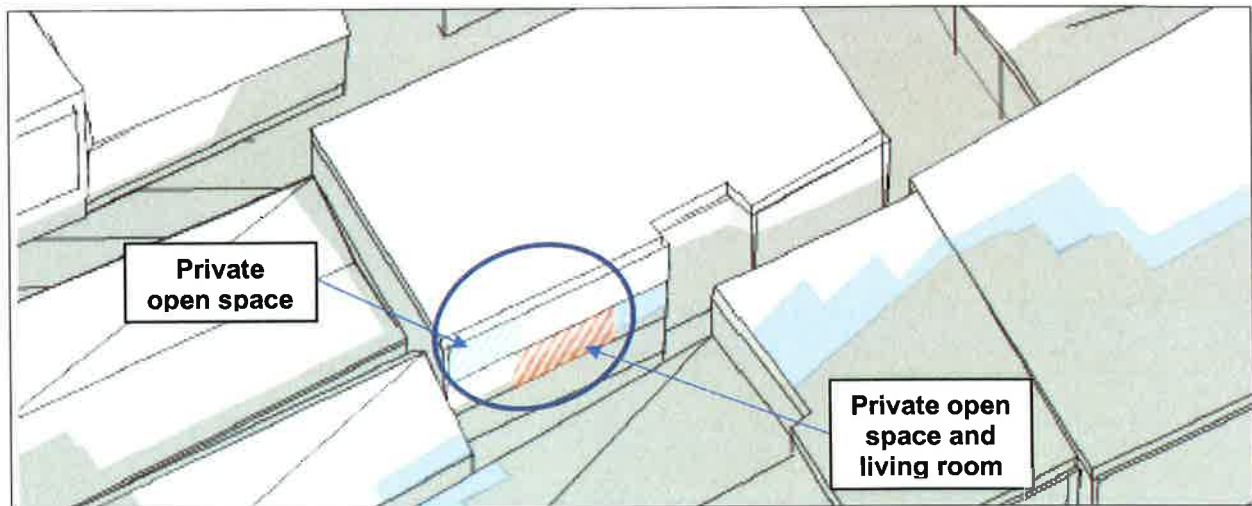


Figure 9: Comparison between approved (grey shadow) and proposed overshadowing (light blue shading) at 12.30pm on June 21 on residential area of Dick Street (Source: Proponent's RtS)

The residential component of the property at Dick Street maintains 3 hours of solar access between the hours of 9.30am and after 12.30pm, mid-winter, which is acceptable noting that this exceeds the City of Sydney Development Control Plan 2012 requirement to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June.

In this regard, the additional overshadowing is not expected to impact upon the amenity of this residential property and is considered satisfactory.

Other buildings located on the Central Park development overshadow onto properties in Dick Street, however this is predominantly from the approved One Central Park building (Block 2) and not from Block 8. The Department concludes that the proposed amendments to Block 8 do not create additional impacts to other residential properties on Dick Street.

Separation between Block 4S and 8

The proposal seeks to reduce the minimum building separation between Block 4S and Block 8 from 18 metres to a minimum of 17.3 metres (**Figure 10**) at Level 1 to 7, which does not meet the Residential Flat Design Code (RFDC) recommended separation distance of 18 metres.

Council raised no concerns with the reduced building separation.

The proponent argues that the amended separation distance achieves the objectives of the RFDC for building separation, with visual, acoustic privacy and daylight access unaffected by the opposing walls being closer to Block 8. In addition, north facing apartments in Block 8 all have balconies of at least 2 metres deep and therefore the weatherproof line and internal area is generally approximately 20 metres from the neighbouring Block 4S building. The units provided in Block 4S are also orientated to the east and west, with only a small window along the southern façade.

Although the building separation does not strictly meet the RFDC recommendation, the variation of 0.7 metres is minor and the northern façade of Block 8 is opposed by either small windows on Block 4S or are offset to the windows in Block 8 (i.e. windows and open space areas are not directly opposite each other), which will provide adequate privacy between units.

The Department concludes that the proposed 0.7 metre reduction in separation distance is therefore acceptable.

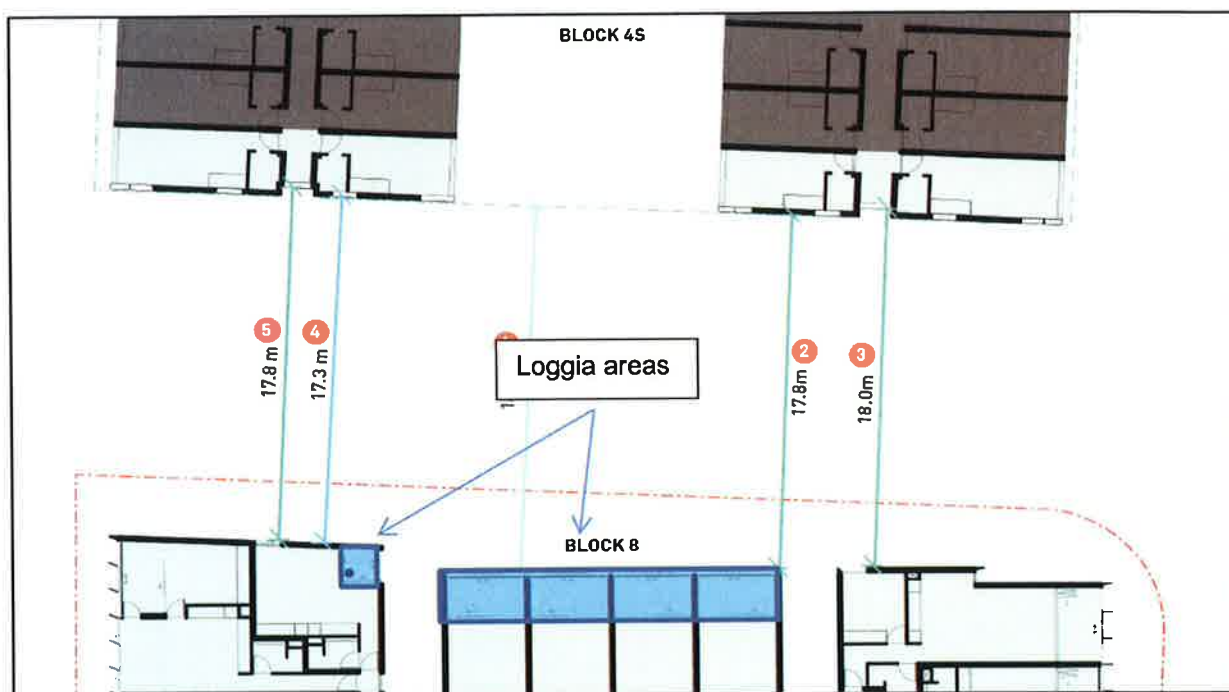


Figure 10: Building separation between Block 4S (top) and Block 8 (bottom) envelope (Source: Proponent's RtS)

Block 4S

The proposal seeks to modify the Block 4S building envelope to:

- satisfy Future Assessment Requirement B1 that requires a 14.5 metre separation between Block 4N and Block 4S, as determined in Concept Plan MOD 8; and
- align with the approved student accommodation development for Block 4S (SSD 5700).

To achieve the 14.5 metre separation between Block 4N and 4S, the proponent has reduced the width of Block 4S by 1.9 metres.

The Department supports the proposed amendments as it ensures consistency with Future Assessment Requirement B1. The amended envelope is also consistent with the approved Block 4S building footprint and is therefore acceptable.

5.3.3. Amendments to public domain and access arrangements

The proponent seeks to amend car park access arrangements for Block 1 and 4S (**Figure 11**) and the public domain and car park access arrangements for Block 8 (**Figure 12**).

In particular, the proposal involves:

- Block 1 – relocation of the car park entrance further west, increasing the distance from Chippendale Way (**Figure 11**);
- Block 4S – deletion of the car parking entrance off Irving Street as access is now provided through the combined basements under Blocks 1 and 4N (**Figure 12**); and
- Block 8 – provision of vehicular access off Irving Street as a result of the deletion of the combined basement between Block 4S and 8. Subsequent relocation and increase in on-street parking to the eastern frontage of Block 8 (**Figure 12**).

Council and RMS raised no concerns with the amendments. Council also acknowledge that the proposal is consistent with RMS requirements for separation distances and maintains acceptable sightlines.

