



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

**Concept Approval MOD 11  
SSD Application for Block 11**

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

**MP 06\_0171 MOD 11 and SSD 6376**



Secretary's Environmental Assessment Report  
Sections 75W and 89H of the *Environmental Planning  
and Assessment Act 1979*

November 2015

## ABBREVIATIONS

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Applicant	Frasers Broadway Pty Ltd
CIV	Capital Investment Value
Concept Plan	Approved Concept Plan for the redevelopment of the site (MP06_0171)
Commission	Planning Assessment Commission
Consent	Development Consent
Department	Department of Planning and Environment
EA	Environmental Assessment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development

Cover Photograph: Visualisation of south eastern corner of Block 11, at the Wellington Street / Regent Street intersection, facing north west (Source: applicant's RtS)

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## EXECUTIVE SUMMARY

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This report provides a concurrent assessment of a section 75W modification application to the Central Park Concept Approval (MP06\_0171 MOD11) and a State Significant Development (SSD) application (SSD 6376) seeking approval for a mixed use building on Block 11 at Central Park, Chippendale (former Carlton United Breweries site). The proposal 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 Block 11 building envelopes, relocation of vehicular access, reduction of on-street car parking, provision of pick-up/drop off car parking spaces and increase of public open space; and
- construction of a part 10 to 13 storey mixed use building providing for residential and retail accommodation and a childcare facility, two level basement car parking, retention and alteration of Castle Connell Hotel, public domain works, signage zones and strata and stratum subdivision.

The applications were publicly exhibited for 54 days between 10 December 2014 and 2 February 2015. The modification application was re-exhibited for 30 days between 16 July 2015 and 14 August 2015 to clarify the reallocation of GFA across the site. The Department received 39 submissions in response to the initial exhibition, comprising six submissions from public authorities (including City of Sydney Council) and 33 submissions from the general public. The key issues raised in the submissions include built form, car parking provision, construction and post construction noise impacts, overshadowing and loss of privacy, design of the public domain/open spaces and wind impacts.

The Department has considered these issues in its assessment, along with consistency with the Concept Approval, design excellence, residential amenity, public domain, wind impacts and bicycle parking provision.

The Department supports the amalgamation and amendment of the Block 11 building envelopes as the revisions provide for a more slender built form and increased setbacks which reduce the overall visual bulk of the building. The increase in building height maintains an appropriate transition to adjoining Blocks within the Central Park precinct and neighbouring properties. The proposed facades are of a high standard of design and present a varied and interesting visual form. The proposal will make a positive contribution to the surrounding townscape and the broader Central Park.

The provision of four short term pick-up/drop off bays for the childcare facility is sufficient for future needs. The Department considers that acceptable access is provided at the O'Connor Street vehicle entry/exit. Further the proposal will provide an acceptable level of amenity for future occupants in terms of solar access, natural ventilation, apartment size and layout, and provision of communal and public open space. The solar access impacts to neighbouring properties will be minor.

The proposal will form an integral part of the renewal of the Central Park precinct and the wider area. The proposal will provide significant public benefit as it will contribute to the completion of Central Park and will provide new residential and retail accommodation, a childcare facility, public domain works, public open spaces and employment opportunities.

The Department concludes that the proposal is in the public interest and recommends that the applications be approved subject to conditions

## TABLE OF CONTENTS

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<b>1.</b>	<b>BACKGROUND.....</b>	<b>3</b>
1.1	Central Park.....	3
1.2	The subject site .....	3
1.3	Approval history.....	4
<b>2.</b>	<b>PROPOSALS .....</b>	<b>5</b>
2.1	Summary descriptions (as exhibited) .....	5
2.2	Response to Submissions .....	6
2.3	Description of proposals.....	6
2.4	Project need and justification .....	9
<b>3.</b>	<b>STATUTORY CONTEXT.....</b>	<b>9</b>
3.1.	Modification of the Minister's Approval (MP06_0171 MOD11) .....	9
3.2.	State significant development .....	10
3.3.	Determination under Delegation.....	10
3.4.	Permissibility.....	10
3.5.	Environmental Planning Instruments .....	10
3.6.	Objects of the EP&A Act .....	10
3.7.	Ecologically Sustainable Development .....	11
3.8.	Secretary's Environmental Assessment Requirements .....	11
<b>4.</b>	<b>CONSULTATION AND SUBMISSIONS .....</b>	<b>12</b>
4.1.	Exhibition .....	12
4.2.	Public Authority Submissions .....	12
4.3.	Public Submissions .....	13
4.4.	Applicant's Response to Submissions .....	13
<b>5.</b>	<b>ASSESSMENT .....</b>	<b>14</b>
5.1.	Key Assessment Issues .....	14
5.2.	Modification to the Concept Approval .....	14
5.3.	State Significant Development Application – Block 11 .....	19
5.4.	Other issues .....	31
<b>6.</b>	<b>CONCLUSION .....</b>	<b>36</b>
<b>7.</b>	<b>RECOMMENDATION .....</b>	<b>37</b>
<b>APPENDIX A</b>	<b>RELEVANT SUPPORTING INFORMATION</b>	
<b>APPENDIX B</b>	<b>CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)</b>	
<b>APPENDIX C</b>	<b>CONSISTENCY WITH THE CONCEPT APPROVAL</b>	
<b>APPENDIX E</b>	<b>RECOMMENDED CONDITIONS OF CONSENT</b>	

# 1. BACKGROUND

This report provides a concurrent assessment of a section 75W modification application to the Central Park Concept Approval (MP06\_0171 MOD 11) and a State Significant Development (SSD) application (SSD 6376) seeking approval for a mixed use building on Block 11 within Central Park, Chippendale.

The proposals seek:

- modifications to the Concept Approval for the Block 11 building envelopes, relocation of vehicular access, reduction of on-street car parking, provision of pick-up/drop off car parking spaces and increase of public open space GFA; and
- SSD consent for construction of a part 10 to 13 storey mixed use building providing for residential and retail accommodation and a childcare facility, two level basement car parking, retention and alteration of Castle Connell Hotel, public domain works, signage zones and strata and stratum subdivision.

## 1.1 Central Park

The Central Park site (previously known as the Carlton & United Breweries Site) is located in the south-western edge of the Sydney CBD (**Figure 1**), within the City of Sydney Local Government Area (LGA). The site has a total area of 5.834 hectares and is broadly bound by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Wellington Street to the south.

The Central Park site comprises a number of high density mixed use and residential buildings, which are occupied and a number of construction sites.

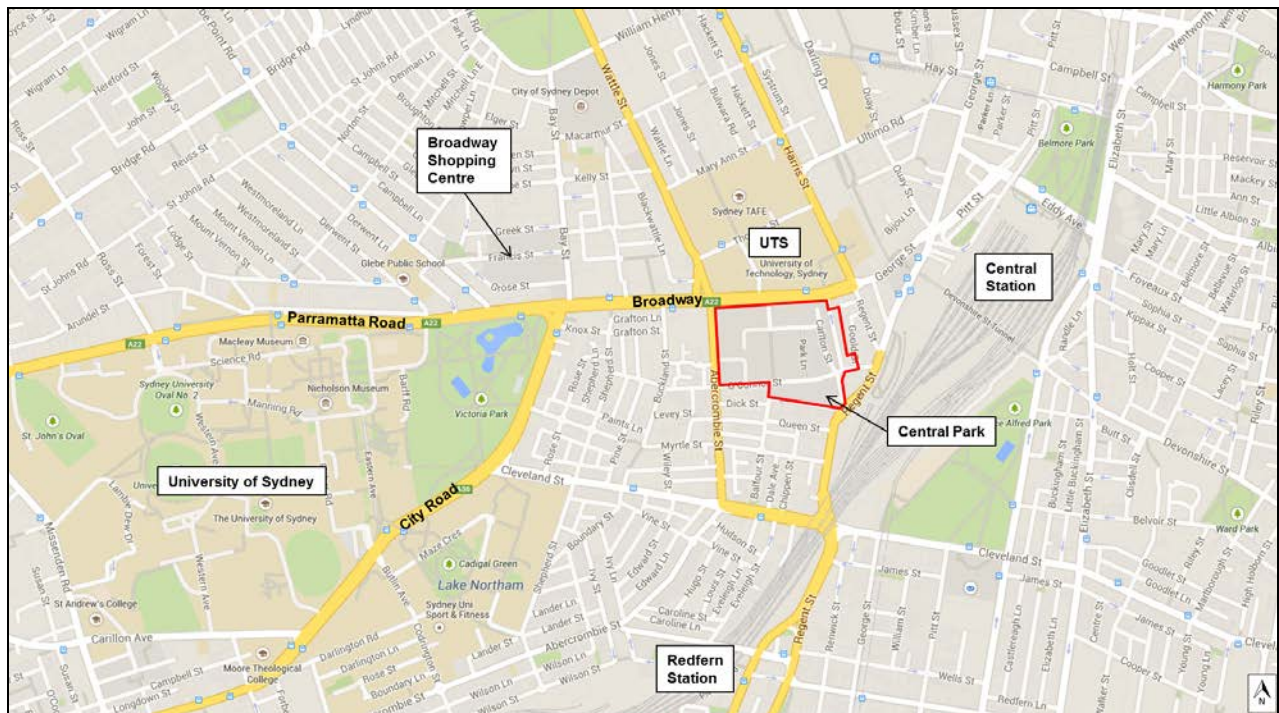


Figure 1: The Concept Approval site location and surrounding context (Base source: Nearmaps)

## 1.2 The subject site

Block 11 has a site area of 7,280m<sup>2</sup> and is located at the south-eastern corner of the Central Park site. The site is bounded by O'Connor Street to the north, Kensington and Regent Streets to the east, Wellington Street to the south and Balfour Park and Balfour Street to the west (refer to **Figure 2**).



The site is vacant except for the Castle Connell Hotel, which is located on the south eastern corner of the site, fronting Kensington and Wellington Streets. The Ovoid Drain, a heritage item of local significance, also crosses the site.

The site is located within an established inner city area, which is comprised of buildings of various uses, ages, heights, architectural styles and lot configurations that provide for diverse streetscapes. The Regent Street Station Mortuary building is located to the east of the site on the opposite side of Regent Street. Residential and commercial buildings are located to the south and west of the site on the opposite side of Wellington and Balfour Street. To the north of the site, within the Central Park precinct, the neighbouring blocks are comprised of high density mixed use residential developments at Block 5a (9 storeys) and 5c (27 storeys) and the Chippendale Green publicly accessible open space.

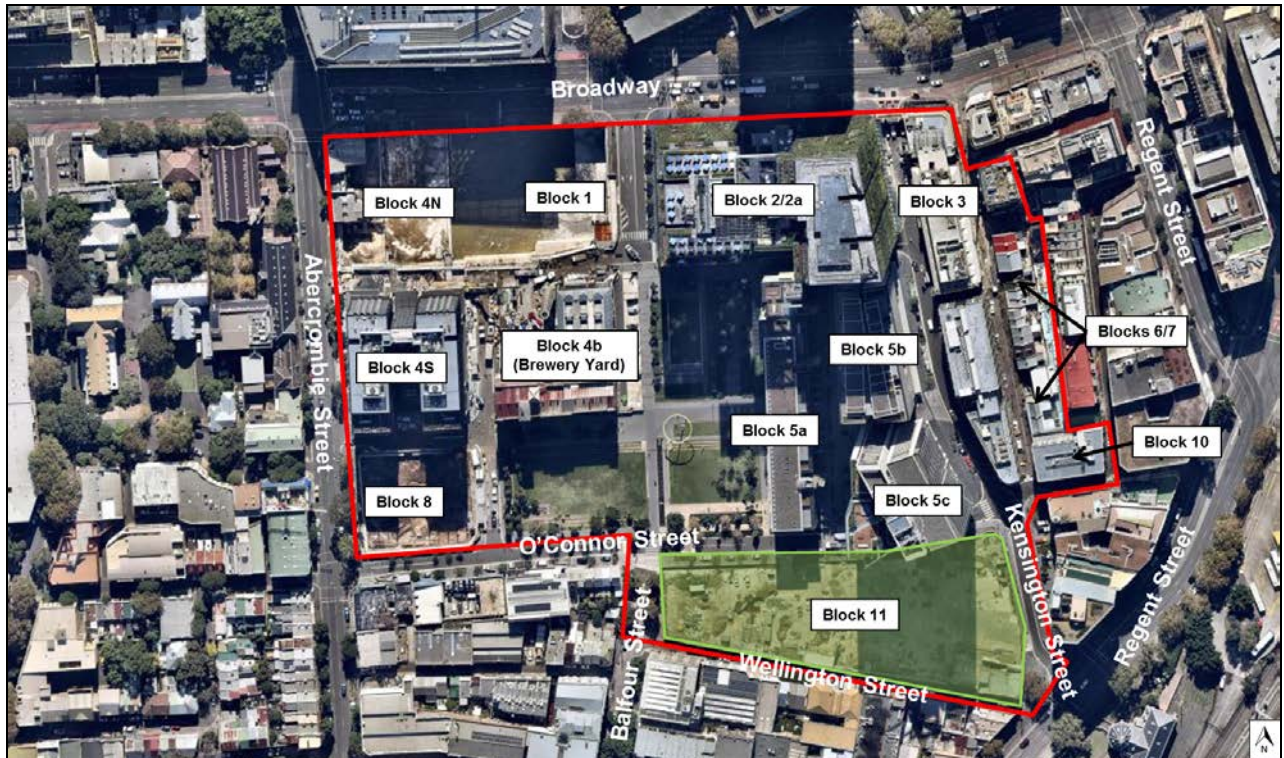


Figure 2: Concept Approval site boundary (outlined in red) and the location of Block 11 (highlighted green) within the site (Base source: Nearmap)

### 1.3 Approval history

On 9 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 (Concept Approval). Key aspects of the Concept Approval include:

- maximum 255,550m<sup>2</sup> GFA (including a maximum 195,985m<sup>2</sup> of residential and minimum 59,515m<sup>2</sup> of non-residential);
- a new park (6,000m<sup>2</sup>) and open space areas;
- 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.

The Concept Approval has been modified on ten occasions as summarised in **Table 1** below.

**Table 1** – Modifications to approved Concept Plan MP06\_0171

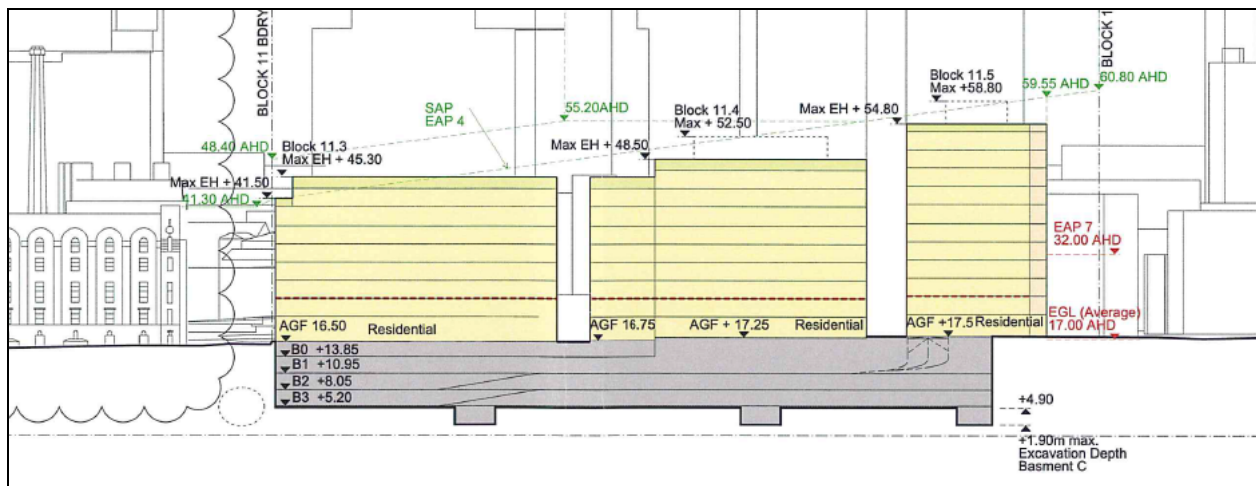
Mod No.	Description of Modification	Approved
Mod 1	Administrative changes to the approval	18 Jul 2007
Mod 2	Major amendment to Concept Plan	5 Feb 2009

Mod 3	Amendment to timing of execution of Voluntary Planning Agreements	16 May 2010
Mod 4	Modification to lapsing clause	30 Aug 2011
Mod 5	Modification to B12 'ESD and Sustainable Design'	31 Jul 2012
Mod 6	Modification to GFA within the Kensington Precinct; Block 6 and Block 10 envelopes and corrections to property references	24 Jul 2012
Mod 7	Amendment to the allocation of GFA of Block 3 within the Kensington Precinct	17 Jan 2013
Mod 8	Redistribution of GFA and the mix of residential and non-residential GFA on the site. Revision of Central Park land use split to a maximum of 195,985m <sup>2</sup> residential and minimum of 59,515m <sup>2</sup> non-residential GFA. Use of Block 4S for student accommodation and Block 1 for residential use and reconfiguration of building envelopes and separation of Blocks 1 and 4N from Block 4S.	23 Dec 2013
Mod 9	Redistribution of the GFA distribution across the Central Park site, amendments to building envelopes of Blocks 4S and 8 and modified public domain and access arrangements.	27 Nov 2014
Mod 10	Redistribution of the GFA across the Central Park site, amendments to building envelopes of Blocks 1 and 4N and inclusion of residential use within Block 4N	20 Aug 2015

The Concept Approval, as modified, allows for the following development on Block 11:

- three building envelopes ranging in height from RL 28.8 to RL 58.8 (4 to 11 storeys);
- total maximum GFA of 25,220m<sup>2</sup>, including:
  - maximum of 23,807m<sup>2</sup> residential GFA;
  - minimum of 1,413m<sup>2</sup> non-residential GFA;
- provision of a childcare facility;
- vehicular access from O'Connor Street and 12 on-street car parking spaces;
- car parking rates in accordance with Council's LEP 2005 (not to exceed a site-wide maximum of 2,000 car parking spaces); and
- public open space and public domain improvements.

The approved building envelopes are provided at **Figure 3** below and **Figure 7** in **Section 5.2.1**.



**Figure 3: East/west section through the approved Concept Plan building envelopes for Block 11 (Source: proponent's application)**

## 2. PROPOSALS

### 2.1 Summary descriptions (as exhibited)

#### Concept Approval modification description

The proposal seeks approval for the modification of Block 11 building envelopes, reallocation of GFA, relocation of vehicular access and reduction of on-street car parking on O'Connor Street, provision of pick-up/drop off car parking spaces on Kensington Street and increase of public open space within Block 11.