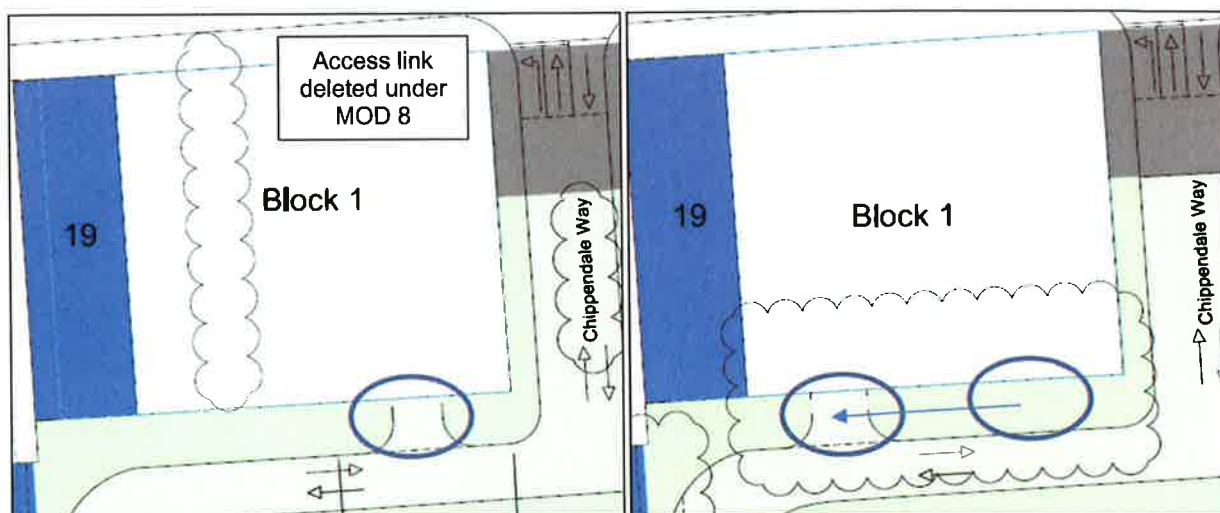


Figure 11: Approved (left) and proposed (right) access arrangements for Block 1 (circled areas are carpark amendments) (Source: Proponent's application)

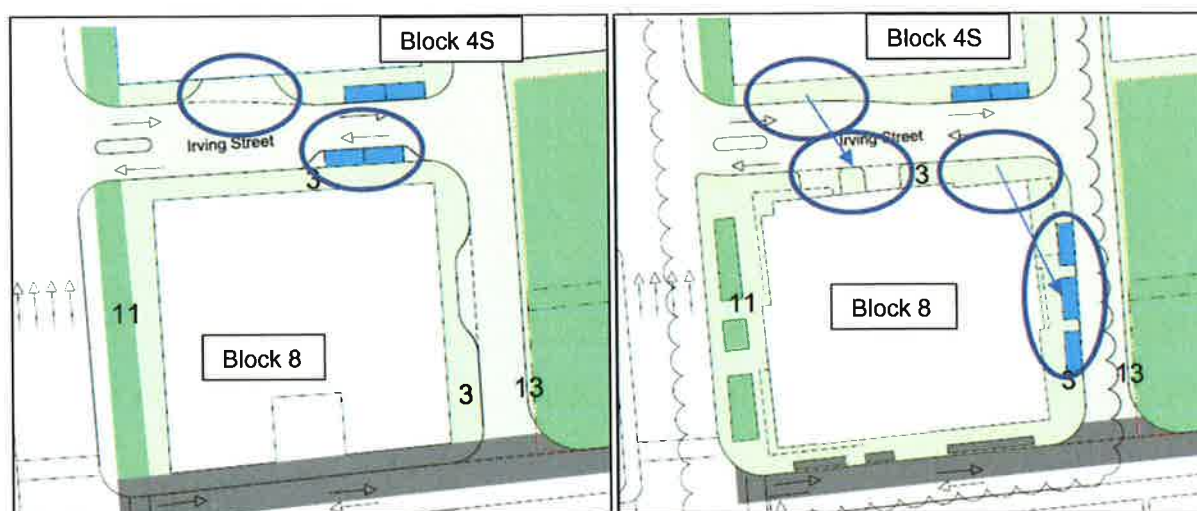


Figure 12: Approved (left) and proposed (right) public domain and access arrangements for Block 4S and 8 with a new access driveway for Block 8 (Source: Proponent's application)

The Department notes the majority of the amendments are a result of new or amended car parking arrangements following the recent approval of the separation of the combined Block 1, 4N and 4S basement from Block 8. The Department supports the concept of the relocation of the access to Block 1 further from the intersection of Chippendale Way. This design will be assessed in detail in the current SSD application on exhibition.

The Department notes that the proposed new access to Block 8 replaces the previous Block 4S entry off Irving Street and is an acceptable location. The incorporation of separate driveways servicing the car parking entry and loading / unloading is also acceptable.

On this basis, the Department supports the proposed amendments as they will maintain safe and efficient vehicular access to the basement car parking.

5.4. State Significant Development Application – Block 8

5.4.1. Consistency with Concept Approval

The Concept Approval (MP 06_0171) for the site sets out a number of requirements and parameters for future applications in developing the former Carlton United Brewery site.

As discussed in **Section 5.3** above, the Department is concurrently considering a modification request to the Concept Approval, with this SSD Application. The modification seeks approval to redistribute GFA on the site, with a particular reference to Block 8 where the proposal seeks to increase the GFA by approximately 30% (11,300m² to 14,879m²), and modify the approved building envelope to facilitate this application.

In this regard, the Department considers it appropriate that the SSD Application be assessed in accordance with the Department's final recommendations for the proposed modification to the Concept Approval.

Building Envelope, Height and Footprint

The proposed amended building envelope, discussed in **Section 5.3.2**, facilitates the SSD Application. The amendments to the Block 8 envelope are considered to be reasonable and result in minimal impacts upon adjoining properties to the south and south-west. In this regard, the overall height and footprint is also supported.

Building Design and Form

Future Assessment Requirement B1 of the Concept Approval requires that the SSD application 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.

The proposal presents as an eight storey street wall height along Abercrombie Street, which steps up to 13 storeys at its centre. The stepped design is reinforced when viewed from Chippendale Green and O'Connor Street. The proposal allows visual links into and outside the site consistent with the Concept Approval.

The clear identification of ground floor retail areas at the pedestrian level and inclusion of articulation on the facades enhances the design of the building.

The Department is satisfied that the building's design acknowledges the surrounding locality and provides an acceptable transition along Abercrombie Street to properties to the south. The street wall height of the building presented along Abercrombie Street and O'Connor Street also provides a height that is compatible with buildings on the site, including the Brewery Building.

Public Domain

The SSD Application seeks to construct the public domain surrounding Block 8, including the provision of new or retained street trees, paving to the kerb and bicycle hoops for visitors cycling to the site (**Figure 13**).

Council raised concerns that the overhang of the building from Level 1 and above would impact on proposed street trees provided within the public domain, particularly those on the corner of Central Park Avenue and Irving Street. Council recommended the deletion of a street tree at this location. The Department recommends Condition B6 to require Council's endorsement of the public domain / landscape plans prior to the relevant Construction Certificate for above ground works. This will enable further consideration of street tree placement in the detailed design.

The Department is of the view that the public domain provides a quality interface for pedestrians, retail visitors and occupiers of the building, is consistent with adjoining areas, and provides through site access without any impediments.

The Department concludes that the public domain treatments are suitable and will complement the existing public domain areas within the Central Park and also provide a transition to areas to the south.

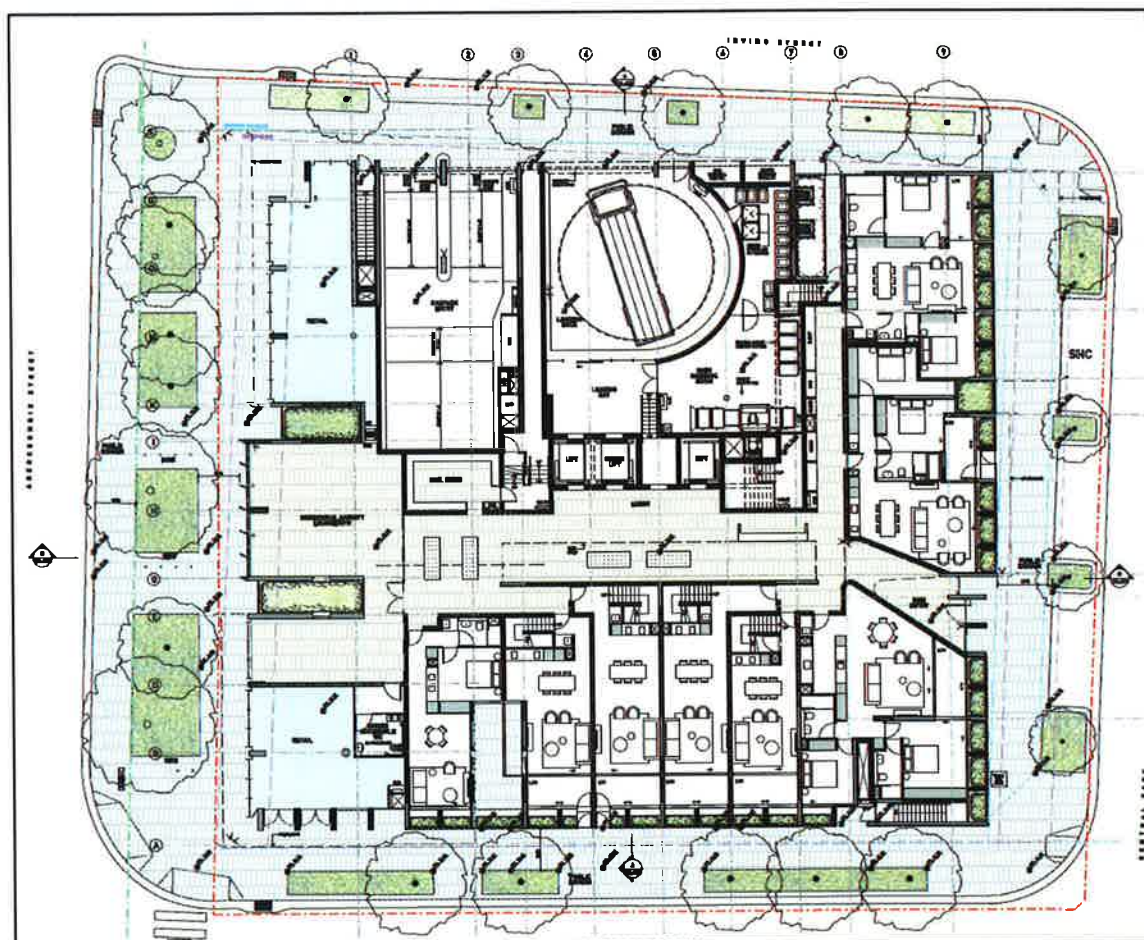


Figure 13: Public domain treatments surrounding Block 8 (Source: Proponent's RtS)

Design Excellence

A design excellence competition was held for Block 8, in accordance with the requirements of the Concept Approval, with Smart Design Studio being the successful architect.

5.4.2. Residential Amenity

The Department's assessment has reviewed the proposal against the aims and objectives of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and accompanying RFDC. The Department has also considered the relevant amenity criteria within the recently exhibited amendment to SEPP 65 and accompanying Draft Apartment Design Code (ADC) which is proposed to replace the RFDC when adopted.

The Department concludes that the proposal provides a high level of residential amenity for future occupants within this inner city location, while noting that the proposal does not strictly satisfy the RFDC / draft ADC guidelines for solar access, building and apartment depth, cross ventilation, apartment sizes and communal open space. These issues are discussed in detail below.

Solar access

Consideration of solar access across the site was a key requirement for the original and subsequent modifications to the Concept Approval. In order to maintain a reasonable level of amenity for occupants of apartments and adjoining residents, higher building heights were positioned along the Broadway frontage to the north of the site while it was acknowledged that some of the buildings in the southern portion of the site, including Block 8, would be constrained in their ability to provide high levels of solar access.

The Department therefore carefully considered the amenity of apartments within Block 8 in the context of the desire to provide increased residential density in a city-edge location, the orientation of the site, shadowing created by the siting of other taller buildings to the north and east, and the ability to maximise solar amenity through design.

The RFDC and draft ADC recommends that at least 70% of apartments in a development should receive a minimum of 2 hours of sunlight between the hours of 9.00am and 3.00pm midwinter (June 21) in areas characterised by high density development such as Central Park. The proposal does not meet this recommendation as only 25.8% of apartments achieve 2 hours of sunlight between the hours of 9.00am and 3.00pm midwinter.

However, noting the constraints, the proponent has measured the solar access against two other guidelines consistent with the approach taken during the assessment of the Concept Plan and subsequent project / development applications:

- Cox-Tzannes method (an alternative method consistent with the assessment of other residential buildings proposed by the applicant for measuring solar access between 7.30am and 4.30pm); and
- *Central Sydney DCP 1996* requirement on 21 March between 9.00am to 3.00pm.

The assessment found that 43.3% of apartments receive 2 hours of solar access between 7.30am and 4.30pm using the Cox-Tzannes Method, while 80.3% of apartments achieve 2 hours solar access between 9.00am and 3.00pm in March as required by Council's Central Sydney DCP. **Table 6** provides a comparison between the different methods to illustrate solar access requirements.

Table 6: Solar access for Block 8

SEPP 65 METHOD (between 9.00am and 3.00pm)	June	June, without south facing apartments
2 Hours	25.8%	28.6%
1.5 Hours	55.6%	61.5%
1 Hour	68%	75%
COX-TZANNES METHOD (between 7.30am and 4.30pm)	June	June, without south facing apartments
2 Hours	43.3%	47.8%
1.5 Hours	64.6%	71.4%
1 Hour	71.3%	79%
CENTRAL SYDNEY DCP 1996 (between 9.00am and 3.00pm)	March	March, without south facing apartments
2 Hours	80.3%	98.6%
1.5 Hours	80.3%	98.6%
1 Hour	84.3%	100%

The Department acknowledges that in this particular location, sunlight access is more difficult to achieve. The limited solar access to Block 8 is as a direct result of the proposal's location to the south of much taller and larger buildings, including Block 4S, the heritage Brewery Yard, Block 2 to the northeast and the heliostat.

The inclusion of 18 south facing apartments (10% of apartments) also contributes to reduced number of apartments achieving a minimum of 2 hours of sunlight.

The Department further notes that whilst the midwinter assessment parameters do not meet the RFDC guidelines, 80.3% of apartments achieve 2 hours solar access between 9.00am and 3.00pm in mid March. This illustrates that the majority of apartments will receive adequate solar access at other times of the year.

In the context of the site's city edge location and orientation, the Department concludes that, on balance, apartments within Block 8 will achieve an acceptable level of sunlight access. The impact of overshadowing from buildings to the north and north-east combined with the restricted building heights does not enable the development to comply with the RFDC / ADC requirement.

In addition, the proposal provides opportunities for views and internal comfort factors such as appropriate unit sizes, increased floor to ceiling heights and open plan living. When combined, the proposal achieves an overall reasonable level of amenity.

Building depth

The RFDC recommends that building depth should be no greater than 18 metres, while the draft ADC recommends that overall building depth does not exceed 12-18 metres. Building depth of up to 18 metres are considered optimal to provide for adequate sunlight access, natural ventilation and to control the bulk and scale of buildings. Should building depths exceed this requirement, satisfactory daylight and natural ventilation are to be achieved.

The proposal provides building depths ranging between 15 (top most level) to 45 metres, depending on the cross-section of the building.

Notwithstanding the building depth, the building incorporates slots and operable windows to maximise daylight and natural ventilation to apartments. Furthermore, living areas adjoin windows and balconies which receive available light. In this regard, it is considered that units will be provided with an acceptable level of residential amenity within this inner city location.

In terms of building design and appropriateness of the building depth, the project is consistent with the desired future character established by the Concept Approval and, will provide an appropriate transition in bulk and scale from Broadway to the lower scale residential development of Chippendale to the South.