### Block 11 SSD application description

The proposal seeks approval for the construction of a part 10 to 13 storey mixed use building providing for 25,220m<sup>2</sup> GFA containing 296 residential apartments, 1,413m<sup>2</sup> retail accommodation and a 655m<sup>2</sup> childcare facility, two level basement car parking, retention and alteration of Castle Connell Hotel, public domain works, signage zones and strata and stratum subdivision

The SSD application relies on the approval of the modification to the Concept Approval with regards to the building envelope, vehicular access and parking.

## 2.2 Response to Submissions

Following the public exhibition of the modification application and SSD, the Department placed copies of all submissions received on its website. The Department requested that the applicant address the issues raised in the submissions as well as a number of specific issues in relation to vehicular access, parking, pedestrian movement, built form, capacity of the childcare centre, public domain, wind impacts, amenity and signage.

The applicant provided a Response to Submissions (RtS) (**Appendix A**), which contains amendments, further information and clarification of the key issues raised by the Department, the public and agencies.

Key changes in the RtS include:

- maximum GFA of blocks to be consistent with Concept Approval (MP06\_0171 MOD10);
- removal of third floor basement and reduction of 78 vehicle parking spaces (from 235 to 157 spaces);
- alterations of ground floor layout to provide revised vehicular and pedestrian access arrangements;
- partial demolition of the Castle Connell Hotel (rooftop) laundry;
- modification of upper levels of the building, resulting in a change of unit mix but no change to overall apartment numbers (296 apartments);
- modification of O'Connor Street pathway width and inclusion of seating; and
- changes to proposed Wellington Street landscaping.

## 2.3 Description of proposals

The key components and features of both proposals (as refined in the RtS) are provided in **Table 2** below and are shown in **Figures 4 to 6**.

**Table 2: Key components of the modification request and SSD applications**

<b>CONCEPT APPROVAL MODIFICATION (MP06_0171 MOD11)</b>	
<b>Aspect</b>	<b>Description</b>
Built form	<ul style="list-style-type: none"> <li>• Amalgamation of three building envelopes into one single building envelope, including the following key changes:                             <ul style="list-style-type: none"> <li>○ Wellington Street building envelope setback:                                     <ul style="list-style-type: none"> <li>- increased (western end) by between 6 to 7 metres;</li> <li>- increased (eastern end) by between 1.2 to 10.5 metres;</li> </ul> </li> <li>○ O'Connor Street building envelope setback:                                     <ul style="list-style-type: none"> <li>- increased (western end) by 7.3 metres at upper levels;</li> <li>- reduced (eastern end) by between 15.5 to 18.5 metres;</li> </ul> </li> <li>○ maximum building envelope height:                                     <ul style="list-style-type: none"> <li>- increased (western end) by 4.9 metres from RL 45.3 to RL 50.20;</li> <li>- reduced (central element) by 2.3 metres from RL 52.5 to RL 50.20;</li> <li>and</li> <li>- increased (eastern end) and by 5.37 metres from RL 58.8 to RL 64.17.</li> </ul> </li> </ul> </li> </ul>



Vehicular access and car parking	<ul style="list-style-type: none"> <li>Relocation of the O'Connor Street vehicular access and its design and route within the site.</li> <li>Reduction of on-street car parking on O'Connor Street from 12 to 6 spaces.</li> <li>Provision of three short term pick up/drop off car parking spaces on Kensington Street.</li> </ul>
Open space	<ul style="list-style-type: none"> <li>Increase of 1,390m<sup>2</sup> of open space (from 1,940m<sup>2</sup> to 3,330m<sup>2</sup>).</li> </ul>
<b>SSD APPLICATION (SSD 6376)</b>	
<b>Aspect</b>	<b>Description</b>
Built form	<ul style="list-style-type: none"> <li>Construction of a part 10 to 13 storey building at Block 11 (maximum height RL 64.17).</li> <li>Construction of two levels of basement.</li> </ul>
Gross floor area	<ul style="list-style-type: none"> <li>Total GFA of 25,220m<sup>2</sup> comprising: <ul style="list-style-type: none"> <li>23,807m<sup>2</sup> residential GFA;</li> <li>1,413m<sup>2</sup> non-residential GFA including: <ul style="list-style-type: none"> <li>655m<sup>2</sup> childcare GFA; and</li> <li>758m<sup>2</sup> retail GFA.</li> </ul> </li> </ul> </li> </ul>
Residential use	<ul style="list-style-type: none"> <li>A total of 296 residential apartments comprising: <ul style="list-style-type: none"> <li>64 studio apartments;</li> <li>106x1 bedroom apartments;</li> <li>107x2 bedroom apartments (17 of which can be converted to dual key being 1 bedroom and studio apartments); and</li> <li>19x3 bedroom apartments (1 of which can be converted to dual key being a 2 bedroom and studio apartment).</li> </ul> </li> </ul>
Retail use	<ul style="list-style-type: none"> <li>Total retail GFA of 758m<sup>2</sup>, comprising: <ul style="list-style-type: none"> <li>435m<sup>2</sup> non-heritage retail GFA; and</li> <li>323m<sup>2</sup> heritage Castle Connell Hotel GFA.</li> </ul> </li> </ul>
Childcare facility	<ul style="list-style-type: none"> <li>Total childcare facility GFA of 655m<sup>2</sup> located over two levels with capacity for 90 children.</li> <li>Total external private childcare roof terrace GFA of 633m<sup>2</sup>.</li> </ul>
Access	<ul style="list-style-type: none"> <li>Provision of a vehicle access point at O'Connor Street.</li> <li>Through site pedestrian links/pathways.</li> </ul>
Car parking	<ul style="list-style-type: none"> <li>A total of 174 car parking spaces located at basement level, comprising: <ul style="list-style-type: none"> <li>157 residential spaces (including 44 accessible spaces);</li> <li>3 retail spaces;</li> <li>4 childcare spaces; and</li> <li>10 car share spaces.</li> </ul> </li> <li>A total of 18 motorcycle spaces.</li> </ul>
Bicycle parking	<ul style="list-style-type: none"> <li>A total of 448 bicycle parking spaces, comprising: <ul style="list-style-type: none"> <li>296 residential spaces;</li> <li>102 residential visitor spaces;</li> <li>30 retail employee spaces;</li> <li>2 childcare employee spaces; and</li> <li>18 retail/childcare visitor spaces.</li> </ul> </li> </ul>
Heritage	<ul style="list-style-type: none"> <li>Retention and alteration of the Castle Connell Hotel including demolition of the former laundry room located at roof level.</li> </ul>
Public domain	<ul style="list-style-type: none"> <li>Increase of 1,390m<sup>2</sup> open space (from 1,940m<sup>2</sup> to 3,330m<sup>2</sup>), as follows: <ul style="list-style-type: none"> <li>increase in O'Connor Street park from 1,270m<sup>2</sup> to 2,160m<sup>2</sup>;</li> <li>increase in Wellington Street park from 670m<sup>2</sup> to 1,170m<sup>2</sup>.</li> </ul> </li> <li>Public domain works including landscaping and paving.</li> </ul>
Subdivision	<ul style="list-style-type: none"> <li>Stratum and strata subdivision.</li> </ul>
Signage	<ul style="list-style-type: none"> <li>Business identification signage zones.</li> </ul>

The proposal has a Capital Investment Value (CIV) of \$130,767,604 and is expected to generate 200 construction jobs and 35 operational jobs once fully developed.

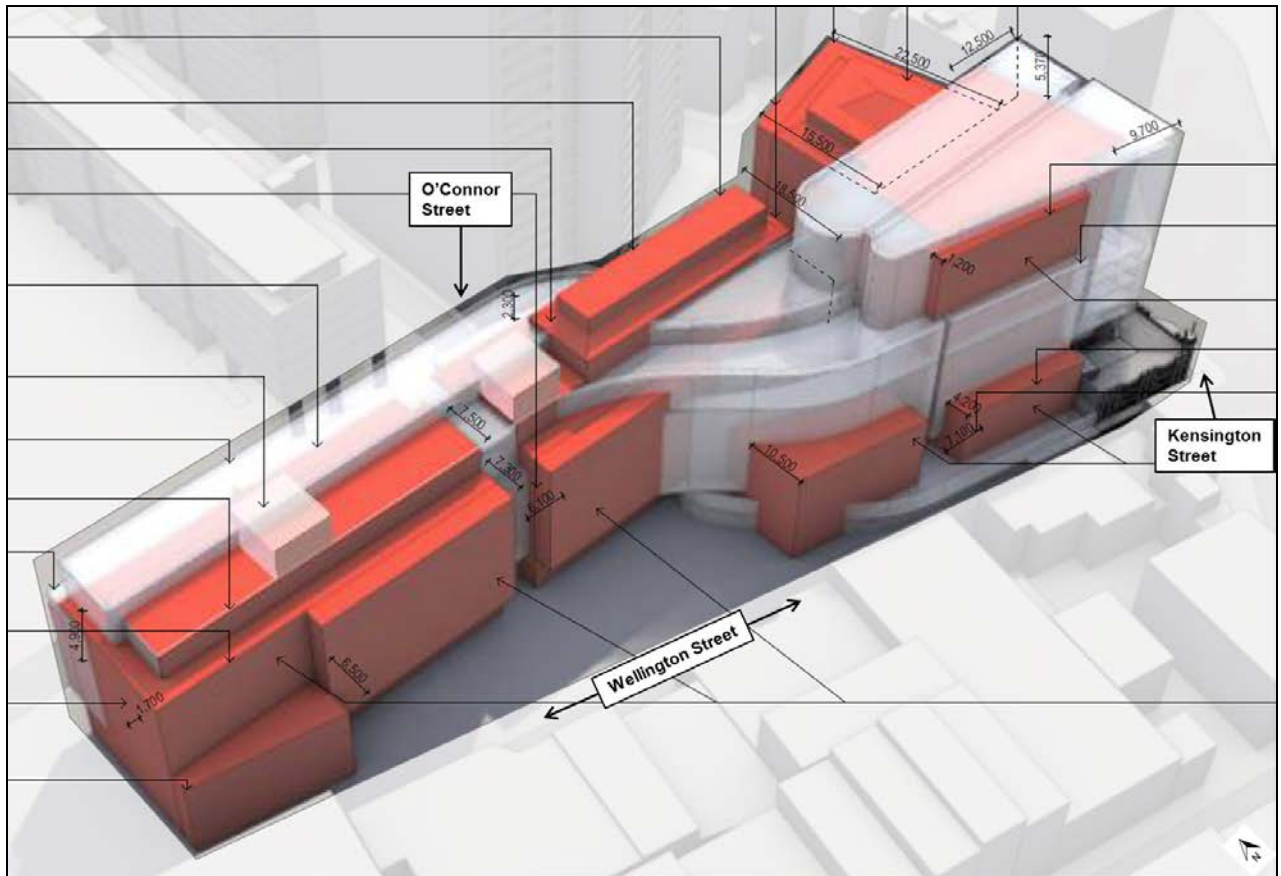


Figure 4: Comparison of the approved (red) and proposed (white) building envelope (Source: applicant's application)



Figure 5: View of the southern/eastern (left) and eastern/northern (right) elevations (Source: Applicant's RtS)



Figure 6: View east along Wellington Street (Source: Applicant's RtS)

## 2.4 Project need and justification

### A Plan for Growing Sydney

*A Plan for Growing Sydney* sets out the NSW Government's vision for Sydney to 2031. The Plan anticipates that the population of Sydney will increase by 1.6 million people by 2031 and this will result in the need for approximately 689,000 new jobs and 664,000 new homes across the metropolitan area.

The Plan aims to accelerate urban renewal across Sydney and encourages growth in both infill and greenfield areas to stimulate balanced growth throughout Sydney. It also aims to make the best use of transport and infrastructure, making Sydney more sustainable and efficient. In planning for growth, the Plan focuses urban renewal in Strategic Centres, areas close to transport hubs and corridors and advocates efficient use of land in infill areas.

The proposed development supports the strategic aims of the Plan by including residential, childcare and retail uses as part of an overall mixed-use development within the Sydney Global Strategic Centre.

## 3. STATUTORY CONTEXT

### 3.1. Modification of the Minister's Approval (MP06\_0171 MOD11)

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 11 building envelope and on-street car parking provision, which requires further assessment and therefore approval to modify the concept plan is required.

### 3.2. State significant development

The proposal is SSD because it is development with a CIV in excess of \$10 million and is located within the Broadway (CUB) site, (now known as Central Park), which is a site identified under clause 2 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

### 3.3. Determination under Delegation

On 14 September 2011, the then Minister for Planning delegated functions under s89E and s75W of the EP&A Act to determine SSD applications and modification requests to the Planning Assessment Commission (Commission) in cases where:

- the relevant local council has made an objection; and/or
- a reportable political donation has been made; and/or
- there are more than 25 public submissions by way of objection.

In this case, a total of 33 public submissions have been received objecting to the proposal. The Commission can therefore determine the applications.

### 3.4. Permissibility

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

### 3.5. Environmental Planning Instruments

Under Section 79C of the Act, the Secretary's report for a project is required to include a copy of, or reference to, the provisions of any environmental planning instruments (EPIs) that substantially govern the carrying out of a project and that have been taken into account in the assessment of the project. The following EPI's 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 (Building Sustainability Index: BASIX) 2004*; and
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development & accompanying Residential Flat Design Code / Apartment Design Guide*.

The Department's consideration of relevant EPIs is provided in **Appendix B**. In summary, the Department is satisfied that the application is consistent with the requirements of the EPIs.

### 3.6. 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:*

- 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,*
- the promotion and co-ordination of the orderly and economic use and development of land,*
- the protection, provision and co-ordination of communication and utility services,*
- the provision of land for public purposes,*
- the provision and co-ordination of community services and facilities, and*
- 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*
- ecologically sustainable development, and*
- 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)(i), (ii) and (v) as the proposal promotes the orderly and economic use of the site and contributes to the enhancement of the social and economic welfare of the community. The proposal includes measures to deliver ecologically sustainable development (**Section 3.7**).

### **3.7. 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:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The development will be designed to achieve a 5 Star Green Star rating under the Multi Unit Residential v1 Tool and incorporates ecologically sustainable design initiatives and sustainability measures, including:

- an inaccessible biodiversity green roof at level 10;
- selection of water efficient fixtures and fittings and appliances targeting a 60% reduction in water use;
- installation of energy efficient appliances;
- high performance building fabric, including double glazing, insulation and appropriate façade treatments targeting a 62% reduction in energy use;
- use of efficient light fixtures generally limited to LED, fluorescent and metal halide fittings;
- use of time-clock controls, motion sensors or timer settings to all lighting in all common areas; and
- installation of carbon monoxide monitors with variable speed fans to limit operation of the basement car park ventilation when not required.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision making process via a thorough and rigorous assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied that the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

### **3.8. Secretary's Environmental Assessment Requirements**

#### Concept Approval modification

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of the 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.

#### Block 4N SSD application

On 25 February 2014 the Department notified the applicant of the Secretary's Environmental Assessment Requirements (SEARs) 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.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1. Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the EP&A Regulation, the Department publicly exhibited the applications concurrently for 54 days from Wednesday 10 December 2014 until Friday 2 February 2015. The applications were publicly available on the Department's website and exhibited at the Department's Information Centre and at the City of Sydney Council office.

The Department placed a public exhibition notice in the Sydney Morning Herald and Daily Telegraph on the 10 December 2014 and notified adjoining landholders and relevant State and local government authorities in writing. The Department received a total of 39 submissions, comprising six submissions from public authorities and 33 submissions from the general public, including a submission from Alex Greenwich MP.

The modification application was re-exhibited for 30 days from 16 July 2015 until 14 August 2015 to clarify the reallocation of GFA across the site. The application was publicly available on the Department's website and exhibited at the Department's Information Centre and at the City of Sydney Council office. The Department also placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph and Central Courier on the 15 July 2015 and notified Council and previous submitters in writing. The Department received no submissions in response.

The Department received a further submission from Council in response to the 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 six submissions were received from public authorities in response to the exhibition, with the Environment Protection Authority and Office of Environment and Heritage (Aboriginal Heritage) raising no issues with the proposal. A further submission was received in response to the RtS, from Council. The issues raised by the agencies are summarised in the **Table 3** below. The issues raised have been addressed in detail in **Section 5** and/or by way of a recommended condition in the instruments of consent at **Appendix D**.

**Table 3: Summary of public authority submissions**

City of Sydney (Council)	
Environmental Impact Statement	Council does not object to the modification and SSD proposals. However, it raised concerns in relation to: <ul style="list-style-type: none"> <li>• capacity of childcare facility;</li> <li>• design of public domain and open spaces;</li> <li>• car and bicycle parking provision</li> <li>• pedestrian and cycle movements;</li> <li>• impacts on archaeological remains;</li> <li>• residential amenity of future apartments;</li> <li>• footway widths; and</li> <li>• Wellington Street setback;</li> </ul> Council also provided recommended conditions of consent, should the application be supported.
Response to Submissions	Council confirmed that its concerns relating to footway widths and the Wellington Street setback have been addressed by the RtS. However, it maintained all other concerns.
Transport for NSW (TfNSW)	
Environmental Impact	TfNSW does not object to the modification and SSD proposals and stated that the Construction Traffic Management Plan should specify any impacts on bus services and a

Statement	Green Access Guide should be produced.
<b>Roads and Maritime Services (RMS)</b>	
Environmental Impact Statement	RMS does not object to the modification and SSD proposals and provided comments relating to car parking layouts, vehicle manoeuvrability, construction traffic management and signposting.
<b>Sydney Water</b>	
Environmental Impact Statement	<p>Sydney Water does not object to the modification and SSD proposals and provided the following comments:</p> <ul style="list-style-type: none"> <li>no major amenities should be proposed over stormwater channels or easements or be located within one metre of the outside face of the stormwater channel; and</li> <li>a Section 73 Compliance Certificate from Sydney Water is required.</li> </ul>

### 4.3. Public Submissions

A total of 33 public submissions were received during the exhibition of the applications comprising 32 objections from the general public (24 of which were pro-forma letters) and an objection from the Member for Sydney, Alex Greenwich MP.

The Member for Sydney objects to the proposal raising concerns regarding the height and bulk of the building, excessive car parking provision, potential increase in noise and antisocial behaviour, adverse wind impacts and lack of community consultation.

The concerns raised in the public submissions are summarised in **Table 4** below.