Apartment size

The RFDC and draft ADC recommends the following internal and external apartment areas:

Table 7: Proposed apartment sizes and external areas compared to RFDC and ADC

Apartment type	Recommended RFDC Internal area	Recommended ADC Internal area	Proposed
Studio	38.5m ²	35m ²	42-61m ² (Average – 45m ²)
One-bedroom	50-63.4m ²	50m ²	44-98m ² (Average – 59m ²)
Two-bedroom	70-121m ²	70m ²	67-125m ² (Average – 88m ²)
Three-bedroom	95-124m ²	95m ²	91-133m ² (Average – 110m ²)

As shown above, the apartments provided in Block 8 cover a wide range of internal floor areas, some of which do not satisfy the recommendations of the RFDC or the draft ADC. However, the Department notes that the average apartment sizes sit well within the range provided by the RFDC / draft ADC.

On this basis, the variety of apartment sizes are appropriate for the site's inner city location and will improve affordability by providing greater choice.

Single Aspect Apartments

The RFDC recommends that a maximum of 10% of apartments have a single and south facing aspect and that the apartment depth be limited to 8 metres from a window. The draft ADC recommends that single aspect west and south facing apartments are minimised and that a maximum of 15% of apartments have no direct sunlight.

The proposal provides 10% (18 of 178) of apartments that have single aspect towards the south, which is consistent with the RFDC / draft ADC and considered acceptable.

Of the 43 single aspect apartments, apartment depths range between 11 and 14.5 metres, with bedrooms approximately 9.5 metres from a window. Despite the apartments being more than 8 metres in depth, the layout provides living areas on the edge of the building to maximise the opportunity for daylight, while the bathroom, laundry and storage areas are located in the rear.

On this basis, the Department supports the layout of the building as the apartments will be provided with an acceptable level of residential amenity despite apartment depths exceeding 8 metres.

Cross flow ventilation

The RFDC recommends that 60% of units should be naturally cross ventilated, while the ADC recommends that at least 60% of apartments are naturally cross ventilated. The draft ADC also recommends that for buildings nine storeys and over, an appropriately qualified wind consultant confirms that 60% of the apartments achieve cross ventilation.

The applicant indicates that of the 178 apartments, 134 (75.8%) will be capable of being naturally cross ventilated. **Figure 14** illustrates cross ventilation on a typical floor.

The Department raised concerns over the reliance and effectiveness of slots in the building to provide access to cross ventilation into apartments, noting that 62 apartments (46% of the 134 apartments) rely on slots to provide natural cross ventilation.

The applicant considers that the 1.8 metre wide slots provide adequate cross ventilation. The 880mm wide floor to ceiling windows includes approximately 5% operable area to enable circulation of air through the apartment.

The Department notes that large building footprint approved under the Concept Plan provides limited opportunities for dual aspect apartments capable of achieving conventional cross ventilation within openings on alternate facades. The demand for smaller apartment sizes in the city-edge location also results in narrow apartment layout.

Upon review of the additional information provided by the proponent, the Department considers that the slots provide an alternate cross ventilation design which will provide an acceptable level of amenity for single aspect apartments which cannot achieve conventional cross ventilation.



Figure 14: Typical cross flow ventilation (Source: Applicant's RtS)

The Department, however, remains concerned that the internal layout of apartments with a separate bedroom may preclude the cross ventilation benefits of the slot. In order to ensure that the apartments will truly be cross ventilated, the Department recommends that a condition be imposed requiring the submission and approval by the Department of a report from a suitably qualified consultant to certify that the slots and internal layout achieve cross ventilation prior to issue of a Construction Certificate. This is consistent with the draft ADC recommendations.

This may result in a modified design of the apartment or removal of walls / doors in the apartment to assist in the provision of natural cross ventilation.

Storage

The RFDC and draft ADC recommends that accessible storage facilities are to be provided at the rate of 6m³ for studio and one-bedroom apartments, 8m³ for two-bedroom apartments and 10m³ for three plus bedroom apartments (in addition to kitchen cupboards and bedroom wardrobes)

In addition to the storage provided in each unit, which ranges between 3 to 4m³, 50% of the designated storage area is provided within the basement car parking area consistent with the draft ADC recommendations. The applicant has stated that this will enable the storage of bicycles in the basement, if the owners choose, along with storage of other storage items.

The combination of a bicycle / storage areas is consistent with the objectives of the RFDC / draft ADC and is acceptable.

Communal Open Space and Balconies

The RFDC and draft ADC recommends that 25-30% of the site be provided as communal open space (equates to between 609-731m² for Block 8). Where this is unable to be achieved, the RFDC recommends that the proposal provides increased private open space and / or a contribution to public open space. Each apartment at ground level or similar space on a structure (podium) is also to be provided with 25m² of private open space (reduced to a minimum of 16m² in the ADC).

The draft ADC also recommends that where communal open space cannot be provided at ground level, it is located on a podium or roof.

The proposal includes an entry lobby area (capable of holding events and art displays), a lounge / gym area with aspects toward Abercrombie Street and a communal rooftop terrace located on the topmost floor (**Figure 15**) that when combined equates to 326.6m² (13.4% of the site area) for communal open space.



Figure 15: Roof level of Block 8 illustrating the communal rooftop terrace (highlighted)
(Source: Applicant's RtS)

The Department is, however of the opinion that the lobby area should be excluded from the communal open space as it is unlikely to be used for events and is essentially a large lobby area. This reduces the total to approximately 227m² or 9.3% of the site area.

While the overall amount of communal open space is less than recommended, the site is directly adjacent to Chippendale Green, which is a 6,000m² park provided by the applicant that is available for the use of residents, employees and the local community.

In addition, apartments are provided with private open space in accordance with the objectives of the RFDC / draft ADC with an average of 9.5m² and minimum depth of 2 metres. Ground floor apartments along O'Connor Street and Central Park Avenue are provided with private open areas less than the RFDC / draft ADC recommendation, with private open space typically including a loggia area (generally 6m² in size) located adjacent to a private landscaped area (generally 5m² in size). Given the context of the site and the adjoining Chippendale Green, the private open space provided to residents is acceptable.

Notwithstanding the public and private open spaces available to residents, Council requested that additional communal open space be provided on the roof level through a reconfiguration of the layout of the plant rooms, landscaping and a reduction to the private open space of the apartments on Level 12. Public concerns were also raised on the reliance on Chippendale Green as justification for minimal provision of communal open space within residential buildings.

The Department acknowledges that Block 8 forms part of an overall Concept Approval for the site, which includes provision of Chippendale Green for the use of residents of the site and surrounding properties. However, provision of communal open space within buildings should also be maximised to provide a more private area accessible by residents only.

In this regard, the Department is of the view that the area containing the plant and communal terrace area could be modified to increase the terrace area by relocating the plant areas on the rooftop (shaded blue on **Figure 15**).

The applicant has advised that with modifications to the rooftop plant area, an additional 37.1m² of communal open space could be provided. The Department supports the maximisation of this available open space and therefore recommends that Condition B3(a) be included that requires the submission of an amended roof level for consideration prior to the issue of the relevant Construction Certificate. While this increase would still only result in a total communal open space of approximately 264.3m² (or 10.8% of the site area), the proposal when viewed as part of the Central Park site provides sufficient communal open space for residents.

Privacy between apartments

The RFDC and draft ADC recommend measures to maintain privacy between residents, including the locating habitable rooms away from noise sources.

Council raised concerns with potential noise transfers between adjacent apartments and the location of windows and open space areas. In addition, Council raised concern that openings to principle living areas or private open spaces of one apartment are immediately adjacent to quiet habitable spaces of another apartment.

The applicant maintains that in most instances, Block 8 is designed where bedrooms of one apartment are not located adjacent to living areas of another. However, additional measures are proposed to address Council's concerns (**Figure 16**), including:

- kitchen windows being fixed closed (where apartments are already provided with cross ventilation) to prevent transfer of noise to bedrooms in adjoining apartments;
- planter boxes being installed to address potential visual and acoustic privacy concerns; and
- relocating the operable panels to bedrooms away from common walls and balconies.

The Department acknowledges that with the inclusion of the above measures, potential noise transfers between apartments are minimised and residential amenity of apartments are maximised. The measures proposed by the applicant are supported. Condition B3(d) is therefore recommended for amendments to apartments to address privacy concerns.