**Table 4: Summary of issues raised in public submissions**

Issue	Proportion of submissions
Excessive height and bulk	90.6%
Poor community consultation	87.5%
Increase traffic and car parking demand on surrounding streets	87.5%
Increase of noise / anti-social behaviour	84.4%
Overshadowing of neighbouring properties	84.4%
Adverse heritage impacts	84.4%
Increased noise nuisance from south facing balconies	78.1%
Adverse impacts from excavation in close proximity to existing properties	78.1%
The southern building is taller than the 2007 panel's recommended maximum of 15m	78.1%
Adverse wind impacts	12.5%
Loss of privacy	3.1%

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

### 4.4. Applicant's Response to Submissions

The applicant provided a response to the issues raised in submissions, which is included in the RtS document (**Appendix A**) and resulted in a number of amendments to the applications as outlined in **Section 2.2**. The Department is satisfied that the issues raised in all submissions have been addressed through the RtS, this report and the relevant appendices of the modification request and EIS.

## 5. ASSESSMENT

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### 5.1. Key Assessment Issues

The Department has considered the modification and EIS applications, the issues raised in submissions and the applicant's RtS in its assessment of the proposals. The Department considers that the key issues associated with the proposals are:

#### Concept Approval modification:

- built form;
- overshadowing impacts; and
- on-street parking spaces.

#### Block 11 SSD application:

- Section 79C(1) matters for consideration;
- consistency with Concept Approval;
- building envelope height;
- design excellence;
- residential amenity;
- childcare facility;
- public domain; and
- signage

Each of these issues is discussed in the following sections of this report. Consideration of the proposal against relevant environmental planning instruments is set out in **Appendix B**.

### 5.2. Modification to the Concept Approval

#### 5.2.1. Built form

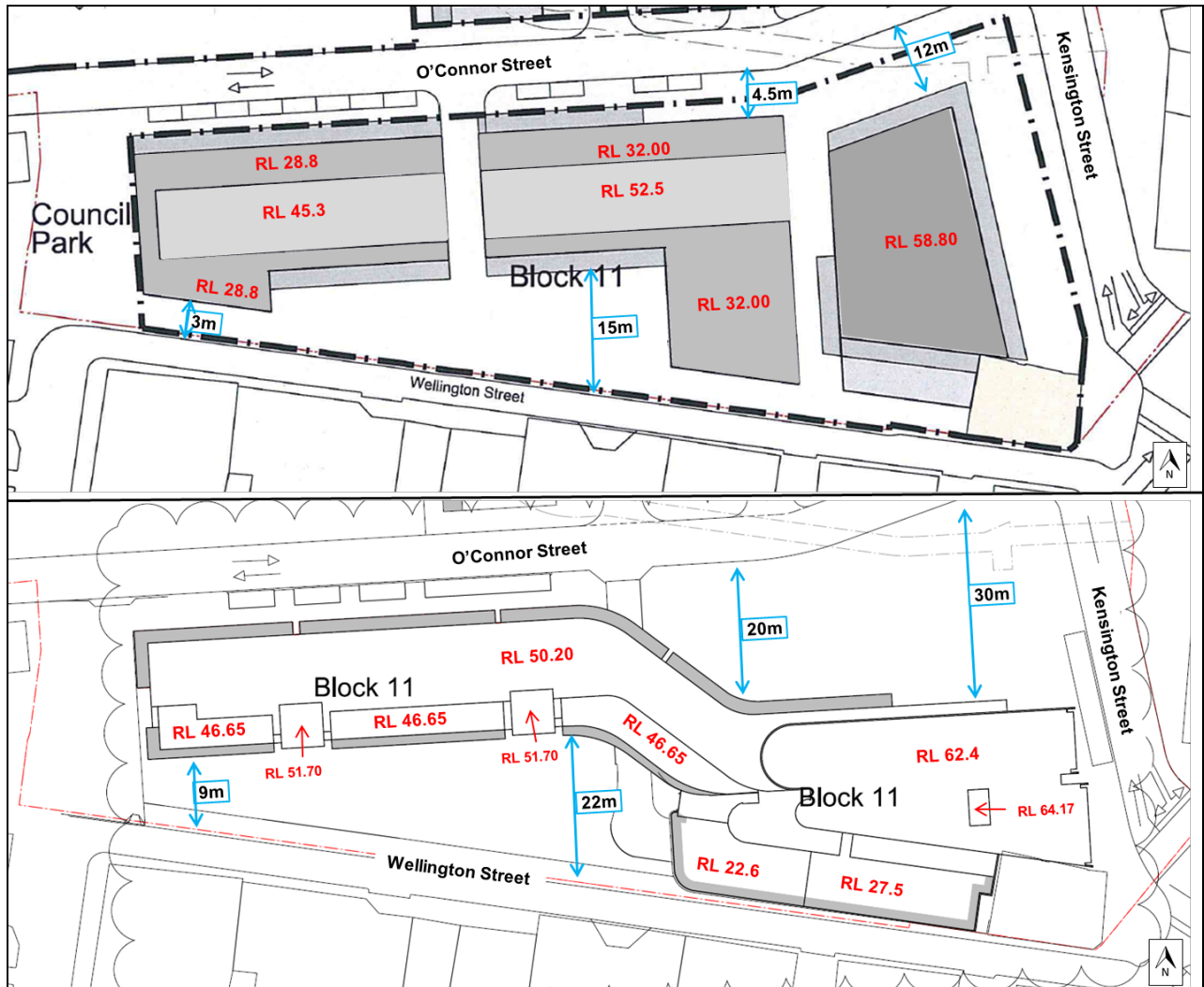
The height and form of the building envelopes was a key issue in the Department's assessment of the original concept plan. The Department considered that the location and size of the site presented a unique opportunity to provide a higher density of development. The Concept Approval allows for three building envelopes located on Block 11, having a maximum height from RL 28.8 to RL 58.80 (approximately 4 to 11 storeys).

The proposed modifications to Block 11 building envelopes principally comprise the amalgamation of three building envelopes into one single building envelope and also includes the following key changes:

- Wellington Street (southern) building envelope setback:
  - increased (western end) by between 6 to 7 metres; and
  - increased (eastern end) by between 1.2 to 10.5 metres above first floor level.
- O'Connor Street (northern) building envelope setback:
  - increased (western end) by 7.3 metres at upper levels; and
  - reduced (eastern end) by between 15.5 to 18 metres.
- maximum building envelope height (excluding lift overruns):
  - increased (western end) by 4.9 metres from RL 45.3 to RL 50.20;
  - reduced (central element) by 2.3 metres from RL 52.5 to RL 50.2; and
  - increased (eastern end) by 5.37 metres from RL 58.8 to RL 64.17.

A comparison between the Concept Approval and the proposal is provided at **Figures 4 and 7**.





**Figure 7: Comparison between the building envelope layout of the Concept Approval (top) and proposal (bottom) (Base source: proponent's application and MP06\_0171 MOD10)**

The majority of public submissions (90%) raised concerns about the height and bulk of the proposed building envelope. In addition, 78% of public submissions raised specific concern that the proposed height exceeds the Carlton United Brewery Expert Advisory Panel recommendation that buildings on the southern boundary should be a maximum of 15 metres in height to relate to the warehouses and adjacent buildings in Chippendale. The Department notes that the Expert Advisory Panel recommendation for a maximum height of 15 metres along the southern boundary to Wellington Street was incorporated into the Concept Approval in 2007. However, in the determination of Modification 2, the Department determined that a revised building form for Block 11 with a height of 4 to 11 storeys was acceptable and that a maximum height of 15 metres along the southern boundary was no longer required.

The Department considers that when compared to the Concept Approval the proposed modifications will provide for a more slender building envelope and more generous setbacks. The increase in the maximum building height (being 4.9 metres to the west and 5.37 metres to the east) will maintain an appropriate built form transition between Block 5C to the north and the existing low-rise buildings to the south and will also be offset by the increase in building setbacks and open space provision. In addition, proposed amendments to building envelopes are acceptable as:

- the modified envelope will encourage the development of a more elegant and unique building for the site;
- the provision of a single, curved building envelope facilitates the rationalisation of public open space into two large spaces covering 45% of the site area (an overall increase of

approximately 1,390m<sup>2</sup> from 1,940m<sup>2</sup> to 3,330m<sup>2</sup>), which greatly improves their usability, functionality and benefit to the community;

- the proposal increases the separation distance between the proposed building envelope and existing dwellings on Wellington Street and within Central Park, Block 5c fronting O'Connor Street. This increase improves the amenity, particularly privacy and outlook, of the future apartments and existing neighbouring dwellings;
- the proposal will continue to provide for a building of appropriate stature at this prominent intersection / corner location and would not result in a noticeable increase in bulk or scale when viewed from the surrounding streets or open space;
- the revised building envelope ensures that a future building is capable of achieving appropriate solar access (refer to **Section 5.3.5**); and
- the revised building envelope has minimal additional impacts on solar access to neighbouring buildings and the public domain (refer to **Section 5.2.2**).

### 5.2.2. Overshadowing impacts

The proposed modifications to the building envelope includes filling in the gaps between the buildings, relocating the western edge of the building envelope further away from Wellington Street and a minor increase in the height of the building envelope (**Figure 7**).

Concern was raised in the public submissions about the potential increase in overshadowing of neighbouring properties facing the site to the south of Wellington Street.

The southern side of Wellington Street is characterised by a mix of predominantly non-residential land uses, including studios, workshops and offices, and three two storey residential terrace dwellings. These dwellings are set back from the street, behind several dominant trees, and the buildings are further set back behind the entrance porch on the ground level and balcony on level 1 (**Figure 8**). The size of the doors and windows of these dwellings are modest in relation to the proportion of the façade.

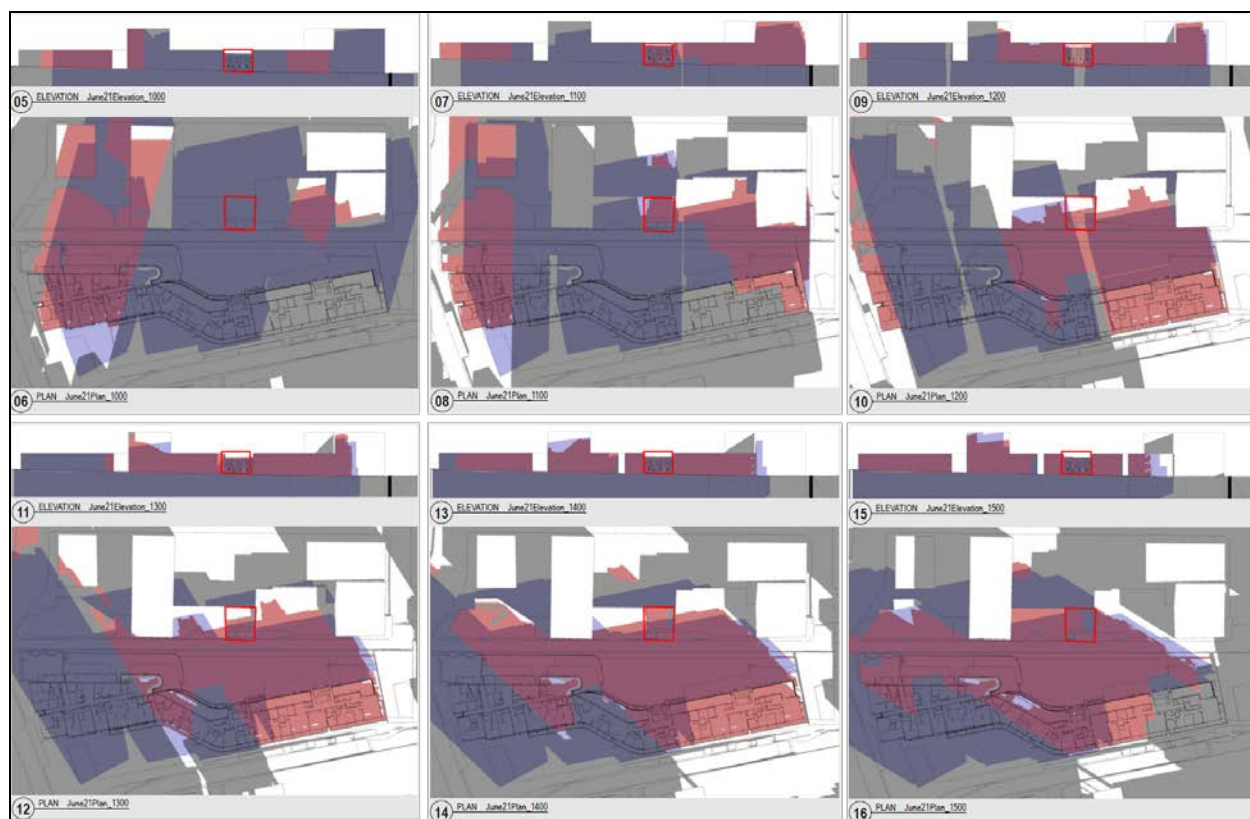


**Figure 8:** Three two storey residential terrace dwellings on the south side of Wellington Street, facing the site (Base source: Google Street view)

The existing Concept Approval results in varying degrees of overshadowing to the neighbouring properties, including to the southern side of Wellington Street throughout the year (**Figure 9**). In particular, the three residential dwellings to the south of Wellington Street will be overshadowed

throughout the day in mid-winter (21 June), except for up to 25 minutes between 10am and 2pm where solar access is provided through the gap between the approved buildings.

The Department notes that the proposed modifications, and in particular the proposal to realign the southern boundary of Block 11, may improve solar access to these properties (**Figure 9**). However, the Department notes that filling in the western gap of Block 11 results in additional overshadowing to the three residential dwellings during mid-winter at noon, when compared to the approved Block 11 building envelope. Furthermore, additional overshadowing would occur on rooftops.



**Figure 9: Comparison of Concept Approval's (purple) and the proposal's (pink) overshadowing over neighbouring properties on Wellington Street on 21 June. Residential properties outlined in red (Base source: proponent's application)**

The applicant considers that the proposed overshadowing impacts are acceptable as:

- the residential buildings on Wellington Street are already affected by existing overshadowing from existing surrounding buildings; and
- although the proposal would result in additional minor overshadowing in mid-winter, it would provide for additional solar access in August.

The Department considers that the potential overshadowing impacts to the neighbouring Wellington Street properties is reasonable as:

- despite the additional overshadowing in mid-winter, the residential dwellings will generally continue to maintain the same or better sunlight access throughout summer, autumn and spring months;
- the 25 minute period that these properties have solar access is limited and would not be likely to provide a significant amenity benefit to these properties;
- solar access to the three residential dwellings is partially restricted through a combination of the buildings being setback from the street, the front boundary landscaping and the size of the doors and windows on these buildings;
- the site is located within a dense city edge urban environment and overshadowing impacts from neighbouring properties is to be expected;



- the proposed building bulk (western end) is to be relocated further away from neighbouring residential properties, when compared with the Concept Approval, and the increased building separation will improve solar access and residential amenity, particularly outlook and privacy; and
- the modification of the building envelope facilitates improvements to the size and layout of public open spaces, public domain to the benefit of the wider community.

### 5.2.3. On-street parking spaces

The Concept Approval provides for 12 on-street car parking spaces on the southern side of O'Connor Street, along the northern boundary of Block 11.

The proposal includes the reduction of six car parking spaces on O'Connor Street (from 12 to 6) and the addition of three pick up/drop off car parking spaces on Kensington Street for the childcare facility, which equates to an overall reduction of three on-street car parking spaces (refer to **Figure 10**).

Concerns were raised in public submissions about the impact on car parking in surrounding streets.

The applicant has stated that the three proposed short term parking spaces are sufficient for the childcare facility as the client base for the childcare facility is likely to be local and within walking distance and also as the site is well served by public transport. Furthermore, the reduction of three on-street car parking spaces would have a negligible impact on parking demand in the locality.

The Department notes that the proposed childcare facility has the same capacity (90 children) as the recently approved childcare facility at Block 4N. The Department considers therefore that the demand for on-street short-term parking of the proposed facility will mirror that of the Block 4N facility, which is expected to generate five vehicles per hour during peak periods.

The Department considers the parking spaces are sufficient for the development, as:

- the childcare centre is expected to generate a low/moderate demand for short-term parking;
- the site is highly accessible by walking and public transport and is also likely to attract its customer base from Central Park and the immediately surrounding established areas; and
- on-site car parking for the proposed uses within the development has been provided in accordance with Council's Local Environmental Plan 2012 parking controls.

In light of the above assessment, the Department is satisfied that the proposed development provides sufficient on-street car parking spaces despite the reduction of three on-street car parking spaces.