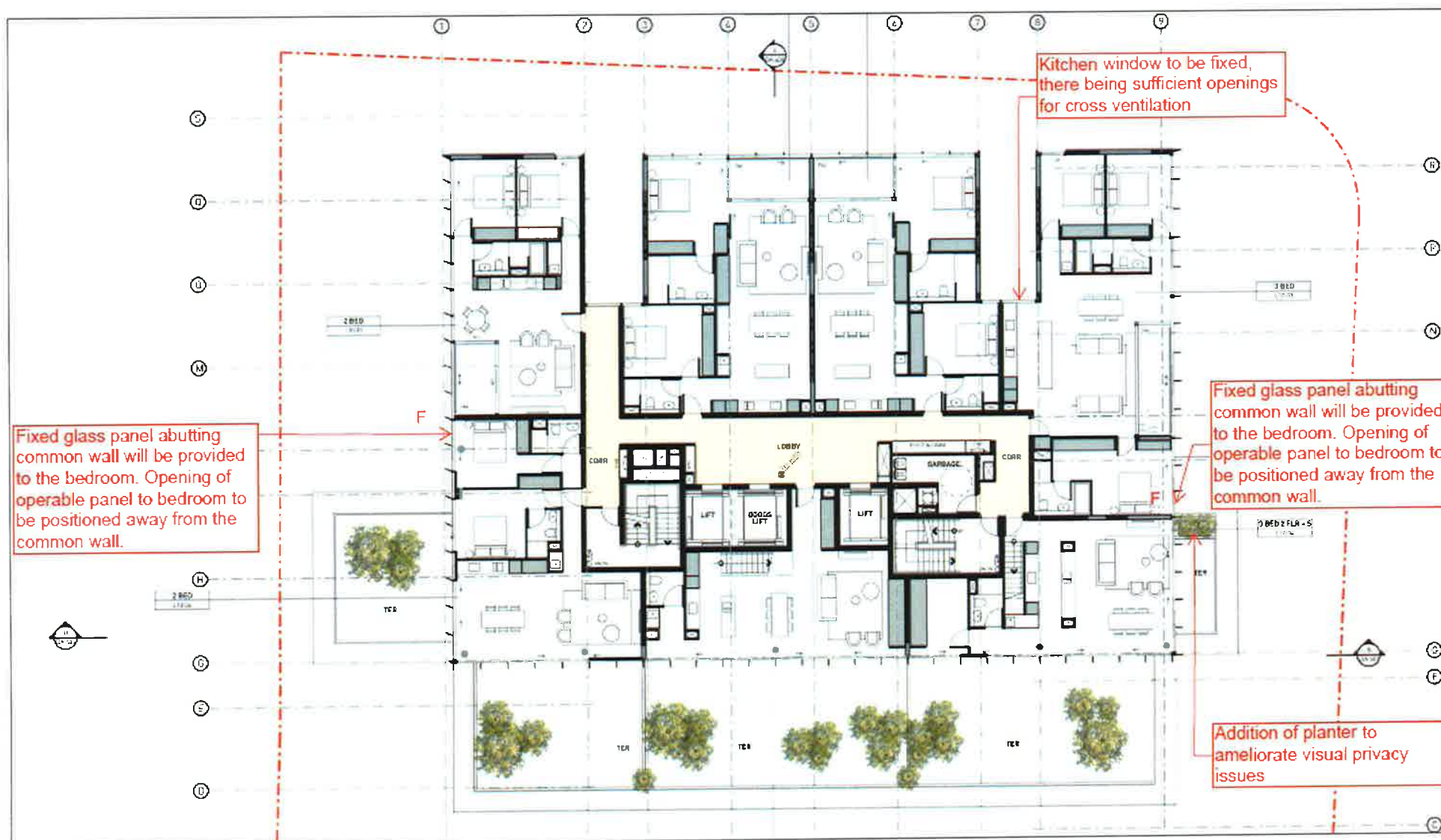


Figure 16 Level 10 plan illustrating proposed measures to improve amenity between apartments (Source: Applicant's Additional Information to Council comments)

Dual Key Apartments

Dual key apartments are designed to provide flexibility for future residents and can function as a single apartment or as two separate apartments with a single entry. The proposal seeks approval for a total of 23 dual key apartments providing a studio and a 1 bedroom apartment. **Figure 17** illustrates two typical dual key apartments.

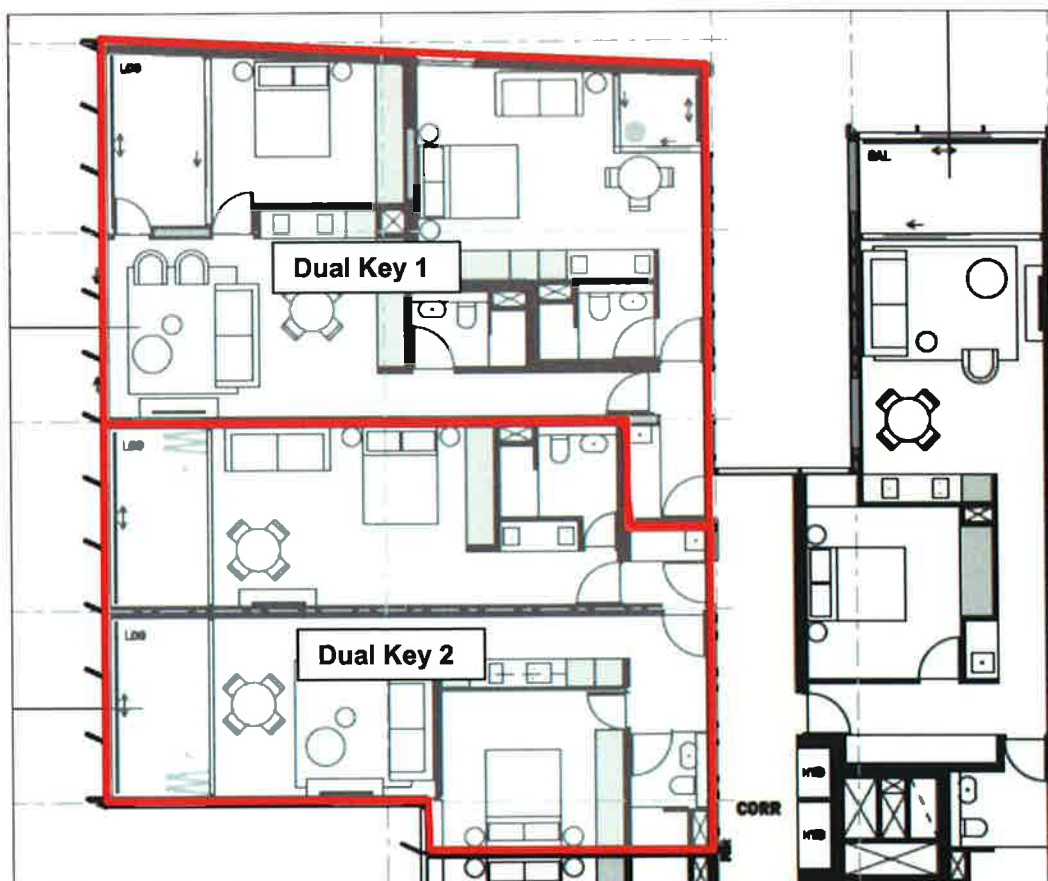


Figure 17: Example of dual key apartments provided in Block 8 (Source: Applicant's RtS)

The RFDC does not address dual key apartments. The draft ADC acknowledges that dual key apartments provide flexibility in tenancy and housing choice however there is no guidance in relation to design or amenity for these types of apartments. The Department has previously assessed in other approvals on the site the suitability of the apartment in terms of residential amenity.

The dual key apartments are located predominantly on the north-eastern and north-western corners of the building, while others are located on the western facades, therefore providing opportunities for solar access and views across Chippendale Green or west across Abercrombie Street. No dual key apartments are provided along the southern façade.

In order to ensure that an adequate level of amenity is provided to each apartment (especially if the apartments are rented or occupied separately), the following criteria is applied consistent with other assessments of dual key apartments on the Central Park site.

Dual key apartments should provide an adequate level of amenity where they:

- are provided with private open space; and / or
- are provided with cross flow ventilation; and / or
- receive more than 2 hours of sunlight access; and / or
- are provided with an outlook.

In the case of the dual key apartments in Block 8, all apartments meet at least one of the above criteria and therefore are provided with an adequate level of amenity.