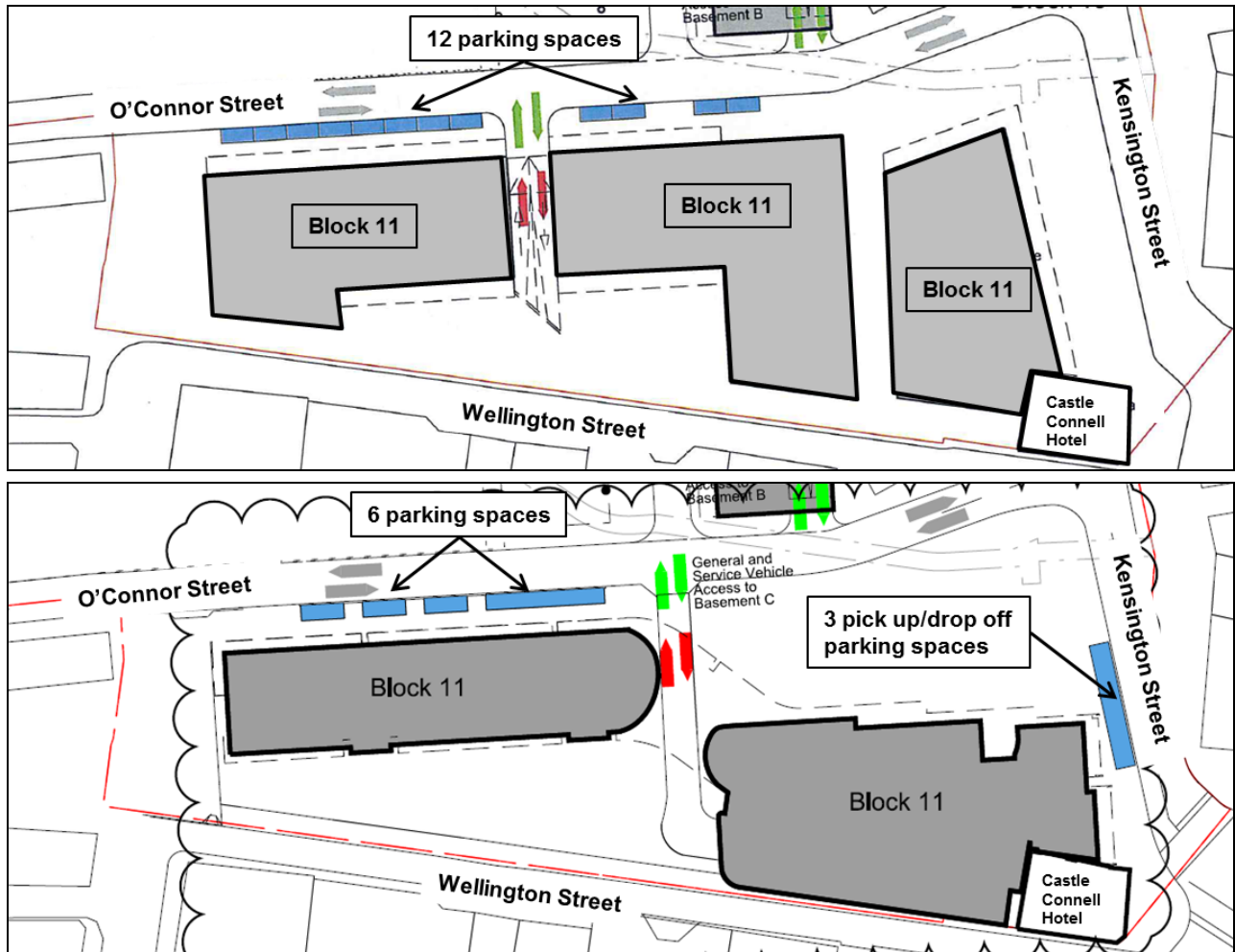


Figure 10: The approved (top) and proposed (bottom) location of the car parking spaces immediately adjacent to the site (Base source: MP06\_0171 MOD10 and applicant's RtS)

### 5.3. State Significant Development Application – Block 11

#### 5.3.1. Section 79C(1) matters for consideration

Table 5 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 5: 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 <b>Appendix B</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 is provided in <b>Section 5</b> and <b>Appendix B</b>
(a)(iia) any planning agreement	Not applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The application satisfactorily meets the relevant requirements of the Regulation, including the procedures 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 <b>Section 5</b> of this report
(c) the suitability of the site for the development	Suitable as discussed in <b>Sections 3</b> and <b>5</b> of this report
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Sections 4</b> and <b>5</b> of this report
(e) the public interest	Refer to <b>Section 5</b> of this report
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable

### 5.3.2. 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 2.1**, the Department is concurrently considering a modification request to the Concept Approval, with this SSD application. The modification application seeks approval to modify the building envelopes and vehicular access and parking 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 application to the Concept Approval. The Department has considered the requirements of the modified Concept Approval in detail at **Appendix C**.

An assessment of the key relevant requirements for the site is provided below and includes:

- building envelope height;
- design excellence;
- residential amenity; and
- childcare facility.

### 5.3.3. Building envelope height

The proposed amendments to the building envelope facilitate the SSD application. For the reasons discussed in **Section 5.2**, these amendments are considered to be reasonable and any adverse impacts on the amenity of neighbouring residents is considered to be negligible. The overall height and footprint is therefore supported.

The proposed building height of 10 to 13 storeys (maximum RL 64.17 metres, which is 5.37 metres higher than originally approved) is wholly contained within the modified Block 11 building envelope and is therefore considered acceptable.

### 5.3.4. Design excellence

The proposal has been designed by FJMT Architects in accordance with the statement of commitments attached to the Concept Approval.

The proposed building presents a unique architectural form that dramatically curves (approximately half way along its length), creating an impressive sweeping form that maximises the provision of open spaces on Wellington and O'Connor Streets. The building facades have been appropriately articulated and modulated to ensure that the building is appropriately

proportioned and includes an acceptable architectural rhythm. The appearance of the building draws on the rich character and earthy materials of buildings within the local context.

Overall the building will provide a varied and interesting visual experience and a distinctive and positive addition to the skyline. Further, the combination of the architectural expression and palette of materials reinforce the high standard of overall design and the building's positive contribution to the existing townscape.

The Department therefore concludes that the proposed development exhibits design excellence and will positively contribute to the Central Park precinct and the Wellington, O'Connor and Kensington Street streetscapes.

### 5.3.5. Residential amenity

In July 2015 the Department completed its comprehensive review of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC). The review resulted in a number of changes to the policy, including the overhaul of the RFDC into the *Apartment Design Guide* (ADG). The changes to SEPP 65 include savings provisions, and for apartment development applications lodged prior to 19 June 2015 the RFDC applies.

The current application was lodged in November 2014 and therefore the RFDC applies. Notwithstanding, the Department has also considered the relevant amenity criteria within the ADG, which has replaced the RFDC.

A full assessment of the proposal against the RFDC guidelines and the ADG criteria is provided at **Appendix B**, which demonstrates that the development as a whole provides an acceptable level of amenity. However, there are some departures from the guidelines of the RFDC and ADG in relation to:

- solar access;
- building depth;
- natural ventilation;
- single aspect apartments;
- apartment sizes;
- number of apartments per floor and per core; and
- dual key apartments.

#### **Solar access**

The RFDC and ADG recommend that 70% of all apartments within a development should achieve at least two hours or more of direct sunlight between 9am and 3pm in mid-winter in dense urban areas, such as Central Park.

The proposal does not meet this recommendation as only 155 of 296 apartments (52%) achieve two hours of sunlight between the hours of 9am and 3pm midwinter, largely due to the building orientation and overshadowing caused by existing Central Park buildings on the opposite (northern) side of O'Connor Street.

Solar access was carefully considered within the Department's assessment of the Concept Approval, which concluded that in achieving an appropriate scale of development and increased residential density in this important city-edge location, it may not be possible to meet the recommended solar access requirements. Consequently, in light of the site constraints, an alternative method for assessing solar access was adopted for the Concept Approval (and subsequent approvals within the Central Park precinct), which recommends that two hours of solar access should be provided to apartments between the hours of 7:30am and 4:30pm in mid-winter.

The Department notes that 217 of 296 apartments (73%) will achieve two hours solar access between the extended hours of 7:30am and 4:30pm in mid-winter, which is a significant improvement when compared with the RFDC and ADG criteria.

Overall the Department concludes, on balance, that given the site's city edge location and orientation the apartments within Block 11 will achieve an acceptable level of sunlight access. In addition, the proposal provides opportunities for views and internal comfort factors such as generous unit sizes, private open space, natural cross flow ventilation 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 ADC recommends that overall building depth should not exceed 12 - 18 metres. The typical building depth of the proposal varies from between 18.5 metres and 26 metres (**Figure 11**), although the building depth on level 1 and the upper levels (levels 9-13) are considerably less than 18 metres.

Notwithstanding the proposed building depth range, the Department is of the view that the residential apartments will be afforded a high standard of residential amenity, as:

- the majority of all apartments have an aspect overlooking either the O'Connor Street, Wellington Street or Chippendale Green public open spaces;
- no habitable rooms are deeper than eight metres from a window, which is consistent with the recommended maximum of the RFDC and ADG;
- maximum apartment depths range from 8 to 18.5m and no apartment is narrower than four metres in accordance with the RFDC rule of thumb;
- the depth of the majority of the building is less than what was envisaged by the Concept Approval; and
- the majority of apartments meet or exceed the minimum requirements for apartment size and storage, are provided with an sufficient private open space, cross flow ventilation, sunlight access and outlook (as discussed in **Section 5.3.5** and **Appendix B**).

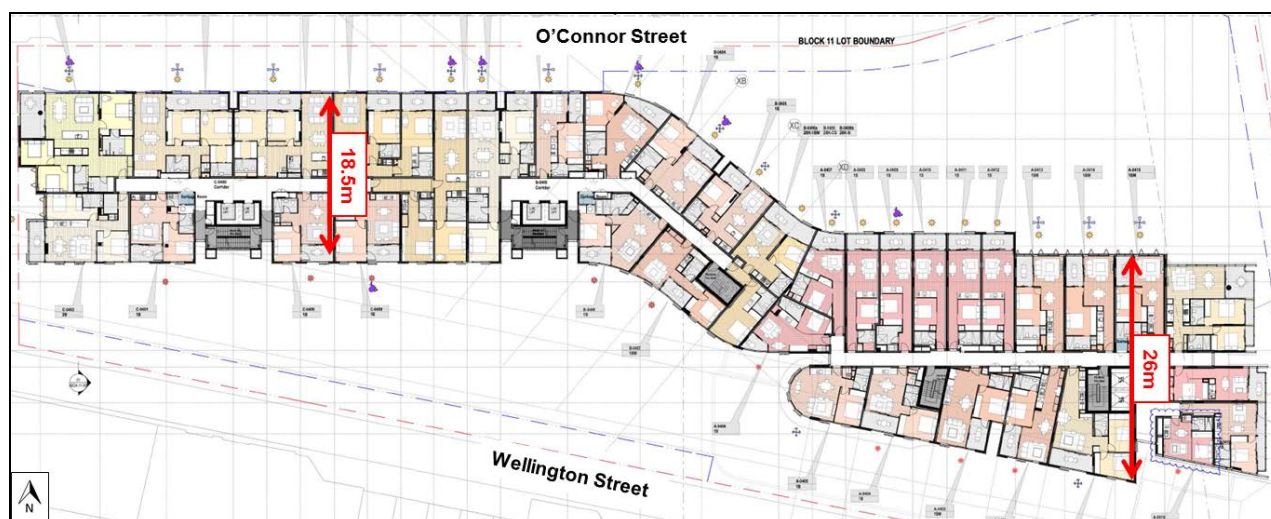


Figure 11: Typical floor layout and building depth (Base source: applicant's RtS)

### Natural ventilation

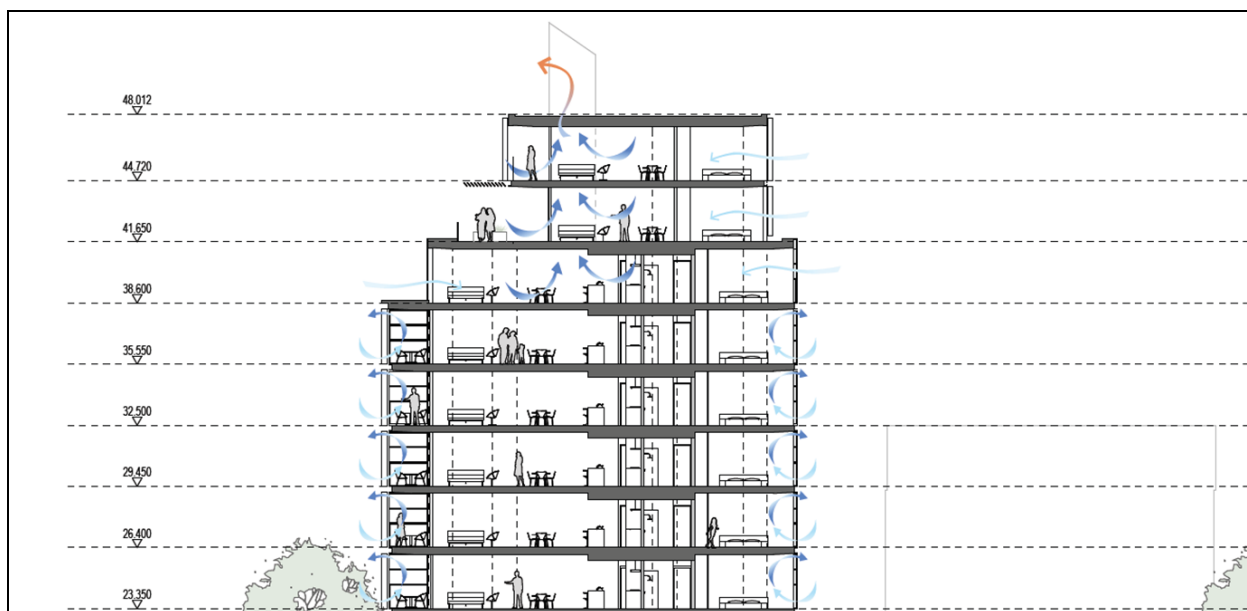
The RFDC recommends that at least 60% of apartments should be naturally cross ventilated. The ADG recommends that at least 60% of apartments in the first nine storeys of the building are naturally cross ventilated (as apartments at ten storeys or greater are deemed to be cross ventilated where balconies cannot be fully enclosed).

Applying the RFDC measure of cross ventilation, 134 (45%) will be capable of being naturally cross ventilated, which is 44 apartments (15%) less than the RFDC guideline. Applying the ADG



measure of cross ventilation, 146 (50%) of apartments will be capable of being naturally cross ventilated.

The applicant has confirmed that up to 70 apartments (24%) that do not achieve natural cross ventilation will be afforded 'hybrid cross ventilation'. In this regard, the proposal includes assisted ventilation risers which provide a direct connection to vertical fresh air shafts via fire isolated and acoustically treated ducts (refer to **Figure 12**).



**Figure 12: Hybrid cross ventilation strategy (Source: applicant's RtS)**

The Department considers that the proposed level of ventilation is acceptable as:

- apartments at upper levels of the building (i.e. at and above nine storeys) will be exposed to higher wind speeds and pressures;
- the provision of at least 44 hybrid cross ventilated apartments would ensure the development meets the RFDC guideline;
- apartments have been designed to have living areas with large windows opening onto balconies, which will assist the movement of air; and
- the articulated façade provides for openings within each apartment with varied aspects, which will provide for enhanced ventilation.

The Department considers that subject to the provision of hybrid cross ventilation apartments that the proposed development will be able to achieve an appropriate level of cross ventilation in accordance with the aims of the RFDC and ADG. The Department recommends a condition requiring between 44 and 70 hybrid cross ventilated apartments.

### Single aspect apartments

The RFDC recommends that a maximum of 10% of apartments have a single south facing aspect and that all single aspect apartments be limited in depth to 8 metres from a window. The ADG recommends that single aspect west and south facing apartments are minimised.

The proposal provides 68 (23%) of apartments that have a solely single aspect towards the south, which is 13% more than recommended by the RFDC. There are no solely west facing single aspect apartments and all single aspect apartments have rooms with depths of eight metres or less from a window.

The Department is of the view that the number of single aspect south facing apartments is acceptable for the following reasons:

- the proposed building has been designed to orientate its main facades generally towards O'Connor Street and Wellington Street frontages, which ensures an appropriate urban design outcome;
- apartments achieve a good standard of amenity as they would be afforded views towards the city and/or over open spaces, access to ample diffuse light and an appropriate level of privacy;
- floorplans demonstrate that solely south facing apartments have been minimised where possible, given the constraints/orientation of the site; and
- the development will comply with BASIX and addresses energy efficiency.

### Apartment sizes

The RFDC and ADG recommend minimum apartment sizes as shown in **Table 6**

**Table 6: Comparison of the RFDC, ADG and proposal's apartment sizes**

Type	RFDC (m <sup>2</sup> )	ADG (m <sup>2</sup> )	Proposal (m <sup>2</sup> )
Studio	38.5	35	37-48
1 Bed	50-63	50	45-61
2 Bed	70-90	70	71-125
3 Bed	90	90	99-128

As shown in **Table 6** the majority of the proposed apartments exceed the minimum guidelines. However, 5 studios fall short of the RFDC suggested minimum and 31 one bedroom apartments fall short of the RFDC and ADG suggested minimum.

The Department notes that the proposed shortfalls in apartment sizes range between 1.5m<sup>2</sup> – 5m<sup>2</sup> and therefore represent minor deviations from the suggested minimums. Further, the affected apartments equate to a total of only 12% of the overall number of proposed apartments with the remaining 88% comfortably exceeding the suggested minimums.

Overall the proposed apartment layouts are considered to provide for an appropriate standard of amenity. In particular, all apartments have regular shaped rooms allowing for flexible furniture arrangement, appropriate storage (internal and external), direct access to windows and appropriate depths.

In light of the above assessment, the Department is satisfied that the proposed apartments are of an acceptable size and will provide for an acceptable standard of amenity for future occupants.

### Number of apartments per floor and per core

The RFDC recommends a maximum of eight apartments per floor off a single core. The ADG recommends that no more than 12 apartments be provided per floor off a single core and for buildings 10 storeys and over, no more than 40 apartments should share a single lift.

The proposal includes 296 apartments arranged around three separate cores, each comprising two staircases and two lifts. The proposed maximum number of apartments ranges between 2 and 19 apartments per floor. There are six instances, within the 13 storey eastern core, where the proposal includes more than 12 apartments per floor. In addition the 13 storey eastern core includes 129 apartments sharing two lifts, which is 49 apartments more than what is recommended in the ADG (80).

The Department notes that the ADG states that variations to the number of apartments per core/corridor are possible where it has been demonstrated that a high level of amenity is achieved.

The Department is of the view that the additional apartments per floor and sharing lifts within the eastern core are acceptable as the communal circulation areas and lobby are afforded a high

standard of amenity and are provided with access to natural light and ventilation, common areas for seating and gathering and appropriately sized corridors.

### **Accessible Apartments**

The RFDC recommends that new housing designs should meet the broadest range of the occupant's needs as possible. The ADG recommends that developments achieve a benchmark of 20% of apartments incorporating the Liveable Housing Guideline's (LHG) silver level universal design features and also that adaptable housing is provided in accordance with Council guidelines.

The LHG silver level benchmark focuses on seven structural and spatial design elements of a building to support the changing needs of individuals and families at different stages of life. The applicant notes that the proposed residential apartments meet four of the seven design elements, falling short of LHG benchmarks relating to kitchen and toilet and shower design.

The proposal provides for 44 (15%) adaptable apartments and accessible parking bays, which complies with the Sydney DCP 2012.

The Department notes that the RFDC is the relevant guideline applicable to the assessment of this application. The Department notes that although the proposal does not meet all of the LHG silver level guidelines, it will meet Council's DCP accessible housing requirements. The Department considers therefore that the proposal will provide for an appropriate number and design of accessible apartments, in accordance with the aims and recommendations of the RDFC.

### **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 18 dual key apartments, comprising 17 two bedroom apartments (one bedroom plus studio) and one three bedroom apartment (two bedroom plus studio). **Figure 13** illustrates a typical proposed dual key apartment. The proposed internal layout provides 29 dual key apartments located between levels two and seven throughout the building and one at level 13.

The RFDC does not provide guidelines for dual key apartments. The ADG 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 the suitability of the residential amenity of dual key apartments in other approvals within the Central Park precinct and concluded that 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 two hours of sunlight access; and / or
- are provided with an outlook.

Each of the 36 apartments contained within the 18 dual key apartments is provided with an outlook either towards the city or over public open space. Furthermore, 32 (89%) are provided with a balcony and 24 (53%) are provided with more than two hours of solar access. The Department is therefore satisfied that the dual key apartments are provided with an adequate level of amenity.



Figure 13: A dual key apartment (outlined in red) and the internal division between the studio and one bedroom apartments within (outlined in yellow and blue) (Source: applicant's RtS)

### 5.3.6. Childcare facility

Future Assessment Requirement (FAR) B16 requires that Block 11 include the provision of a childcare facility designed in accordance with Council's *Child Care Centres Development Control Plan (DCP) 2005*.

The proposal provides for a childcare facility within the eastern half of the building at level 1. The facility:

- comprises 642m<sup>2</sup> internal GFA and 633m<sup>2</sup> private outdoor playspace GFA (combined total of 1,276m<sup>2</sup>);
- is intended to accommodate a maximum of 90 children; and
- is provided with a separate/dedicated lobby and lift.

Council has stated that under its current DCP (2012) a 90-place childcare facility is required to have a minimum GFA of 1,800m<sup>2</sup> and the facility should therefore be enlarged.

The applicant has confirmed that the proposed childcare facility design is consistent with Council's DCP (2005) and the relevant Educational and Care Services National Regulations, which require 3.25m<sup>2</sup> of internal floor space and 7m<sup>2</sup> of external floor space per child.

The Department notes that the proposed childcare facility would be 353.5m<sup>2</sup> larger than the Council's DCP (2005) minimum GFA requirement for a 90 place childcare facility (922.5m<sup>2</sup>).

The Department considers that the proposed childcare facility is acceptable as:

- it is consistent with FAR B16, which requires the facility to be designed in accordance with the Council's DCP (2005); and



- the final layout, fit-out and operation of the childcare facility will be determined separately under a future development application by Council and the detailed requirements of the facility will be assessed at that time.

### 5.3.7. Public domain

The proposal includes the provision of two publicly accessible open spaces, O'Connor Street park to the north and Wellington Street park to the south (**Figure 14**). Both parks are proposed to be increased from that originally approved, resulting in an increase of nearly 1,400m<sup>2</sup> of publicly accessible open space. The Department notes that this increase in public open space also responds to a number of concerns raised in submissions on previous applications that the public open space provision was insufficient for the likely increase in population of Central Park.

The public domain surrounding the site, including footpaths, will be upgraded and the first floor level of the proposal would be cantilevered over the northern footpath of Wellington Street, behind the Castle Connell Hotel.



**Figure 14: Proposed site wide open space provision (Base source: applicant's RtS)**

The Department considers that the key public domain considerations are:

- design and layout of the open spaces;
- cantilever of building over the Wellington Street footway; and
- pedestrian priority.

An assessment of the key issues relating to public domain is provided below.

#### Design and layout of the open spaces

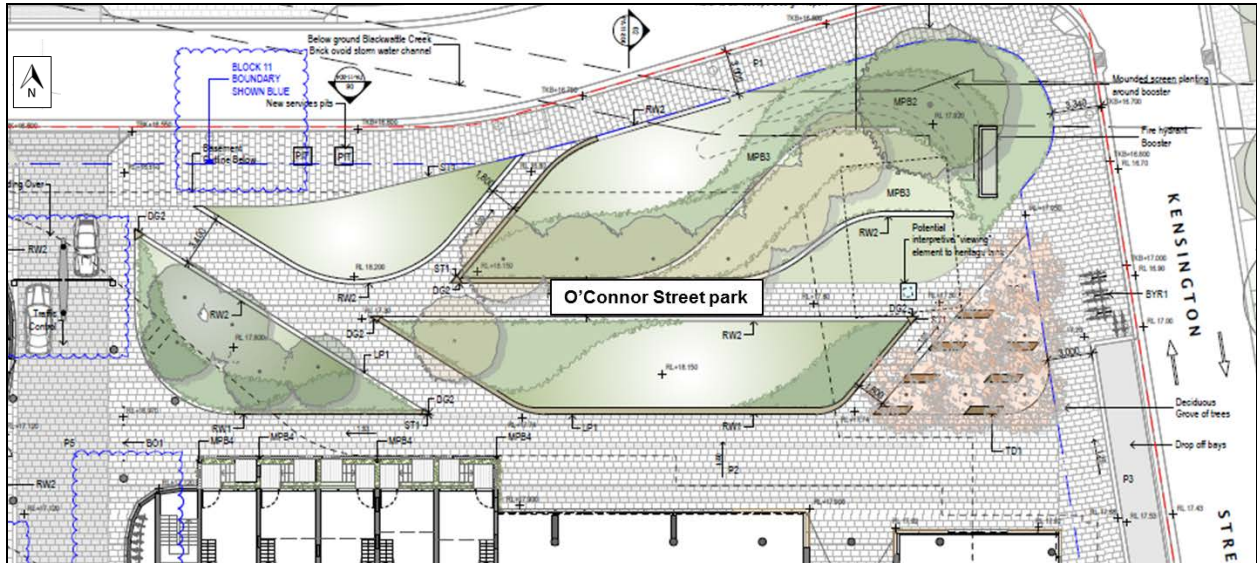
The modification of the Concept Approval has enabled the provision of two consolidated public open spaces one fronting O'Connor Street and the other Wellington Street. Both parks include hard and soft landscaping, with landscaped areas formed into low mounds up to 1.2 metres.

Council has commented that:

- the civic nature / activation of the O'Connor Street park should be increased; and
- Wellington Street park should be provided with more useable recreation space and the 1.2 metre high mounds should not provide opportunity for concealment / anti-social activities.

### O'Connor Street park

The applicant has stated that the O'Connor Street park has been designed to provide a range of spaces that connect with the proposed retail units and provide a buffer to Kensington Street. The park has also been designed to encourage passive recreation and provide a pleasant visual outlook for the retail units (refer to **Figure 15**).

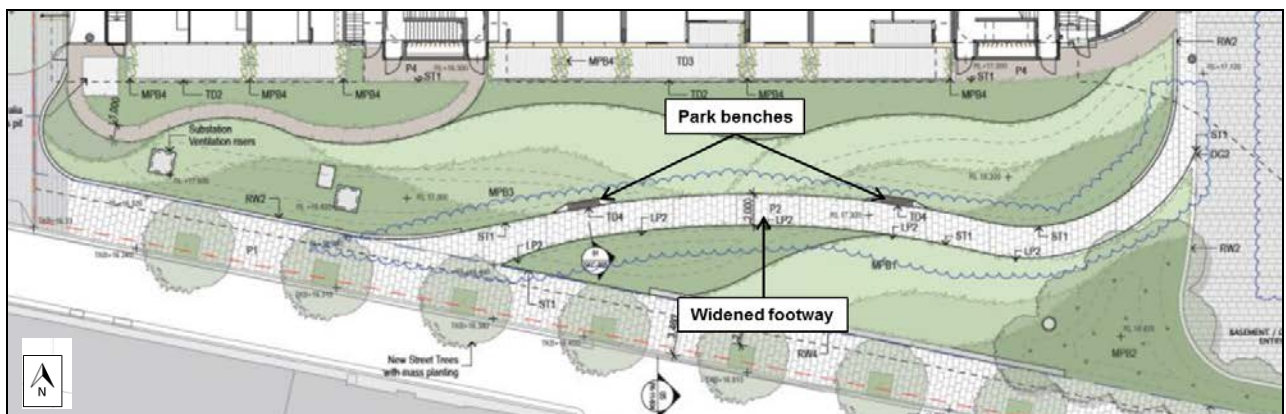


**Figure 15: Proposed O'Connor Street park layout (Base source: applicant's RtS)**

The Department notes that the proposed park would be overlooked/activated along its southern side at ground floor level by new retail units and also residential apartments. A broad paved area (approximately seven metres) is provided outside the retail units and the main pedestrian pathways through the park will be 3.4 metres wide. In light of these attributes, the Department considers that the proposed design of the park would be suitably civic in nature. The Department also considers that sufficient planted areas are provided to ensure that the park is not overly urban in nature and visually softens this prominent corner.

### Wellington Street park

In response to Council's comments the applicant has included an additional 2 park benches and widened the pedestrian pathways from 1.5 to 2 metres, as shown on **Figure 16**.



**Figure 16: Proposed Wellington Street park layout (Base source: applicant's RtS)**

The Department considers that the widening of the main pathway of the Wellington Street park and inclusion of park benches represent positive alterations, which will foster additional active recreation opportunities. In addition, given the nature and close proximity of Chippendale Green to the site, the Department does not consider it necessary that the majority use of Wellington Street park need be for active recreation.

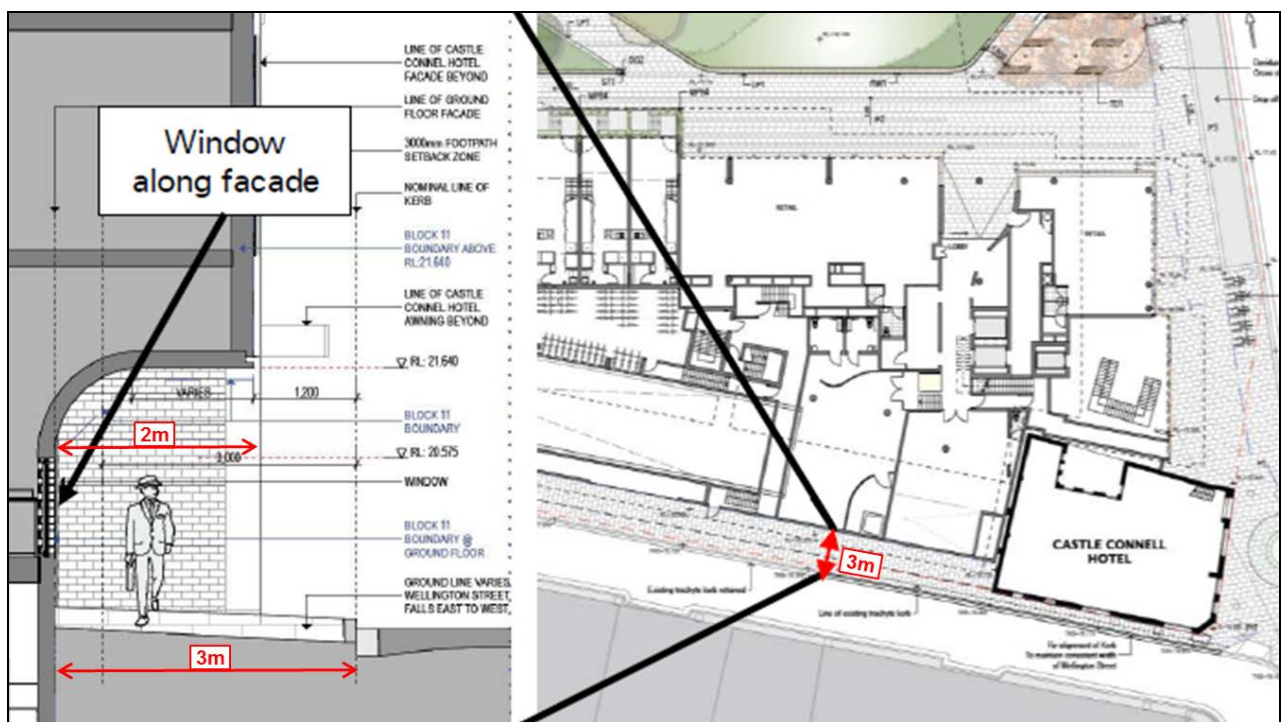


The Department concurs with Council that the mounded elements of the park should not provide places of concealment or provide opportunities for anti-social behaviour. The Department therefore recommends a condition requiring the park to be designed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). The Department is therefore satisfied that the Wellington Street park is acceptable, subject to the requirements of the condition noted.

### Cantilever of building over the Wellington Street footway

At present Wellington Street has narrow (approximately 0.5 metre) footways on its northern and southern sides (refer to **Figure 17**). In response to the existing footway constraints the proposal includes the provision of a new three metre wide footway on the northern side of Wellington Street, which is proposed to be dedicated to Council.

The eastern portion of the building (to the rear of the Castle Connell Hotel) is proposed to be cantilevered over the footway at first floor level, for two metres (refer to **Figure 17**).



**Figure 17: The proposed location of the widened footway and cantilevered first floor level (Source: applicant's RtS)**

Council has stated that it does not support the encroachment above land to be dedicated and therefore recommends that the building be set back to remove the overhanging element.

The applicant has stated that the overhang is acceptable as it provides weather protection, continues the building line of the Castle Connell Hotel and maximises the outdoor area of the childcare facility at first floor level. The applicant has confirmed that it has discussed the proposal with Council and believed that agreement was reached that land ownership arrangements would be subject to future discussions/negotiations with Council's City Property Unit.

The Department supports the provision of a three metre wide publicly accessible footway along the northern side of Wellington Street. The footway would improve pedestrian safety by separating pedestrians and vehicles and provide an appropriate threshold to the development. The Department considers that the provision of the cantilevered first floor level is acceptable subject to conditions requiring that:

- appropriate lighting is installed so that the covered footway does not attract anti-social activities;

- the proposal is amended to address the blind corner behind the Castle Connell Hotel, as discussed at **Section 5.4.4**; and
- an appropriate easement is created over the footway to ensure it is publicly accessible in the event that it is not dedicated to Council.

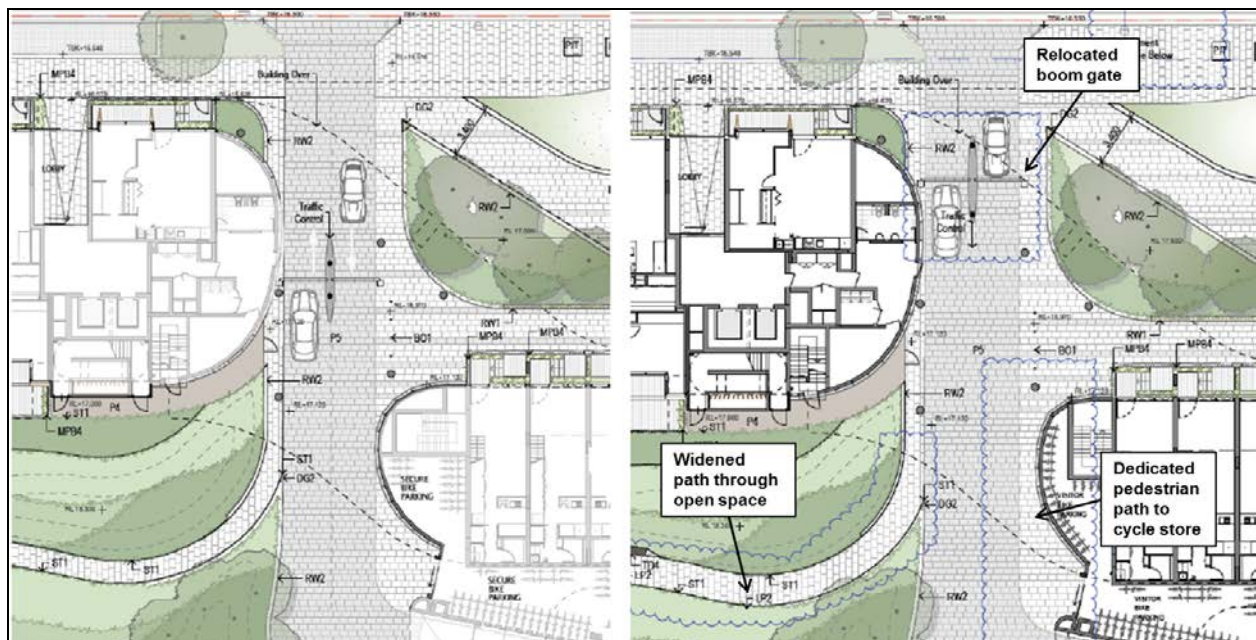
### Pedestrian priority

Vehicles enter the site via the proposed driveway which is located at the centre of the site along the O'Connor Street frontage. The driveway passes under the curved component of the building and turns east before ramping down to the basement level car park. A traffic control point is provided with boom gates controlling vehicles entering and exiting the site. Pedestrians can walk across the site, between the O'Connor and Wellington Street parks, by passing under the curved component of the building and crossing the vehicular driveway.

The Department raised concerns about potential conflicts between vehicles and pedestrians. Council also commented that pedestrian priority should be provided within the shared vehicular/pedestrian zone.

In response, the applicant has revised the proposal in the following ways, as shown in **Figure 18**:

- consistent materials are provided throughout the shared zone to indicate pedestrian priority;
- a delineated pedestrian access path is provided to the bicycle storage area;
- the traffic control point is relocated closer to O'Connor Street;
- the size of the pathway through Wellington Street park is increased.



**Figure 18: The original (left) and revised (right) proposed landscaping / public domain plan (Source: applicant's RtS)**

The Department considers that the proposed changes, noted above, will ensure that pedestrian priority will be provided throughout the public domain and within the shared vehicular/pedestrian zone ensuring the creation of a safe pedestrian environment.

### 5.3.8. Signage

The proposal includes the provision of five business identification signage zones these are located on the eastern, western and northern façades of the building at ground floor level as shown in **Figure 19**.



A SEPP 64 compliance schedule has been submitted with the application, which indicates that future signs will be consistent with the design and siting criteria of SEPP 64.

The Department notes that the proposed signage zones will be positioned adjacent to and above retail entrances. Future signage within these zones is likely to be illuminated. The Department has considered the principle of the proposed signage zones and is satisfied that all future signs will be capable of being appropriately positioned, proportioned and integrated into the design of the building and is therefore acceptable.

Notwithstanding, the Department recommends a condition requiring that future signs within the signage zones be subject to separate approval.