5.5. Other Issues

Access and Parking

The proposal includes provision of a new car parking entrance off Irving Street to a basement area catering for 103 car parking spaces (includes 28 accessible spaces), nine motor bike spaces and 201 bicycle spaces in the basement and external bicycle hoops (for residents, visitors and the retail tenancies). No visitor car parking is provided. One car-share space is provided within the public domain area along Central Park Avenue immediately adjacent to Block 8, with five other car-share spaces provided within the basement beneath Block 2 and 5.

Car Parking

Public submissions raised concerns in relation to parking arrangements for Block 8 and the provision of accessible spaces within the basement car parking area. Council also raised concerns with the increased car parking provided on the site, which increased from 88 to 103 spaces in the RtS.

The Department considers that 28 accessible spaces are sufficient, based on 27 adaptable apartments within Block 8.

The Concept Approval requires a maximum of 2,000 parking spaces be provided on the site and that all applications demonstrate consistency with the *Sydney LEP 2005*, which sets maximum parking requirements for developments. In this regard, the maximum parking requirement for Block 8 equates to 140 spaces.

The proposed 103 spaces is less than the maximum allocation of 140 spaces and is acceptable having regard to the site's location, close proximity to public transport and noting that the parking provided is within the maximum under *Sydney LEP 2005*.

Bicycle Parking

Sydney Development Control Plan 2012 requires 201 bicycle spaces for the proposal, being:

- one space per dwelling (178 spaces);
- one space per ten dwellings for customer / visitor parking (18 spaces);
- one space per 250m² of retail GFA (1 space required however given two retail premises, it is recommended that a minimum of 2 spaces is provided); and
- two spaces plus 1 space per 100m² over 100m² for customer / visitor spaces for the retail area (3 spaces).

Council raised concerns with the RtS proposal, which reduced the level of bicycle parking from 251 spaces to 201 spaces, on the basis that more bicycle spaces are desirable from a sustainability and environmental perspective.

Resident bicycle parking is provided in the basement parking area (consistent with other approvals on the site), with bicycles stored in allocated storage areas if the owners prefer this arrangement rather than in their apartments.

Visitor bicycle parking is available through on-street bicycle hoops along the Abercrombie Street, O'Connor Street and Carlton Street frontage, which can cater for approximately 38 bicycles. Retail bicycle spaces are not identified on the submitted basement plans, however bicycle spaces were identified adjoining the end-of-trip facilities.

The applicant has indicated that a number of surplus basement storage cages could be consolidated to provide an alternate common bicycle storage area. This common area would suit some of the apartments, particularly those that have limited storage in their apartments.

The Department concludes that the number of bicycle hoops provided on Abercrombie Street and spaces within the basement is sufficient to cater for the proposal. The hoops provided within the public domain areas will cater predominantly for visitors or employees of the building, which is acceptable as this does not require visitors to access basement areas.

Condition B3(b) is recommended to identify retail bicycle spaces on the plans (to be located within close proximity of the 'end of journey' facilities) and an amended basement arrangement plan be provided to clearly identify apartment storage and common bicycle storage areas.

Cumulative Construction Impacts

Public submissions raised concerns in relation to impacts upon the locality as a result of cumulative construction traffic occurring on the site and how the proposal has considered proposed changes to increase traffic on Abercrombie Street. The Department requested the applicant address this issue, and that consideration be given to the location of access and egress of cars and construction vehicles.

The applicant submitted a Construction Traffic Management Plan (CTMP) that indicates construction works for Block 8 and 4S would each take approximately 19 months to complete, with an expected overlap of approximately 11 months. Access for construction vehicles to the site will be provided from Irving Street and O'Connor Street, as well as Abercrombie Street with all loading and unloading occurring within the site.

In terms of vehicle movements, 6 vehicles per hour are expected during construction for both Block 8 and 4S during peak hour (based on a conservative estimate for peaking of activities that would most likely occur in the AM peak between 7:00am and 9:00am), therefore 12 vehicles per hour during any overlap in construction periods. In addition, the applicant states that construction employee parking would be provided between Block 4N and 4S and be accessed by Balfour Street, Central Park Avenue and Broadway.

RMS has recommended conditions to ensure that appropriate plans and mitigation measures are put in place to minimise the disruption to the surrounding road network. Specifically, RMS requires that a CTMP be prepared detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

The Department notes that Block 4S is currently nearing completion and while the applicant expects an 11 month overlap in construction of Block 8, this may be reduced depending on the timing of this application. The identification of a formal construction employee parking area on site would also reduce the impact of employees on the surrounding properties.

The Department concludes that the proposed measures within the CTMP are acceptable.

Child Care Spaces

As part of the Concept Approval, the applicant committed to providing child care on the site in accordance with the *City of Sydney Child Care Centres DCP 2005*. The Child Care Centres DCP requires the provision of child care places at the following rates:

- 6 child care places per 100 households in residential developments; and
- 1 child care place per 1,450m² in commercial developments.

The Concept Approval did not stipulate a total number of child care places to be provided on site, as only overall GFA was approved for the site with the overall number of apartments to be determined subject to apartment sizes and mix. However, based on the potential residential

households and commercial GFA across the Central Park site, approximately 150 to 180 places would be required.

Rather than providing individual childcare centres within each block on the site, the applicant proposed that the spaces be grouped within Blocks 8 and 11 (noting that Block 4N also provided a separate centre for 29 places), consistent with the Child Care Centres DCP which recognises that larger child care centres are more viable and allow impacts to be appropriately mitigated.

The Department supported this approach during the assessment of Project Approvals for Block 2, 5 and 9, either through the proponent's Statement of Commitments or through conditions requiring the child care facilities to be accommodated in Blocks 8 and 11.

The SSD Application for Block 8 does not include a child care centre as previously envisaged in other approvals on the site. Rather the applicant now proposes to provide a 90 place child care centre in Block 4N (increased from previously 29 places) and a further 90 places in Block 11 to cater for all required child care spaces within Central Park.

In accordance with the Child Care Centres DCP, the proposed residential development for 178 apartments and 135m² of retail generates the provision of 11 child care places.

At the time of writing this report, the Department has issued SEARs in respect of the SSD Application for Block 11 which includes a child care centre and a request has been received for SEARs for Block 4N (includes provision of a 90 place child care facility).

However, for completeness, the Department recommends the inclusion of an additional Future Assessment Requirement to the Concept Approval requiring applications for the construction of Block 4N and 11 demonstrate that the centres within these blocks satisfactorily provide the required child care places for the Central Park site.

Condition A8 to the SSD Application is also recommended to require the provision of the 11 child care places resulting from the Block 8 proposal within either Block 4N or 11, with the places to be provided prior to the completion of all development on the Central Park site.

6. CONCLUSION AND RECOMMENDATION

6.1. Conclusion

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and the recommended conditions. The Department considers that the proposal is generally consistent with the Concept Approval for the site and is an appropriate development.

In regards to the modifications to the Concept Approval, the Department concludes that:

- the reallocation of GFA between the blocks is acceptable as the amendments retain the maximum GFA permitted on the site;
- the amendments to the Block 8 and 4S envelopes are generally acceptable and have minimal impacts upon adjoining properties;
- the increases in overshadowing as a result of the changes to the Block 8 building envelope predominantly occur on rooftops of adjoining properties, onto Abercrombie Street, and all residential properties maintain access to a minimum of 2 hours of solar access; and
- the amended access arrangements are acceptable and maintain suitable access to the site.

In relation to the Block 8 SSD Application, the Department considers that:

- the proposal will result in a high quality residential development on a site within close proximity to the Sydney CBD and public transport services;
- the design of the development has responded to the site's locality and provides a reasonable level of amenity to residents that will complement the remaining development occurring on the Central Park site;
- the development provides acceptable amenity in terms of solar access, cross ventilation and open space for future residents noting the constraints on the site; and
- the height, bulk, scale is acceptable and generally consistent to that envisaged within the Concept Approval.

Overall, the Department is satisfied that the amendments to the Concept Approval are acceptable and will maintain a satisfactory level of amenity to neighbouring properties, and that the concurrent SSD Application for Block 8 provides adequate amenity for occupants of the building and minimises its impact upon neighbouring properties.

6.2. Recommendation

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

- a) **consider** the recommendations of this report;
- b) **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 E**; and
- c) **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 E**.