Figure 19: The location of the five proposed signage zones and their dimensions (Source: proponent's RtS)

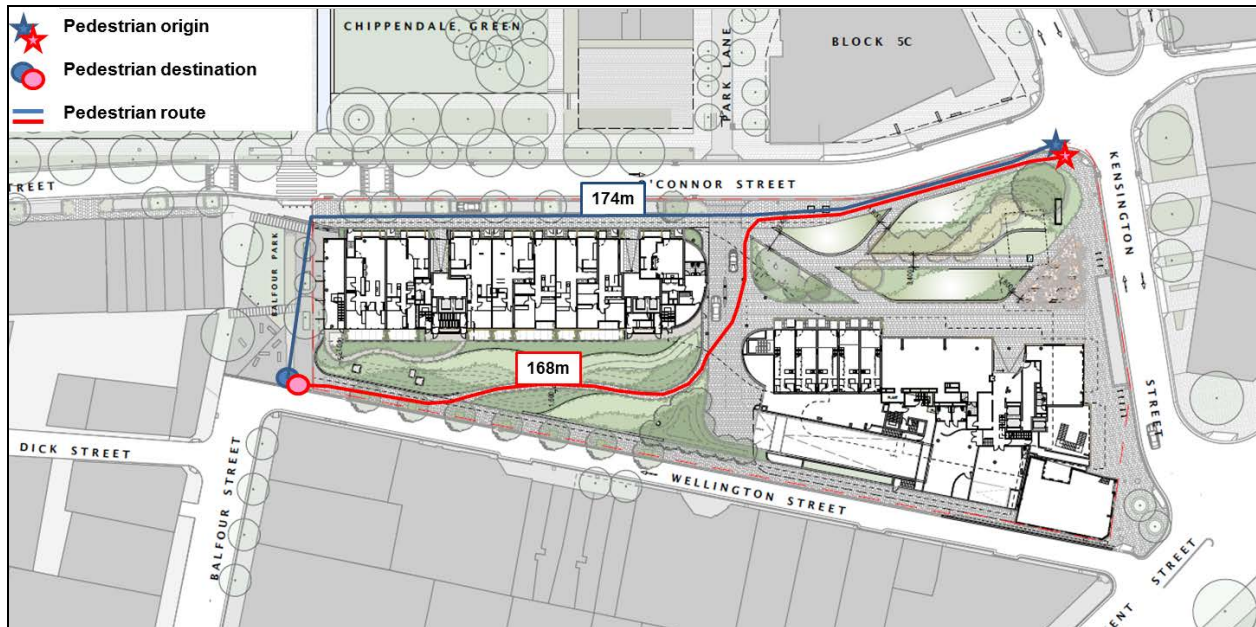
## 5.4. Other issues

### 5.4.1. Noise and anti-social behaviour

Concerns were raised in public submissions that the proposal may encourage an increase of pedestrian movements from commercial premises in Kensington Street through to the adjacent residential precinct in Wellington, Balfour and Dick Streets and this could result in an increase in noise and anti-social behaviour.

The applicant has stated that the proposal has been designed to maximise areas of open space, reduce building footprint and provide pedestrian connections. Further, the proposal would improve the existing public domain, including footpaths, which will improve pedestrian safety.

The Department considers that the proposed development will have a positive impact on the locality by providing ground and upper level apartments, which overlook and provide natural surveillance over the public domain. Further, the proposed open spaces on the site are designed as passive spaces and the retail uses are located at the north eastern corner of the building, away from the existing residential areas to the south west of the site, minimising any noise impacts.



**Figure 20: Potential pedestrian routes from the corner of Kensington / O'Connor Streets to Balfour / Wellington Streets (Base source: applicant's EIS)**

Further, the Department notes that pedestrian walking distances around or through the development are largely the same (refer to **Figure 20**) and amending the scheme to prevent pedestrian movements through the site would be unlikely to deter pedestrians from walking to surrounding streets should they wish to do so. The area to the south west of the site is predominantly residential and therefore there is little reason for patrons from the commercial properties along Kensington Street to walk in that direction, unless they lived, or were visiting that location.

In light of the above assessment, the Department does not consider that the proposal would encourage an increase of pedestrian movements to the adjacent residential precinct resulting in noise and anti-social behaviour.

#### **5.4.2. Construction hours**

The Department notes that the application, as submitted, did not contain clear proposed construction hours for the development. Consequently, the Department requested clarification of the proposed construction hours.

The applicant has confirmed that the proposal seeks approval for as shown in **Table 7**.

The applicant has confirmed that the proposal seeks approval for the construction hours as shown in **Table 7**, which differ from Council's standard construction hours.

**Table 7: Comparison between Council's standard and the proposed construction hours**

	Council's Standard Construction Hours	Proposed Construction Hours	Difference	
			AM	PM
<b>Monday to Friday</b>	7.30am to 5.30pm	7am to 7pm	- 30min	+ 1.5hrs
<b>Saturday</b>	7.30am to 3.30pm	7am to 5pm	- 30min	+ 1.5hrs
<b>Sunday or public holidays</b>	No work	No work	0	0

Council has recommended that the development be constructed in accordance with Council's standard construction hours.

The Department notes that the proposed construction hours are extended by two hours during the week (Monday to Friday) and on Saturday when compared to Council's standard construction hours. In addition, the proposed construction hours match the standard approved construction hours for other recent major projects in the Central Park precinct (Blocks 1, 3B + 3C, 10, 4S, 4N, 6+7 and 8).

The Department considers that the proposed construction hours are acceptable as:

- they match the standard hours that have been approved for recent projects in the Central Park precinct, which also are located opposite existing residential properties;
- the deviations from Council's standard construction hours are relatively minor; and
- the applicant has committed to implementing appropriate noise mitigation measures and a Construction Environmental Management Plan.

The Department therefore recommends the following conditions:

- the construction is to be carried out in accordance with the hours of construction as proposed; and
- preparation of and adherence to plans relating to construction environmental management, noise and vibration, traffic and pedestrian management, waste and demolition and excavation management.

### 5.4.3. Heritage

The Blackwattle Creek Ovid Drain runs beneath the site and is a heritage item of local significance. The site does not contain any other heritage items.

Concerns were raised in public submissions that the proposal would have an adverse impact on the heritage character of the area. Council recommended that the Blackwattle Creek Ovid Drain be adequately protected during construction.

The applicant has stated that the proposal's sympathetic form and architectural treatments, which draws on the character of the surrounding area, ensure that it will appropriately integrate into the existing townscape. Furthermore, the building footprint has been designed to respond to the location of the Blackwattle Bay Ovid Drain.

The Department notes that the site contains the Castle Connell Hotel, which although is not a heritage item, has been retained and would be restored as part of this application. In addition the design of the proposed new building does not cantilever over or encroach into the air-space above the Hotel, which ensures that the building continues to be read as a stand-alone building.

The Department considers that the proposal would not have any adverse heritage impacts, as:

- the building has been designed to respond to the archaeology of the site. Notwithstanding this, the Department agrees with Council that the Blackwattle Bay Ovid Drain should be adequately protected during construction and a condition is attached accordingly;
- the architectural treatment of the proposed building represents a modern interpretation of the materials and key elements of the established character of the surrounding area. This



approach facilitates the visual integration of the proposal into the established area and also the broader Central Park precinct; and

- the proposal retains and refurbishes of the Castle Connell Hotel, ensuring that it is brought back into active use and provides a visual reminder of the Central Park precinct's history as a brewery and associated buildings.

#### 5.4.4. Crime prevention

The narrowest section of Wellington Street is approximately 6.5 metres wide and is framed on either side by the 2 to 2.5 storey high flank walls of the Castle Connell Hotel and a terraced building fronting Regent Street (refer to **Figure 21**).

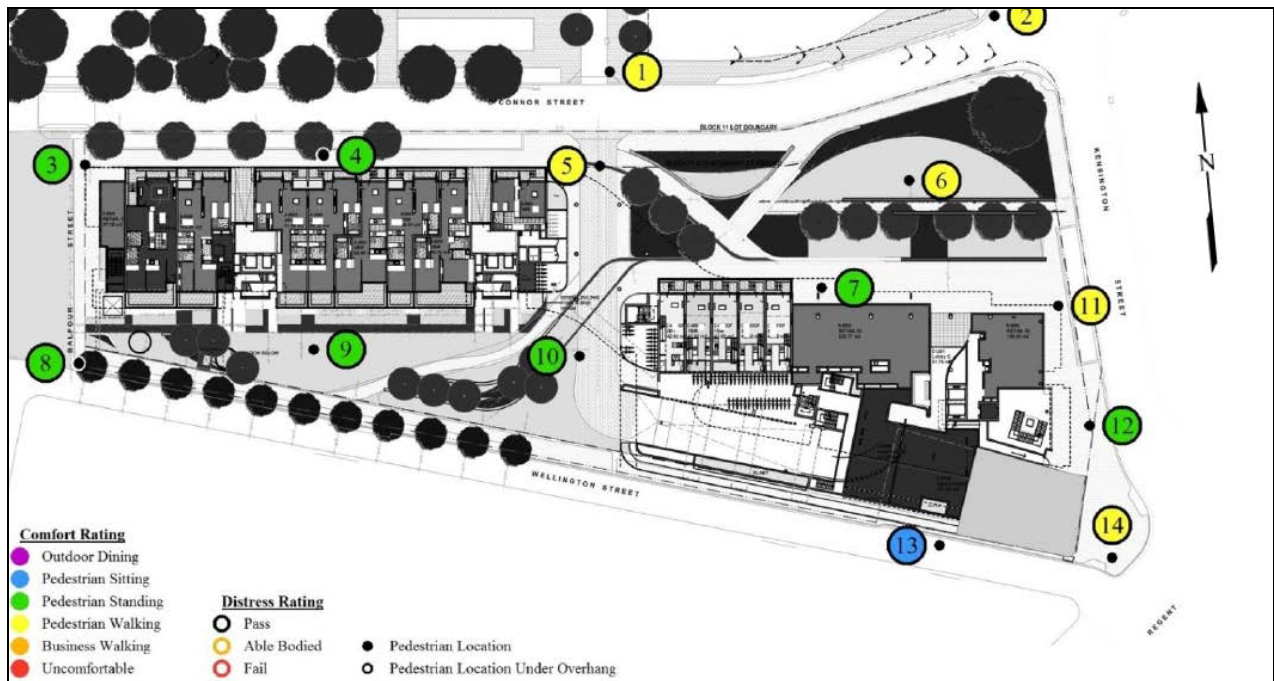


**Figure 21: Existing view west to the eastern entrance to Wellington Street from Regent Street (Base source: Nearmaps)**

The Department notes that due to the narrow width of Wellington Street and height of adjoining buildings, pedestrians entering Wellington Street from Regent Street would not have a clear line of sight beyond the rear of the Castle Connell Hotel. The Department is concerned that this arrangement will create a blind corner behind the Castle Connell Hotel, which may be used as a place of concealment or for other anti-social activities (refer to **Figure 22**).







**Figure 23: Classification of wind conditions / pedestrian comfort levels (Source: applicant's EIS )**

The Department notes that O'Connor Street park (point 6) would be comfortable for walking, while the area outside the retail units facing O'Connor Street park (point 7) would be comfortable for standing. The Department considers that further investigation is warranted in these two locations to determine whether wind impacts can be reduced so that it would be comfortable for pedestrians sitting outside the retail units and standing within the park.

Other than points 6 and 7, the Department considers that the expected wind conditions around the building are acceptable for the intended uses as open space and public domain.

The Department recommends a condition requiring an updated wind assessment and additional mitigation measures on the site to improve wind conditions at points 6 and 7. In the event that all reasonable mitigation measures are put in place on the site and the conditions at points 6 and 7 remain unsuitable for standing and sitting, the applicant must fully justify the impacts and demonstrate that the spaces will be comfortable for their intended use.

#### 5.4.6. Impact of excavation on neighbouring properties

Concern was raised in public submissions that the excavation required to facilitate the proposed development would have an adverse impact on existing neighbouring residential properties in terms of noise and vibration.

To ensure that the proposal does not cause any adverse impacts in terms of noise, vibration and/or environmental impacts the Department recommends conditions requiring the preparation of a construction noise and vibration plan, construction traffic management plan, construction environmental management plan and pre/post construction dilapidation reports. The Department is satisfied that the proposed excavation would not have an adverse impact on neighbouring properties with these conditions in place.

#### 5.4.7. Visitor bicycle parking

Council initially raised concern that insufficient bicycle parking has been provided for visitors to the development and recommended that at least 30 visitor bicycle spaces be provided within the public domain.

In response the applicant amended the proposal and the proposal now provides for a total of 120 visitor bicycle spaces, comprising:

- 18 non-residential visitor bicycle parking within the public domain (14 retail and 4 childcare facility); and
- 102 residential visitor bicycle parking at basement and ground floor level;

The Department notes that of the 102 residential visitor bicycle spaces, 76 are conveniently located at ground floor level. The Department is therefore satisfied that the proposed visitor bicycle parking provision is adequate for the proposed development.

#### **5.4.8. Roof planting**

Council has raised concern in relation to maintenance of the roof planting beyond balustrades.

The applicant has confirmed that building management would be able to access and maintain these planted areas and the location of planting on the outside edge of the building forms a key part of the façade treatment.

The Department considers that the proposal is capable of facilitating an acceptable level of access to the roof planted areas. The Department also notes that other buildings within the Central Park precinct (particularly Block 2/2a) have employed external planting as an integral part of the architectural design of buildings.

## **6. CONCLUSION**

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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.

With regards to the Concept Approval, the modifications increase setbacks, provide for a more slender built form, significantly increase public open space and maintain an appropriate transition between Block 5C and neighbouring residential properties. The Department therefore concludes that the proposed amendments to the Block 11 envelopes are positive overall and will have an acceptable impact on the surrounding townscape. The minor increase in overshadowing caused by the building envelope in mid-winter is acceptable in the context of the dense CBD edge location and is offset by improvements to building separation and outlook. The reduction of three on-street car parking spaces would have negligible impacts.

In relation to the Block 11 SSD application, Block 11 forms an integral part of the Central Park precinct and will contribute to the urban renewal of the locality. The proposal will provide significant public benefits by:

- providing new housing (a total of 296 apartments) that adjoins the CBD and has excellent access to public transport (bus, train, light rail), employment, educational facilities, health services and other social infrastructure;
- providing 1,413m<sup>2</sup> of non-residential accommodation (retail and childcare uses), complementing existing commercial premises in the Central Park precinct and broader Chippendale locality;
- providing for a new building with a high standard of architectural design and appearance that achieves design excellence and will complement the existing urban character of the area;
- contributing towards employment growth by providing an estimated 200 jobs during the construction phase and 35 jobs at the operational stage; and
- providing for a significantly increased amount of new public open space (covering 45% of the site area) than is anticipated by the existing Concept Approval that will integrate the development into the Central Park precinct and existing surrounding areas.

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 11 provides adequate amenity for occupants of the building and minimises its impact upon neighbouring properties.

Subject to the recommended conditions, the Department considers the proposals are in the public interest and recommends the applications for approval.

## 7. RECOMMENDATION

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It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning:

- a) **consider** the recommendations of this report;
- b) **approve** the modification application (MP06\_0171 MOD11) 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 D**; and
- c) **approve** the State Significant Development Application (SSD 6376), under section 89E of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the attached development consent at **Appendix D**.

Prepared by: Matthew Rosel  
Key Site Assessments

Endorsed by:



Ben Lusher  
**Acting Director**  
**Key Site Assessments**



David Gainsford 25/11/15  
**Acting Executive Director**  
**Industry and Key Site Assessments**

## **APPENDIX A    RELEVANT SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows.

1. Environmental Impact Statement

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6851](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6851)  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6376](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6376)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6851](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6851)  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6376](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6376)

3. Applicant's Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6851](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6851)  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6376](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6376)



# APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

## 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 (Building Sustainability Index: BASIX) 2004; and*
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development & accompanying Residential Flat Design Code / Apartment Design Guide.*

## COMPLIANCE WITH CONTROLS

### State Environmental Planning Policy (State and Regional Development) 2011

Relevant Sections	Consideration and Comments	Complies?
<p><b>3 Aims of Policy</b> The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	The proposed development is identified as SSD.	Yes
<p><b>8 Declaration of State significant development: section 89C</b></p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(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</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	The proposed development is permissible with consent under <i>Sydney Local Environmental Plan 2005</i> . The site is specified in Schedule 2.	Yes
<p><b>Schedule 2 State significant development — identified sites</b></p> <p>(Clause 8 (1))</p> <p><b>2 Development on specified sites</b></p> <p>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:..</p> <p>(c) Broadway (CUB) Site,</p>	The proposed development is within the identified Broadway (CUB) Site and has a CIV of \$130,767,604.	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**

Site-wide remediation 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 (Building Sustainability Index: BASIX) 2004**

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX requires all new dwellings meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

There has been a commitment to use the requirement of BASIX as a minimum requirement and a BASIX report has been submitted for the building demonstrating satisfactory compliance with BASIX targets. The BASIX scores of the building are:

- Energy - 40
- Water - 60
- Thermal Comfort - Pass

### **State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, including:**

- **Residential Flat Design Code; and**
- **Apartment Design Guide**

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) seeks to improve the design quality of residential flat developments. The Residential Flat Design Code (RFDC) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential flat development.

The Department has carried out a comprehensive review SEPP 65 including the replacement of the RFDC with the Apartment Design Guide (ADG). SEPP 65 (Amendment no.3) and the ADG will facilitate an increase in the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and encourage more innovative design.

SEPP 65 (Amendment no.3) and the ADG were endorsed on 19 June 2015 and came into effect on 17 July 2015. However, SEPP 65 includes saving provisions which confirm that the previous SEPP 65 (and RFDC) still applies for development applications prior lodged prior to 19 June 2015.

Notwithstanding the above, as the amendments to SEPP 65 were exhibited prior to the determination of this application, the Department has assessed the proposal against the aims and objectives of SEPP 65 and endorsed SEPP 65 (Amendment no.3).

<b>SEPP 65:</b>	<b>SEPP 65 (Amendment no.3):</b>	<b>Department's Response</b>
<b>Current Principle</b>	<b>Proposed Principle</b>	
1. Context	1. Context and Neighbourhood	The proposal is consistent with the use and built form requirements of the Concept Approval and with the

	Character	existing and desired future character of the locality as discussed in <b>Section 5.3</b> . The proposal will have acceptable impacts on the amenity of existing and future adjoining development.
2. Scale	2. Built Form and Scale	The proposal is consistent with the building envelope parameters set by the Concept Approval (as modified) and the height and general scale of the development is appropriate within its city edge locality. The scale of the development is compatible with existing developments adjoining the site and the other buildings within the Central Park precinct as discussed in <b>Section 5.2.1</b> .
3. Built Form		The development is considered to be of a high standard of architectural design and appearance as discussed in <b>Section 5.3.4</b> . The development has an appropriate relationship with, and is sympathetic to, the historic importance of the retained Ovoid Drain and Castle Connell Hotel on the site.
4. Density	3. Density	The building is considered to be of an appropriate density and scale and is consistent with the gross floor area controls (Modification A5) of the Concept Approval.
5. Resource, Energy and Water Efficiency	4. Sustainability	A BASIX certificate was provided with the proposal and demonstrates that the proposed development improves upon the BASIX water, thermal and energy efficiency targets. Further, Ecologically Sustainable Development principles have been incorporated into the proposal and the proposal will be considered under the Green Star Multi-Unit Residential v1 Tool, achieving a minimum 5 Star Green Star rating.
6. Landscape	5. Landscape	The proposal includes two public open spaces, a communal landscaped roof at level nine and public domain improvements. The landscaped design will provide a high level of amenity for residents, employees and visitors and ties into the overall landscaping of the Central Park precinct.
7. Amenity	6. Amenity	The proposal generally complies with the principles of SEPP 65 and the recommended standards of the RDFC and ADG in terms of achieving satisfactory residential amenity. The proposed apartments will achieve satisfactory levels of privacy, private/public open space, solar access and natural ventilation.
8. Safety and Security	7. Safety	The building has been designed to provide passive and active surveillance of the surrounding public domain. Security access is provided for pedestrian entry into the residential building and vehicular entry to the basement. A condition is recommended to address the blind corner behind Castle Connell Hotel.
9. Social Dimensions and Housing Affordability	8. Housing Diversity and Social Interaction	The proposal does not include affordable housing. However, the proposal provides a mix of apartment sizes ranging from studio to three bedrooms to cater for a range of residents with varied incomes and needs.
10. Aesthetics	9. Architectural Expression	The proposal demonstrates a high standard of architectural design through an effective palette of materials and finishes that appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing

		public domain through the provision of a visually interesting contemporary building.
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An assessment of the proposal against the RFDC best practice design principles is provided below:

	RFDC Guideline	Proposed	Consistency?
<b>Part 1 Local Context</b>			
<b>Building Depth</b>	Between 10-18m is appropriate. If wider, demonstrate how satisfactory daylighting and natural ventilation is achieved.	<ul style="list-style-type: none"> <li>Between 8-26 metres.</li> <li>Satisfactory daylighting and natural ventilation is achieved.</li> </ul>	No Refer to <b>Section 5.3.5</b>
<b>Building Separation (habitable rooms &amp; balconies)</b>	<p>Five to eight storeys:</p> <ul style="list-style-type: none"> <li>18m between habitable rooms/balconies;</li> <li>13m between habitable / non-habitable rooms;</li> <li>9m between non-habitable rooms</li> </ul> <p>Nine storeys and above:</p> <ul style="list-style-type: none"> <li>24m between habitable rooms/balconies;</li> <li>18m between habitable / non-habitable rooms;</li> <li>12m between non-habitable rooms</li> </ul>	<ul style="list-style-type: none"> <li>16m separation between proposed habitable rooms and existing non-residential properties on the southern side of Wellington Street.</li> <li>17.5m to 30m between proposed habitable rooms and existing residential properties on southern side of Wellington Street.</li> <li>20m to 35m between proposed habitable rooms and existing residential properties on the northern side of O'Connor Street.</li> </ul>	Yes
<b>Street Setbacks</b>	Compatible with desired streetscape character	<ul style="list-style-type: none"> <li>The building is provided with appropriate setbacks.</li> </ul>	Yes
<b>Part 2 Site Design</b>			
<b>Deep Soil Landscaping</b>	Min 25% of deep soil planting	<ul style="list-style-type: none"> <li>750m<sup>2</sup> (10.3%) deep soil area provided.</li> </ul>	No Refer to <b>Section 5.3.5</b>
<b>Fences</b>	Provide privacy and security Contribute to public domain	<ul style="list-style-type: none"> <li>Appropriate and secure fencing is provided to all ground floor level apartments. The ground floor treatments positively contribute to the public domain.</li> </ul>	Yes
<b>Communal Open Space</b>	Communal open spaces to be 25-30% of site area	<ul style="list-style-type: none"> <li>3,300m<sup>2</sup> public open space is provided (45% of the overall site area).</li> <li>100.5m<sup>2</sup> of communal open space is provided at level 9.</li> <li>A residents community room (85m<sup>2</sup>) and gym (120m<sup>2</sup>) are also provided.</li> </ul>	Yes
<b>Private Open Space (ground floor)</b>	25m <sup>2</sup> with minimum width of 4m	<ul style="list-style-type: none"> <li>Four of the 13 ground floor apartments (30.7%) have a total outdoor area of 25m<sup>2</sup> with minimum width of 4m.</li> </ul>	No Refer to <b>Section 5.3.5</b>
<b>Part 3 Building Design</b>			
<b>Vehicle Access</b>	Generally limit driveway width to 6m	<ul style="list-style-type: none"> <li>The service vehicle driveway from O'Connor Street is 6m in width.</li> </ul>	Yes
<b>Apartment Size (min)</b>	Studio = 38.5m <sup>2</sup> 1 bed = 50-63m <sup>2</sup> 2 bed = 70-90m <sup>2</sup>	<ul style="list-style-type: none"> <li>Apartment sizes exceed the minimum guidelines, except for 5 studios and 31 one bedroom</li> </ul>	No Refer to <b>Section 5.3.5</b>

	3 bed = 90m <sup>2</sup> +	apartments: <ul style="list-style-type: none"> <li>o Studio = 37-48m<sup>2</sup>;</li> <li>o 1 bed = 45-61m<sup>2</sup>;</li> <li>o 2 bed = 71-125m<sup>2</sup>;</li> <li>o 2 bed (dual key) = 99m<sup>2</sup>;</li> <li>o 3 bed = 106-128m<sup>2</sup>; and</li> <li>o 3 bed (dual key) = 124m<sup>2</sup>.</li> </ul>	
<b>Balcony Depth</b>	Min 2m	• All balconies have a depth of 2m or greater.	Yes
<b>Floor to ceiling heights</b>	≥2.7m	• Residential floor to ceiling heights are 2.7m or greater.	Yes
<b>Max No. of apartments off a circulation core</b>	Max 8 apartments per lift core	• Between 3 and 19 apartments per floor.	No Refer to <b>Section 5.3.5</b>
<b>Storage (internal/external)</b>	Studio = 6m <sup>2</sup> 1 bed = 6m <sup>3</sup> 2 bed = 8m <sup>3</sup>	• All apartments are allocated appropriate storage equal to or in excess of the recommended minimums.	Yes
<b>Solar Access</b>	70% of living rooms & private open space to achieve 2hrs (for dense urban areas) sunlight between 9am-3pm on 21 June (Winter solstice)	• A total of 155 apartments (52%) of apartments achieve a minimum of 2 hours of sunlight between 9am and 3pm.	No Refer to <b>Section 5.3.5</b>
<b>Natural Ventilation</b>	Min 60% of apartments cross ventilated	• 133 (45%) apartments cross ventilated.	No Refer to <b>Section 5.3.5</b>
<b>Kitchens with natural ventilation</b>	Min 25%	• All (100%) due to open plan living arrangement.	Yes
<b>Awnings and Signage</b>	Signs to comply with SEPP 64 and awning to encourage pedestrian activity	<ul style="list-style-type: none"> <li>• Signage zones comply with SEPP 64.</li> <li>• Applications for signage within the signage zones will be submitted.</li> <li>• Building provides an acceptable level of street activation.</li> <li>• Weather protection provided above residential entrances.</li> </ul>	Yes
<b>Single aspect units</b>	Limit those with southerly aspect to no more than 10%	• 68 (23%) apartments have a solely south facing aspect.	No Refer to <b>Section 5.3.5</b>

An assessment of the proposal against the ADG best practice design principles is provided below:

<b>ADG – Relevant Criteria</b>	<b>Proposal</b>	<b>Consistency?</b>
<b>3B Orientation</b>		
<ul style="list-style-type: none"> <li>• Building type/layouts respond to streetscape, optimising solar access</li> <li>• Overshadowing of neighbouring properties is minimised</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed building is consistent with the Central Park Concept Approval.</li> <li>• Overshadowing is minimised (refer to <b>Section 5.2.2</b>).</li> </ul>	Yes
<b>3C Public Domain Interface</b>		
<ul style="list-style-type: none"> <li>• Transition between public/private without compromising security</li> <li>• Amenity of public domain is retained and enhanced</li> </ul>	<ul style="list-style-type: none"> <li>• Active retail frontages provided to Kensington Street, Regent Street and Balfour Park and the new northern park.</li> <li>• Ground floor residential apartments</li> </ul>	Yes



	<p>are provided with their own street level access and provide passive surveillance.</p> <ul style="list-style-type: none"> <li>Residential and childcare lobbies are easily identifiable.</li> <li>Suitable public domain/landscaping provided.</li> </ul>													
<b>3D Communal and Public Open Space</b>														
<ul style="list-style-type: none"> <li>minimum 25% of the site</li> <li>minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter</li> </ul>	<ul style="list-style-type: none"> <li>3,300m<sup>2</sup> public open space is provided (45% of the overall site area).</li> <li>100.5m<sup>2</sup> communal residential open spaces is provided at level 9.</li> <li>A residents community room (85m<sup>2</sup>) and gym (120m<sup>2</sup>) are also provided.</li> <li>Approximately 80m<sup>2</sup> (80%) of the communal open space on level 9 receives direct sunlight for 2 hours in mid-winter.</li> </ul>	Yes												
<b>3E Deep Soil Zones</b>														
<ul style="list-style-type: none"> <li>For sites greater than 1,500m<sup>2</sup> a minimum of 7% to 15% of the site should provide for deep soil zone(s)</li> </ul>	<ul style="list-style-type: none"> <li>750m<sup>2</sup> (10.3%) deep soil area provided.</li> </ul>	Yes												
<b>3F Visual Privacy</b>														
<ul style="list-style-type: none"> <li>Minimum separation distance from building to side boundary:</li> </ul> <table border="1"> <thead> <tr> <th>Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<ul style="list-style-type: none"> <li>16m separation between proposed habitable rooms and existing non-residential properties on the southern side of Wellington Street.</li> <li>17.5m to 30m between proposed habitable rooms and existing residential properties on southern side of Wellington Street.</li> <li>20m to 35m between proposed habitable rooms and existing residential properties on the northern side of O'Connor Street.</li> </ul>	Yes
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Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<b>3G Pedestrian Access to Entries</b>														
<ul style="list-style-type: none"> <li>Building entries and pedestrian access connects to and addresses the public domain</li> <li>Access, entries and pathways are accessible and easy to identify</li> <li>Large sites provide pedestrian links for access to streets and connection to destinations</li> </ul>	<ul style="list-style-type: none"> <li>Entries and pedestrian access connects to and addresses the public domain.</li> <li>Entries are well located, designed and easily identifiable.</li> <li>A north/south pedestrian link is provided between O'Connor and Wellington Streets.</li> </ul>	Yes												
<b>3H Vehicle Access</b>														
<ul style="list-style-type: none"> <li>Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</li> </ul>	<ul style="list-style-type: none"> <li>Vehicle access width is 6m.</li> <li>Appropriate sight lines are achieved.</li> <li>Car park entry is well designed.</li> <li>Pedestrians/cyclists are separated from traffic.</li> <li>Paving material will have a traffic calming impact.</li> </ul>	Yes												
<b>3J Bicycle and Car Parking</b>														
<ul style="list-style-type: none"> <li>Minimum parking requirement as set out in the Guide to Traffic Generating Developments</li> </ul>	<ul style="list-style-type: none"> <li>174 car parking spaces provided, comprising:</li> </ul>	Yes												

<p>or local Council requirement, whichever is the less</p> <ul style="list-style-type: none"> <li>• Parking is available for other modes of transport</li> <li>• Car parking design access is safe and secure</li> <li>• Visual and environmental impacts of underground, at grade or above ground car parking are minimised</li> </ul>	<ul style="list-style-type: none"> <li>○ 157 residential spaces (including 44 accessible spaces);</li> <li>○ 3 retail spaces;</li> <li>○ 4 childcare spaces; and</li> <li>○ 10 car share spaces.</li> <li>• Three short term childcare on-street drop off car parking spaces are provided on Kensington Street.</li> <li>• No above ground car parking provided.</li> <li>• A total of 448 bicycle parking spaces, comprising: <ul style="list-style-type: none"> <li>○ 296 residential spaces;</li> <li>○ 102 residential visitor spaces;</li> <li>○ 2 childcare employee spaces;</li> <li>○ 30 retail employee spaces; and</li> <li>○ 18 retail/childcare visitor spaces.</li> </ul> </li> </ul>	
<p><b>4A Solar and Daylight Access</b></p>		
<ul style="list-style-type: none"> <li>• Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area</li> <li>• Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter</li> <li>• Shading and glare control is provided</li> </ul>	<ul style="list-style-type: none"> <li>• 155 (52%) of apartments and associated open space achieve a minimum of 2 hours of sunlight between 9am and 3pm.</li> <li>• 68 (23%) apartments have a solely south facing aspect and therefore achieve no direct sunlight between 9am-3pm in mid-winter.</li> </ul>	<p>No Refer to <b>Section 5.3.5</b></p>
<p><b>4B Natural Ventilation</b></p>		
<ul style="list-style-type: none"> <li>• At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated)</li> <li>• Overall depth of a cross-over or cross-through apartment does not exceed 18m</li> </ul>	<ul style="list-style-type: none"> <li>• 148 (50%) of all apartments are naturally cross ventilated.</li> <li>• Depths of cross-through apartments are between 12-18 metres.</li> </ul>	<p>No Refer to <b>Section 5.3.5</b></p>
<p><b>4C Ceiling Heights</b></p>		
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>- Habitable rooms 2.7m</li> <li>- Non-habitable rooms 2.4m</li> </ul>	<p>Ceiling heights meet or exceed the recommended minimums.</p>	<p>Yes</p>
<p><b>4D Apartment Size and Layout</b></p>		
<ul style="list-style-type: none"> <li>• Minimum apartment sizes <ul style="list-style-type: none"> <li>- Studio 35m<sup>2</sup></li> <li>- 1 bedroom 50m<sup>2</sup></li> <li>- 2 bedroom 70m<sup>2</sup></li> <li>- 3 bedroom 90m<sup>2</sup></li> </ul> </li> <li>• Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms</li> <li>• Habitable room depths are limited to 2.5 x the ceiling height</li> <li>• In open plan layouts the maximum habitable room depth is 8m from a window</li> <li>• Master bedroom have a minimum area of 10m<sup>2</sup> and other bedrooms have 9m<sup>2</sup></li> <li>• Bedrooms have a minimum dimension of 3m (excluding wardrobes)</li> </ul>	<ul style="list-style-type: none"> <li>• Apartment sizes exceed the minimum guidelines, except for 31 one bedroom apartments: <ul style="list-style-type: none"> <li>○ Studio = 37-48m<sup>2</sup>;</li> <li>○ 1 bed = 45-61m<sup>2</sup>;</li> <li>○ 2 bed = 71-125m<sup>2</sup>;</li> <li>○ 2 bed (dual key) = 99m<sup>2</sup>;</li> <li>○ 3 bed = 106-128m<sup>2</sup>; and</li> <li>○ 3 bed (dual key) = 124m<sup>2</sup>.</li> </ul> </li> <li>• Not all apartments meet the ceiling height to room depth ratio. However, notwithstanding this, it is considered that sufficient light and ventilation is achieved.</li> <li>• Open plan layouts achieve minimum depth.</li> <li>• Bedrooms and living rooms meet or</li> </ul>	<p>No Refer to <b>Section 5.3.5</b></p>

<ul style="list-style-type: none"> <li>• Living rooms have a minimum width of: <ul style="list-style-type: none"> <li>- 3.6m for studio and one bed</li> <li>- 4m for 2 and 3 bed</li> </ul> </li> <li>• The width of cross-over or cross-through apartments are at least 4m internally.</li> </ul>	<ul style="list-style-type: none"> <li>• exceed minimum dimensions.</li> <li>• Apartments meet minimum internal widths.</li> </ul>	
<b>4E Private Open Space and Balconies</b>		
<ul style="list-style-type: none"> <li>• Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> <li>- Studios apartments min area 4m<sup>2</sup></li> <li>- 1 bedroom min area 8m<sup>2</sup> min depth 2m</li> <li>- 2 bedroom min area 10m<sup>2</sup> min depth 2m</li> <li>- 3 bedroom min area 12m<sup>2</sup> min depth 2.5m</li> </ul> </li> <li>• For apartments at ground floor level or similar, private open space must have a minimum area of 15m<sup>2</sup> and depth of 3m<sup>2</sup></li> <li>• Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building</li> <li>• Primary open space and balconies maximises safety</li> </ul>	<ul style="list-style-type: none"> <li>• Balcony sizes are consistent with the area and depth guidelines.</li> <li>• Ground floor level and level 9 private open spaces meet or exceed the minimum requirement.</li> <li>• All balconies are integrated into the architectural form/detail of the building.</li> <li>• Balcony design avoids opportunities for climbing and falls.</li> </ul>	Yes
<b>4F Common Circulation and Spaces</b>		
<ul style="list-style-type: none"> <li>• Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.</li> <li>• For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40</li> <li>• Natural ventilation is provided to all common circulation spaces where possible</li> <li>• Common circulation spaces provide for interaction between residents</li> <li>• Longer corridors are articulated</li> </ul>	<ul style="list-style-type: none"> <li>• Between eight and 19 apartments are provided off each circulation core.</li> <li>• Within the 13 storey component, 129 apartments are served by two lifts.</li> <li>• Natural ventilation and light is provided to the residential internal corridor/circulation areas.</li> <li>• The residential lobbies, communal open space (level 9) and community room provides opportunities for interaction.</li> <li>• Corridors are not excessively long.</li> </ul>	No Refer to <b>Section 5.3.5</b>
<b>4G Storage</b>		
<ul style="list-style-type: none"> <li>• The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> <li>- Studio apartments 4m<sup>3</sup></li> <li>- 1 bedroom apartments 6m<sup>2</sup></li> <li>- 2 bedroom apartments 8m<sup>2</sup></li> <li>- 3 bedroom apartments 10m<sup>2</sup></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Residential storage meets the minimum guidelines.</li> </ul>	Yes
<b>4H Acoustic Privacy and 4J Noise and Pollution</b>		
<ul style="list-style-type: none"> <li>• Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.</li> <li>• Noise impacts are mitigated through internal apartment layout and acoustic treatments.</li> </ul>	<ul style="list-style-type: none"> <li>• Noise transfer is minimised through the appropriate layout of the building.</li> <li>• Apartments are appropriately stacked and laid out to prevent noise transfer.</li> </ul>	Yes
<b>4K Apartment Mix</b>		
<ul style="list-style-type: none"> <li>• Provision of a range of apartment types and sizes</li> <li>• Apartment mix is distributed to suitable locations within the building.</li> </ul>	<ul style="list-style-type: none"> <li>• A variety of apartment sizes and types are accommodated and appropriately located within the building.</li> <li>• The apartments are logically located within the building.</li> </ul>	Yes