Prepared by: Mark Brown
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Endorsed by:



Amy Watson
Team Leader
Metropolitan Projects

Endorsed by:



Ben Lusher
Manager
Key Sites and Social Projects

Approved by:



27.11.14

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

APPENDIX A RELEVANT SUPPORTING INFORMATION / SUBMISSIONS

The following supporting documents and information to this assessment report can be found on the Department's website at:

Concept Approval MOD 9

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6375

State Significant Development Application – Block 8

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6092

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS/ SEPPS

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

Controls considered as part of the assessment of the proposal are:

- *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 No. 65 - Design Quality of Residential Flat Development & accompanying Residential Flat Design Code;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and*
- *Sydney Local Environmental Plan 2005.*

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 89C (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with consent under Sydney Local Environmental Plan 2005. The site is specified in Schedule 2.	Yes
Schedule 2 State significant development — identified sites (Clause 8 (1)) 2 Development on specified sites Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map:.. (c) Broadway (CUB) Site,	The proposed development is within the identified Broadway (CUB) Site and has a capital investment value of \$69 million.	Yes

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires traffic generating developments to be referred to Roads and Maritime Services (RMS). RMS has provided comments on the proposed development and recommended conditions to be incorporated should the application be approved.

State Environmental Planning Policy No. 55 - Remediation of Land

Remediation of the whole former CUB site was considered and approved as part of MP 07_0163 – Remediation and Transitional Works. The approved remediation works has been carried out. Standard conditions to manage any potential impacts of the development are recommended consistent with other previous developments on the site.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development and accompanying Residential Flat Design Code

SEPP 65 aims to improve the design quality of residential flat development in NSW through the application of a series of 10 design principles, which guide the consideration of a proposed residential flat building to ensure that it achieves an appropriate level of design quality.

A Design Verification Statement has been provided by William Smart Design stating they have designed the proposal having respect to the design quality principles.

An assessment of the Block 8 proposal against the objectives of SEPP 65 and the accompanying RFDC is included below:

Key Principles of SEPP 65	Department Response
Principle 1: Context	The proposal provides a building form that complements the sites inner city location and provides stepped building heights to ensure a transition to adjoining properties. The inner city location lends itself to a higher density development on the site that the proposal provides.
Principle 2: Scale	The scale of the proposal is generally considered to be appropriate when viewed in context of the adjoining Block 4S and the retained brewery building to the north-east. The also provides an appropriate relationship with the adjoining mixed uses to the south that ranges in height from 4 storeys to typically 2 storeys.
Principle 3: Built Form	The proposed built form of the site is generally consistent with the Concept Approval. The majority of the bulk and height of the proposal is located on the northern component of the building, which is offset by the height of the adjoining Block 4S. It is considered that the built form has appropriate regard to this principle.
Principle 4: Density	The Concept Approval determined the maximum permitted floor area to be provided on the Central Park site. The proposed concurrent modification to the Concept Plan increases the gross floor area for Block 8 to facilitate the design under consideration, with the proposal being consistent with these requirements.
Principle 5: Resource, Energy and Water Efficiency	The proposal provides a number of measures in relation to utilising the existing resources, energy and water efficiently. Block 8 is targeting a 5 Star Green Star rating and proposes to utilise rainwater within the building for general use and on the proposed landscaping. BASIX Certificates for the proposal have been received that advice the proposal achieves the recommended targets. The general location and orientation of the building endeavours to maximise sunlight, daylight access and ventilation to reduce reliance on artificial heating and cooling.
Principle 6: Landscape	Landscaping is provided on the ground floor surrounding Block 8 and a communal terrace area provided on the rooftop for use by residents of the building, in addition to their own balconies / loggia areas. Condition B3(a) is recommended to increase the area of communal

	open space than that currently provided.
Principle 7: Amenity	Given the proposal's location in close proximity of Block 4S, and overshadowing by Block 2, the layout of proposal has endeavoured to maximise amenity for future occupants through access to daylight, ventilation, views and outlook, private open space and access to public open space.
Principle 8: Safety and Security	The proposal includes a dedicated residential lobby, ground floor residential apartments along O'Connor Street and retail areas along the Abercrombie Street. This arrangement of passive surveillance opportunities combined with lighting and security provisions is supported.
Principle 9: Social Dimensions and Housing Affordability	The proposal increases the supply, mix and housing choice that are in proximity to public transport, employment opportunities and other retail uses supporting housing affordability. A mix of apartment types is proposed to encourage a diverse social mix within the proposal. The proposal includes two key apartments that are provided to meet the changing needs of families. In addition, 15% of the units are designed to be adaptable and will be provided with an accessible car space within the basement.
Principle 10: Aesthetics	The building comprises materials and design elements that are considered to be of high quality. The building is considered to be appropriately articulated and have regard to the future development on the Central Park site and the locality.

The Residential Flat Design Code (the Code) is closely linked to the principles of SEPP 65. The Code sets out a number of "rules of thumb" which detail prescriptive standards for residential flat development that would ensure the development complies with the intent of the Code.

The SSD for Block 8 has been assessed against the primary development controls contained within the RFDC. Discussion on key requirements is provided in detail in **Section 5.3** of this report.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP - BASIX aims to establish a scheme to encourage sustainable residential development across New South Wales. The current targets of BASIX for Residential Flat Buildings commenced on 1 July 2006. SEPP BASIX requires all new residential dwellings in NSW to meet the specified sustainability targets of a 20% reduction in energy use and 40% reduction in potable water.

BASIX certificates have been submitted for the residential component of the building. The Certificates indicates that Block 8 will satisfactorily meet the BASIX targets. Condition B39 is recommended that the proposal is to be carried out in accordance with the submitted BASIX Certificates or where the recommended conditions require amendments, a copy of the amended BASIX Certificate is to be provided to the Department, along with stamped plans for information.

Other Policies

In accordance with Clause 11 of the State & Regional Development SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment in accordance with the DGRs.

APPENDIX C LAND USE MIX

Block	Concept Plan Approved Land Use Mix (MOD 8)			Approved and Proposed Applications GFA			
	Non-residential uses GFA (m ²)	Residential GFA (m ²)	Total GFA (m ²)	Non-residential GFA (m ²)	Residential GFA (m ²)	Total GFA (m ²)	Variation to Concept Plan (m ²)
1	25,702		25,702	1,153	23,362	24,515 #	-1,187
4N	25,000		25,000	25,930		25,930	+930
4S	1,500	23,000	24,500	962	21,364	22,326	-2,174
Brewery Building	4,258	2,000	4,258	3,898	0	3,898	-360
2	19,235	48,391	67,626	19,235	48,391	67,626	
3A, 3B & 3C	5,088	5,955	11,043	5,000	6,043	11,043	
5A & 5B	1,432	26,884	28,316	1,432	26,884	28,316	
6	2,000		2,000	2,000	0	2,000	
7	1,100	0	1,100	1,000	0	1,000	
8	500	11,000	11,500	135	14,744	14,879 *	3,379
9	0	26,598	26,598		26,598	26,598	
10	300	1,544	1,844	303	1,541	1,844	
11	500	25,613	26,113				-26,113
TOTAL	59,515	195,985	255,500	61,048	168,927	229,975	

Table 2: Concept Approval land use mix compared to approved / proposed applications for Central Park (Source: Proponent's application)

Note: # Block 1 – Proposed GFA in SSD Application under assessment is 24,454m².

Block 4B (Brewery Building) – Approved GFA is 4,257.9m², however applicant advised that entire GFA not commercially viable.

* Block 8 – Proposed GFA in SSD Application under assessment is 14,875m².

Block 11 – Environmental Impact Statement yet to be received.

APPENDIX D COMPLIANCE WITH THE CONCEPT APPROVAL

An assessment of the proposal against the relevant Approval requirements, Modifications and Future Assessment Requirements of the Concept Approval is provided below.