<b>4L Ground Floor Apartments</b>																				
<ul style="list-style-type: none"> <li>• Street frontage activity is maximised where ground floor apartments are located</li> <li>• Design of ground floor apartments delivers amenity and safety for residents</li> </ul>	<ul style="list-style-type: none"> <li>• Direct street access is provided for all ground floor apartments.</li> <li>• Apartments provide passive surveillance of the adjacent streets and public open spaces.</li> <li>• Apartment layouts support home office locations fronting the street.</li> </ul>	Yes																		
<b>4M Facades</b>																				
<ul style="list-style-type: none"> <li>• Building facades provide visual interest along the street while respecting the character of the local area</li> <li>• Building functions are expressed by the facade</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal achieves a high standard of architectural design and will positively contribute to the Central Park precinct.</li> <li>• The retail and residential uses are externally expressed in the design of the building.</li> </ul>	Yes																		
<b>4N Roof Design</b>																				
<ul style="list-style-type: none"> <li>• Roof treatments are integrated into the building design and positively respond to the street</li> <li>• Opportunities to use roof space for accommodation and open space is maximised</li> <li>• Roof design includes sustainability features</li> </ul>	<ul style="list-style-type: none"> <li>• The roof design of the building is architecturally expressed and visually interesting.</li> <li>• Communal open space is provided at level 9.</li> <li>• A green roof is provided at level 10.</li> </ul>	Yes																		
<b>4O Landscape Design and 4P Planting on Structures</b>																				
<ul style="list-style-type: none"> <li>• Landscape design is viable and sustainable</li> <li>• Landscape design contributes to streetscape and amenity</li> <li>• Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance)</li> <li>• Plant growth is optimised with appropriate selection and maintenance</li> <li>• Building design includes opportunity for planting on structure</li> </ul>	<ul style="list-style-type: none"> <li>• Landscaping includes a mixture of native and non-native plants and shading trees.</li> <li>• Planting and furniture is provided within the two public open spaces</li> <li>• Perimeter planters are provided along many of the residential balconies.</li> </ul>	Yes																		
<b>4Q Universal Design</b>																				
<table border="1"> <thead> <tr> <th><b>Universal Design Guidelines (20% of apartments)</b></th> <th><b>SSDA 6376</b></th> </tr> </thead> <tbody> <tr> <td>Safe and continuous levelled path to entrances</td> <td>Compliant</td> </tr> <tr> <td>Accessible entry door with a minimum 820mm clear opening width and a step-free threshold</td> <td>Compliant</td> </tr> <tr> <td>Level landing area of 1200mm x 1200mm at the entrance door</td> <td>Compliant</td> </tr> <tr> <td>Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces</td> <td>Compliant</td> </tr> <tr> <td>Internal corridors with a minimum of 1000mm clear width.</td> <td>Compliant</td> </tr> <tr> <td>Step free shower recess</td> <td>Non-Compliant</td> </tr> <tr> <td>Bathroom wall is reinforced for grab rails around the toilet, shower and basin</td> <td>Non-Compliant</td> </tr> <tr> <td>A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> <li>• minimum clear width of 900mm between walls</li> <li>• minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing)</li> </ul> </td> <td>Non-Compliant</td> </tr> </tbody> </table>		<b>Universal Design Guidelines (20% of apartments)</b>	<b>SSDA 6376</b>	Safe and continuous levelled path to entrances	Compliant	Accessible entry door with a minimum 820mm clear opening width and a step-free threshold	Compliant	Level landing area of 1200mm x 1200mm at the entrance door	Compliant	Internal doors with a minimum 820mm clear opening width and a step-free transition between surfaces	Compliant	Internal corridors with a minimum of 1000mm clear width.	Compliant	Step free shower recess	Non-Compliant	Bathroom wall is reinforced for grab rails around the toilet, shower and basin	Non-Compliant	A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> <li>• minimum clear width of 900mm between walls</li> <li>• minimum clear circulation space forward of the toilet pan of 1200mm (excluding the door swing)</li> </ul>	Non-Compliant	No Refer to <b>Section 5.3.5</b>
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<ul style="list-style-type: none"> <li>• A variety of apartments with adaptable designs are provided</li> <li>• Apartments layouts are flexible and accommodate a range of lifestyle needs</li> </ul>	<ul style="list-style-type: none"> <li>• A total of 44 adaptable apartments are provided and apartment layouts are flexible and can accommodate a range of lifestyle needs.</li> </ul>	
<b>4S Mixed Use</b>		
<ul style="list-style-type: none"> <li>• Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement</li> <li>• Residential levels are integrated within the development, safety and amenity is maximised.</li> </ul>	<ul style="list-style-type: none"> <li>• The development addresses the street and public open spaces and pedestrian thoroughfares and active frontages are provided.</li> <li>• Residential circulation areas are clearly defined and communal open space is provided.</li> </ul>	Yes
<b>4T Awning and Signage</b>		
<ul style="list-style-type: none"> <li>• Awnings are well located and complement and integrate with the building</li> <li>• Signage responds to the context and design streetscape character</li> </ul>	<ul style="list-style-type: none"> <li>• Awnings are incorporated into the design of the building and appropriately located.</li> <li>• Signage zones comply with SEPP 64.</li> <li>• Applications for signage within the signage zones will be submitted.</li> </ul>	Yes
<b>4U Energy Efficiency</b>		
<ul style="list-style-type: none"> <li>• Development incorporates passive environmental and solar design</li> <li>• Adequate natural ventilation minimises the need for mechanical ventilation</li> </ul>	<ul style="list-style-type: none"> <li>• The development exceeds BASIX water, thermal and energy efficiency targets.</li> </ul>	Yes
<b>4V Water Management and Conservation</b>		
<ul style="list-style-type: none"> <li>• Potable water use is minimised</li> <li>• Urban stormwater is treated on site before being discharged to receiving waters</li> <li>• Flood management systems are integrated into the site design</li> </ul>	<ul style="list-style-type: none"> <li>• Water efficient fittings and appliances will be installed.</li> <li>• A Water Sensitive Urban Design strategy has been prepared for overall Central Park precinct.</li> </ul>	Yes
<b>4W Waste Management</b>		
<ul style="list-style-type: none"> <li>• Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity</li> <li>• Domestic waste is minimised by providing safe and convenient source separation and recycling</li> </ul>	<ul style="list-style-type: none"> <li>• Waste storage is provided at basement level in convenient locations.</li> <li>• Separate waste and recycling containers will be provided and will be managed by the building manager.</li> </ul>	Yes
<b>4X Building Maintenance</b>		
<ul style="list-style-type: none"> <li>• Building design detail provides protection from weathering</li> <li>• Systems and access enable ease of maintenance</li> <li>• Material selection reduced ongoing maintenance cost</li> </ul>	<ul style="list-style-type: none"> <li>• The building has been appropriately designed to allow ease of maintenance.</li> <li>• The materials are robust.</li> </ul>	Yes

## APPENDIX C CONSISTENCY WITH THE CONCEPT APPROVAL

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

Concept Approval	Department Comment																														
<b>Approval Requirement</b>																															
<p><b>A1 Operation and Commencement of Approval linked to Planning Agreements</b></p> <ol style="list-style-type: none"> <li><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></li> <li><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></li> </ol>	<ol style="list-style-type: none"> <li>The VPA between the Redfern-Waterloo Authority and Frasers Broadway has been executed.</li> <li>The VPA between Frasers Broadway and the Department has been executed.</li> </ol>																														
<b>Modifications</b>																															
<p><b>A1 Gross Floor Area Controls</b></p> <p><i>The Concept Plan is modified with regards to GFA as described by the provisions below</i></p> <ol style="list-style-type: none"> <li><i>The Maximum GFA available for development across the Subject Site is 255,500 square metres</i></li> <li><i>The GFA for residential land uses on the site shall not exceed 195,985m<sup>2</sup> of the total GFA.</i></li> <li><i>The GFA for non - residential land uses on the site shall not be less than 59,515m<sup>2</sup> of the total GFA.</i></li> <li><i>The maximum GFA for the development parcels approved as part of the Concept Plan are described below:</i></li> </ol> <table border="1" data-bbox="272 1413 775 1957"> <thead> <tr> <th>Block</th> <th>Total max GFA (sq metres)</th> </tr> </thead> <tbody> <tr><td>Block 1</td><td>24,231</td></tr> <tr><td>Block 4N</td><td>26,591</td></tr> <tr><td>Block 4S</td><td>22,258</td></tr> <tr><td>Block 4B (Brewery Yard)</td><td>3,898</td></tr> <tr><td>Block 2</td><td>67,626</td></tr> <tr><td>Block 3</td><td>11,043</td></tr> <tr><td>Block 5A &amp; 5B</td><td>28,316</td></tr> <tr><td>Block 6</td><td>2,000</td></tr> <tr><td>Block 7</td><td>1,000</td></tr> <tr><td>Block 8</td><td>14,875</td></tr> <tr><td>Block 9</td><td>26,598</td></tr> <tr><td>Block 10</td><td>1,844</td></tr> <tr><td>Block 11</td><td>25,220</td></tr> <tr><td><b>Site Total</b></td><td><b>255,500</b></td></tr> </tbody> </table> <ol style="list-style-type: none"> <li><i>Notwithstanding the above, any GFA that occurs from the development for the purposes of community facilities within the Main Park that</i></li> </ol>	Block	Total max GFA (sq metres)	Block 1	24,231	Block 4N	26,591	Block 4S	22,258	Block 4B (Brewery Yard)	3,898	Block 2	67,626	Block 3	11,043	Block 5A & 5B	28,316	Block 6	2,000	Block 7	1,000	Block 8	14,875	Block 9	26,598	Block 10	1,844	Block 11	25,220	<b>Site Total</b>	<b>255,500</b>	<p>The modification does not propose any alterations to the GFA controls.</p> <p>The proposal complies with the GFA controls as it provides 25,220m<sup>2</sup> on Block 11, which is within the overall 255,500m<sup>2</sup> permitted for the Concept Plan and retains the approved residential (maximum 195,985m<sup>2</sup>) and non-residential (minimum 59,515m<sup>2</sup>) land use mix.</p>
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<p><i>Council will own and operate shall not be calculated towards the maximum GFA referred to in (a) above.</i></p> <p>(f) <i>To allow for minor variations the total GFA for each block shall not exceed the maximum GFA for each block referred to in the above table by more than 5%, however the total GFA for the site (255,500sq.m) shall not be exceeded.</i></p> <p>(g) <i>Any future land subdivision shall ensure covenants are placed on the title to limit the GFA for each block in accordance with (d) and (f).</i></p> <p>(h) <i>The maximum GFA identified above is subject to satisfying as part of future applications:</i>  (i) <i>the requirements of this approval,</i>  (ii) <i>all design excellence provisions, and</i>  (iii) <i>environmental considerations.</i></p>	
<p><b>A2 Gross Floor Area Calculations</b></p> <p><i>The Proponent is to provide surveyor endorsed A3 drawings with each future application that provide the following detailed information:</i></p> <p>(a) <i>Show and number the included and excluded floor area for each level</i></p> <p>(b) <i>Show the breakdown and cumulative total for each level of gross floor areas, and</i></p> <p>(c) <i>Demonstrate the project is contained within the approved building envelopes, and</i></p> <p>(d) <i>Demonstrate that the design does not exceed the maximum GFA permitted for each development parcel.</i></p>	<p>Sufficient information has been provided on the A3 drawings submitted with the application.</p>
<p><b>A3 Design excellence</b></p> <p>(1) <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></p> <p>(2) <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>  (a) <i>any development comprising the erection of a building exceeding 55 metres in height,</i>  (b) <i>any development of land exceeding 1,500 square metres in area,</i>  (c) <i>for each "block" where this is not covered by (a) or (b) above, or</i>  (d) <i>building(s) not counted by (a) to (c) where considered critical for the precinct.</i></p> <p>(3) <i>The design competition brief(s) shall be approved by the Director-General or his delegate.</i></p> <p>(4) <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>  (a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i>  (b) <i>whether the form and external appearance of the building will improve the quality and amenity of the public domain,</i>  (c) <i>whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and</i></p>	<p>Commitment No.2 (Schedule 4) of the Concept Approval (MP06_0171 as modified) relates to design excellence and provides a list of architects agreed to be appointed for each of the nominated blocks on the site.</p> <p>In accordance with this commitment, FJMT Architects are the appointed architects for Blocks 11.</p>

<p><i>acoustic privacy, safety and security and resource, energy and water efficiency,</i></p> <p>(5) <i>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.</i></p> <p>(6) <i>Approval of future applications may not be granted until such time as the relevant authority has obtain and taken into consideration the advice of the design review panel concerning the design quality of development on the site.</i></p>	
<p><b>A4 Site Servicing</b></p> <p><i>Emergency and service vehicles must have adequate access to and within the site and into proposed basement car parking areas.</i></p>	<p>Emergency vehicles have access to the site from O'Connor, Wellington and Kensington Streets. A dedicated access point for service vehicles is provided at O'Connor Street.</p>
<p><b>A5 Street Activation</b></p> <p>(1) <i>The Concept Plan is modified to require that street activation is maximised along the following roads:</i></p> <ul style="list-style-type: none"> <li><i>(a) Broadway,</i></li> <li><i>(b) Balfour Street,</i></li> <li><i>(c) Carlton,</i></li> <li><i>(d) Irving,</i></li> <li><i>(e) Kensington,</i></li> <li><i>(f) Tooth Avenue adjacent to Block 4 &amp; Block 5</i></li> <li><i>(g) Kent Road,</i></li> </ul> <p>(2) <i>For the purposes of maximising street activation, this shall involve</i></p> <ul style="list-style-type: none"> <li><i>(a) providing access into retail shops directly from the pedestrian footpaths,</i></li> <li><i>(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,</i></li> <li><i>(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</i></li> <li><i>(d) minimising the number of driveways and their widths and providing basement car access and servicing,</i></li> <li><i>(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.</i></li> </ul>	<p>The proposal provides ground floor retail and restaurant uses fronting the public open space and Kensington Street, which appropriately activate that street and park frontages.</p>



<p><b>A7 Additional public benefits</b></p> <p>The Concept Plan is modified to make clear that the Proponent is responsible for providing additional public benefits limited to the following:</p> <p>(a) the construction of a roadway as part of Carlton Street and which is owned by Council,</p> <p>(b) the construction of all internal roads including kerbs and guttering, pavement treatments, light, power and other utilities, planting and street furniture,</p> <p>(c) the creation of part of the site for widening Wellington Street to construct a footpath</p> <p>(d) external footpaths and ancillary road works (including the upgrade of O'Conner Street and Kensington Street).</p>	<p>(a) N/A</p> <p>(b) Internal roads and associated works are being delivered as part of the redevelopment of the site.</p> <p>(c) Wellington Street has been provided with a footpath along its northern side.</p> <p>(d) O'Connor and Kensington Streets have already been upgraded.</p>
<b>Future Assessment Requirements</b>	
<p><b>B3 Landscaping</b></p> <p><i>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.</i></p>	<p>Landscape plans were submitted with the EIS and include planting of street trees, provision of hard and soft landscaping within the two public open spaces and landscaping at various levels within the building.</p>
<p><b>B5 Parking Rates</b></p> <p><i>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.</i></p>	<p>The basement area of Block 11 includes parking for 174 cars, comprising:</p> <ul style="list-style-type: none"> <li>• 157 residential spaces (including 44 accessible spaces);</li> <li>• 3 retail spaces;</li> <li>• 4 childcare spaces; and</li> <li>• 10 car share spaces.</li> </ul> <p>The basement area also includes 18 motorcycle spaces.</p> <p>Three short term childcare on-street pick up/drop off car parking spaces are provided on Kensington Street and six on-street car parking spaces are provided on O'Connor Street.</p> <p>The proposed provision complies with the maximum parking requirements under SLEP 2005.</p> <p>A total of 1794 parking spaces are expected to be provided site-wide, which is 206 spaces less than the 2000 permitted by the Concept Approval.</p>
<p><b>B7 Car Share</b></p> <p><i>Details of future car share arrangements are to be submitted with future project applications, so that car share services are provided to residents.</i></p>	<p>The proposal includes 10 car-share spaces.</p>
<p><b>B9 Infrastructure - Rail</b></p> <p>Future applications lodged by the Proponent for development on the Subject Site shall:</p> <p>(a) demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for noise</p>	<p>The application was referred to Transport for NSW who raised no concerns with the Block 11 proposal.</p>

<p>and vibration impacts, regardless of whether they are interim or draft;</p> <p>(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;</p> <p>(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</p> <p>(d) demonstrate that a suitable level of consultation with RailCorp has been undertaken.</p>	
<p><b>B10 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b></p> <p>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.</p>	<p>BASIX Certificates were received as part of the EIS that demonstrates the proposal complies with the requirements of SEPP (BASIX) 2004. A condition is recommended requiring the submission of details prior to issue of relevant Construction Certificate.</p>
<p><b>B11 State Environmental Planning Policy No.55 – Remediation of Land</b></p> <p>Future applications lodged by the Proponent for development on the subject site shall demonstrate that the provisions of SEPP 55 have been met.</p>	<p>Remediation and validation works shall be carried out on the site in accordance with the Remedial Action Plan for Central Park approved on 15 August 2008 (MP07_0163).</p>
<p><b>B12 ESD and Sustainable Design</b></p> <p>(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.</p> <p>(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.</p>	<p>The proposed development incorporates ESD initiatives and targets a 5 Star Green star rating for the development.</p> <p>A condition is recommended requiring documentation to be submitted to the PCA demonstrating compliance with the Concept Approval requirements, prior to Occupation of the building.</p>
<p><b>B13 Heritage and Archaeology</b></p> <p>(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.</p> <p>(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.</p>	<p>N/A</p> <p>The City Datum Line has been applied to the design of Block 11. The design of the building has had appropriate regard to the retained Castle Connell Hotel on the site and provides an appropriate transition of built form to neighbouring buildings.</p>

**B16 Child Care Centres**

Future applications for Blocks 4N and 11 are to demonstrate that the child care centres provided within the blocks provide the overall number of child care places as required for the Central Park development in accordance with the City of Sydney Child Care Centres DCP 2005.

The application has demonstrated that the proposed childcare centre can accommodate 90 children and has been designed in accordance with the requirements of the Council's DCP.

**APPENDIX D RECOMMENDED CONDITIONS OF CONSENT**

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