Concept Approval	Department Comment
Approval Requirement	
A1 Operation and Commencement of Approval linked to Planning Agreements <i>The Modified Affordable Housing Planning Agreement between the Redfern-Waterloo Authority and Frasers Broadway Pty Limited entered into on 28 November 2008 in connection with the application for modification of the Concept Plan approval dated 9 February 2007, is to be performed by Frasers Broadway Pty Limited (its successors or assigns) in connection with the carrying out of the project to which the modified Concept Plan approval relates.</i> <i>The planning agreement with the Minister for Planning must be executed within 6 months of the issuing of any Project Approval for works related to new buildings (other than development the subject of Project Application MP 09_0042).</i>	- The VPA between the Redfern-Waterloo Authority and Frasers Broadway has been executed. - The VPA between Frasers Broadway and the Department has been executed.
Modifications	
A3 Design excellence <i>Design excellence shall be in accordance with the design excellence provisions outlined in the Concept Plan Modification documentation prepared by JBA Urban Planning Consultants + TCW Consulting Dated July 2008 (08084).</i> <i>If in the event the design excellence process identified in (1) above is not followed, the Proponent shall hold a design excellence competition for:</i> <i>any development comprising the erection of a building exceeding 55 metres in height,</i> <i>any development of land exceeding 1,500 square metres in area,</i> <i>for each "block" where this is not covered by (a) or (b) above, or</i> <i>building(s) not counted by (a) to (c) where considered critical for the precinct.</i> <i>The design competition brief(s) shall be approved by the Director-General or his delegate.</i> <i>The Director-General shall establish a design review panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:</i> <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> <i>whether the form and external appearance of the building will improve the quality and amenity of the public domain,</i> <i>whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and</i>	A design excellence competition was held for Block 8, with Smart Design Studio being the successful architect, thereby complying with the provision of the Concept Approval.

acoustic privacy, safety and security and resource, energy and water efficiency, (5) The design review panel shall also be utilised for any significant changes to the concept plan and be involved through construction to ensure design integrity is maintained. (6) Approval of future applications may not be granted until such time as the relevant authority has obtained and taken into consideration the advice of the design review panel concerning the design quality of development on the site.	
A4 Site Servicing Emergency and service vehicles must have adequate access to and within the site and into proposed basement car parking areas.	Emergency and service vehicles access the site either through the internal road networks or from Abercrombie or O'Connor Street.
A5 Street Activation (1) The Concept Plan is modified to require that street activation is maximised along the following roads: (a) Broadway, (b) Balfour Street, (c) Carlton, (d) Irving, (e) Kensington, (f) Tooth Avenue adjacent to Block 4 & Block 5 (g) Kent Road, (2) For the purposes of maximising street activation, this shall involve (a) providing access into retail shops directly from the pedestrian footpaths, (b) locating services and fire exits such that they are located predominantly on streets other than those nominated in (1) above to the extent possible in meeting BCA requirements, (c) commercial offices, entry lobbies to commercial offices or residential apartments only where they are not the predominant use along the frontage of a building or buildings contained within each Block facing the nominated street, and (d) minimising the number of driveways and their widths and providing basement car access and servicing, (e) in the case of heritage buildings, providing uses that assist in casual surveillance of the street and positively contribute to the retail character of the nominated street.	The proposal provides ground floor retail and a residential facilities and apartments to activate the street frontages. In particular, the proposal includes: • lounge / gym to activate the street frontage along Abercrombie Street; • access directly from pedestrian footpaths to retail premises. • residential lobby access off Central Park Avenue; and • driveways provided to the basement car parking and loading area off Irving Street.
Future Assessment Requirements	
B1 Urban Design Design issues to be resolved during future project applications on the subject site include: (1) BLOCK 4N & 8 - Detailed resolution of the form and bulk of the buildings along Abercrombie Street (Blocks 4N and 8) shall be determined at future Project Application stages to ensure compatibility with the scale of buildings in the area and to maintain visual links into and outside the site particularly to heritage items. A minimum separation of 14.5 metres is to be provided between Block 4N and 4S.	The compatibility of the building having regard to the surrounding area and other adjoining buildings on the site is discussed in Section 5.3.1.

(2) to (5) – Not applicable to Block 8 (6) Street Sections – Detailed resolution of all street sections shall be determined as part of future project applications. (7) to (9) – Not applicable to Block 8	
B2 Main Park (1) This provision applies to applications involving: (a) the design of Main Park; (b) the design layout for roads; and (c) the design for a building occupying Block 8. (2) The proponent shall demonstrate with the application that: (a) urban design and traffic measures will contribute to attracting residents west of the CUB Site to the Main Park, and (b) the street and open space network will provide opportunities for access by residents south and east of the CUB Site into the Main Park.	The design of the retail uses on the ground floor maximise exposure to pedestrian paths along Abercrombie Street, while the footpaths around Block 8 enable access to the Main Park.
B3 Landscaping Detailed landscape plan(s) are to be submitted with subsequent Project Applications, informed by principles set out in the Amended Landscape Masterplan and Landscape Concept Design Character dated 12 May 2008 prepared by Jeppe Aagaard Anderson + Turf Design Studio.	Landscape plans were submitted with the EIS and includes planting of street trees along footpaths, gardens adjoining loggia areas and on the rooftop communal terrace. Comments received from Council during the exhibition period recommend deletion of trees proposed on the corner of Central Park Avenue / Irving Street due to the overhang of the building. The applicant noted Council's comments. Condition B6 is recommended requiring an amended plan to address Council's comments. Council also requested that the communal rooftop terrace be increased in size. This is discussed in Section 5.3.
B5 Parking Rates The Proponent shall demonstrate with each application that the proposed development provides on-site parking consistent with Part 5, Chapter 2 of Sydney Local Environmental Plan 2005, or car parking for the proposal shall not exceed a maximum of 2000 car parking spaces across the site, whichever is the lesser.	This requirement seeks to limit parking within a highly accessible city area. The basement area of Block 8 includes parking for 103 vehicles and 9 motor bike spaces. The proposed provision complies with the maximum parking requirements under SLEP 2005 and the Concept Approval requirements. This is discussed in Section 5.4.
B7 Car Share Details of future car share arrangements are to be submitted with future project applications, so that car share services are provided to residents.	Six (6) off-street car share parking spaces are proposed. Five (5) are to be located within the basement car parking area beneath Block 2 and 5. It is noted that one car share space is provided on Central Park Avenue.
B9 Infrastructure - Rail Future applications lodged by the Proponent for development on the Subject Site shall: (a) demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for	The application was referred to Transport for NSW who raised no concerns with the Block 8 proposal.

noise and vibration impacts, regardless of whether they are interim or draft; (b) submit an electrolysis risk assessment prepared by a suitably qualified professional that identifies risk to the development from stray currents and measures that will be undertaken to control that risk; (c) demonstrate that they have a Deed with RailCorp, or are in the process of seeking to enter into a Deed with RailCorp, concerning access to the rail corridor for any works, where relevant; and (d) demonstrate that a suitable level of consultation with RailCorp has been undertaken.	
B10 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Future application lodged by the Proponent for development on the subject site shall be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	BASIX Certificates were received as part of the EIS that demonstrates the proposal complies with the requirements of SEPP (BASIX) 2004. Condition B39 is recommended to submit details prior to issue of relevant Construction Certificate.
B11 State Environmental Planning Policy No.55 – Remediation of Land Future applications lodged by the Proponent for development on the subject site shall demonstrate that the provisions of SEPP 55 have been met.	This is discussed in Appendix B of this report.
B12 ESD and Sustainable Design (1) A tri-generation facility and other leading ESD and WSUD measures are required as outlined in the revised Statement of Commitments. Details shall be provided with the Project Applications relating to residential, commercial or retail development. (2) Future Project Applications for multi-unit residential, commercial and retail development (including adaptable re-use of heritage buildings) shall achieve a minimum 'Design' and 'As Built' 5 Star Green Star rating utilising the 'Multi Unit Residential', 'Office' or 'Retail' tools. Where buildings are not eligible for an official Green Star Rating, using the above standard tools, buildings shall be designed in accordance with the principles of a 5 Star Green Star building. Evidence of the project's ineligibility and its consistency with Green Star principles shall be provided with future relevant Project Applications.	The proposed development incorporates ESD initiatives and targets a 5 Star Green star rating for the development. Condition E7 is recommended requiring documentation to be submitted to the Department demonstrating compliance with the Concept Approval requirements, prior to Occupation of the building.
B13 Heritage and Archaeology (1) An Interpretation Plan is to be submitted with the first Project Application for above ground development and is to include original streets within the landscaping of the park to ensure heritage is understood in the overall design. (2) The City Datum line, is to be applied to all buildings across entire site to ensure an appropriate pedestrian / heritage scale is maintained at street level. Details are to be submitted at future project application stages.	N/A While no City Datum Line is provided for Block 8, the Department considers that the design of the building has appropriate regard to the retained heritage items on the site and provides an appropriate transition from the site to properties to the south.

APPENDIX E RECOMMENDED CONDITIONS OF CONSENT
