

## ASSESSMENT REPORT

### Central Park Concept Approval (MP 06\_0171 MOD 12) and Block 4N – Mixed Use Development (SSD 6673 MOD 1)

#### 1. INTRODUCTION

This report provides a concurrent assessment of two applications seeking approval to modify the Central Park Concept Plan approval (MP 06\_0171) and the State Significant Development (SSD) approval for Block 4N (SSD 6673). The applications have been lodged by Central Park JV (the Proponent) pursuant to section 75W and section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The applications seek approval to:

- modify to the Concept Plan by changing the ownership of certain internal roads and footpaths; and redistributing 102 m<sup>2</sup> of gross floor area (GFA) from Block 4N to Block 4B; and
- modify the SSD approval for Block 4N to make internal and external amendments to the building, including enclosure of a ground floor terrace and provision of 14 additional hotel rooms.

#### 2. SITE LOCATION

The Central Park site is located to the south-west of Sydney's CBD within the City of Sydney Local Government Area. The site is located on the southern side of Broadway, in Chippendale (see **Figure 1**). Central Park is a major urban renewal site within walking distance to Central Station and the CBD.

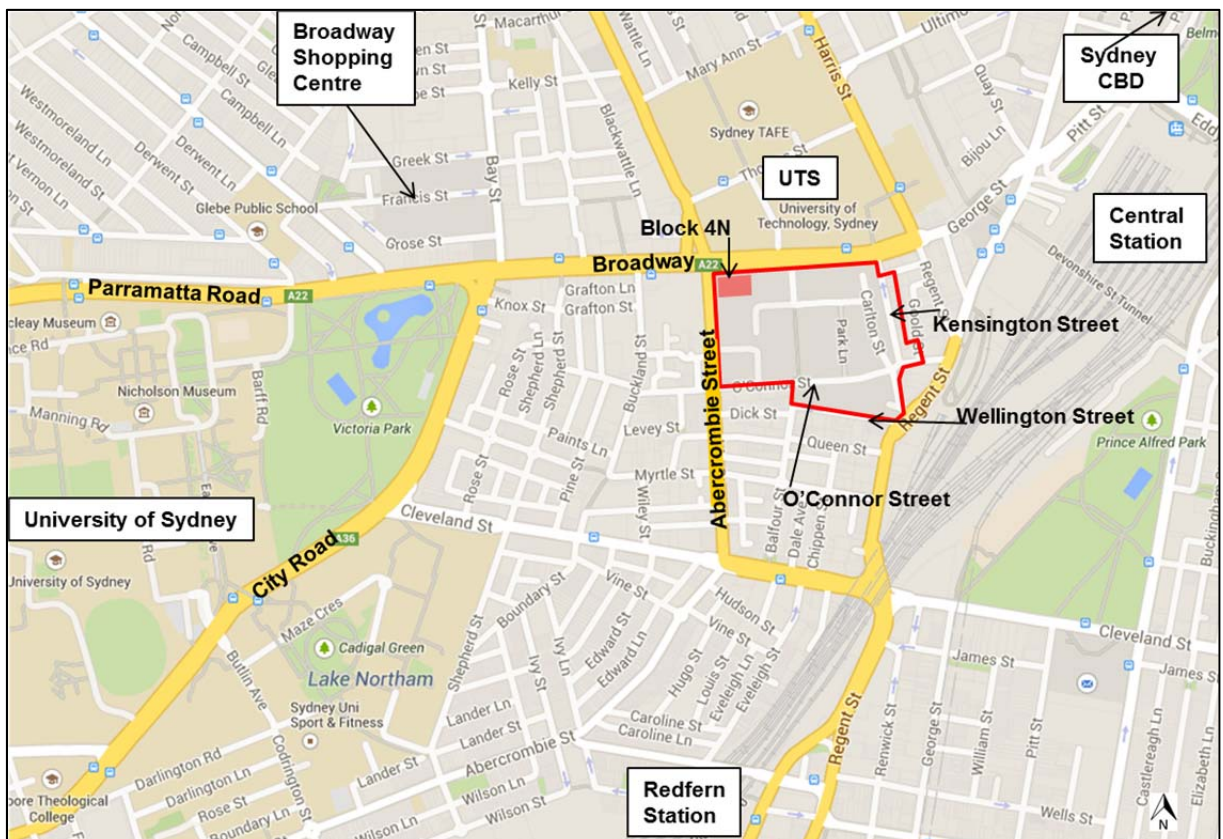
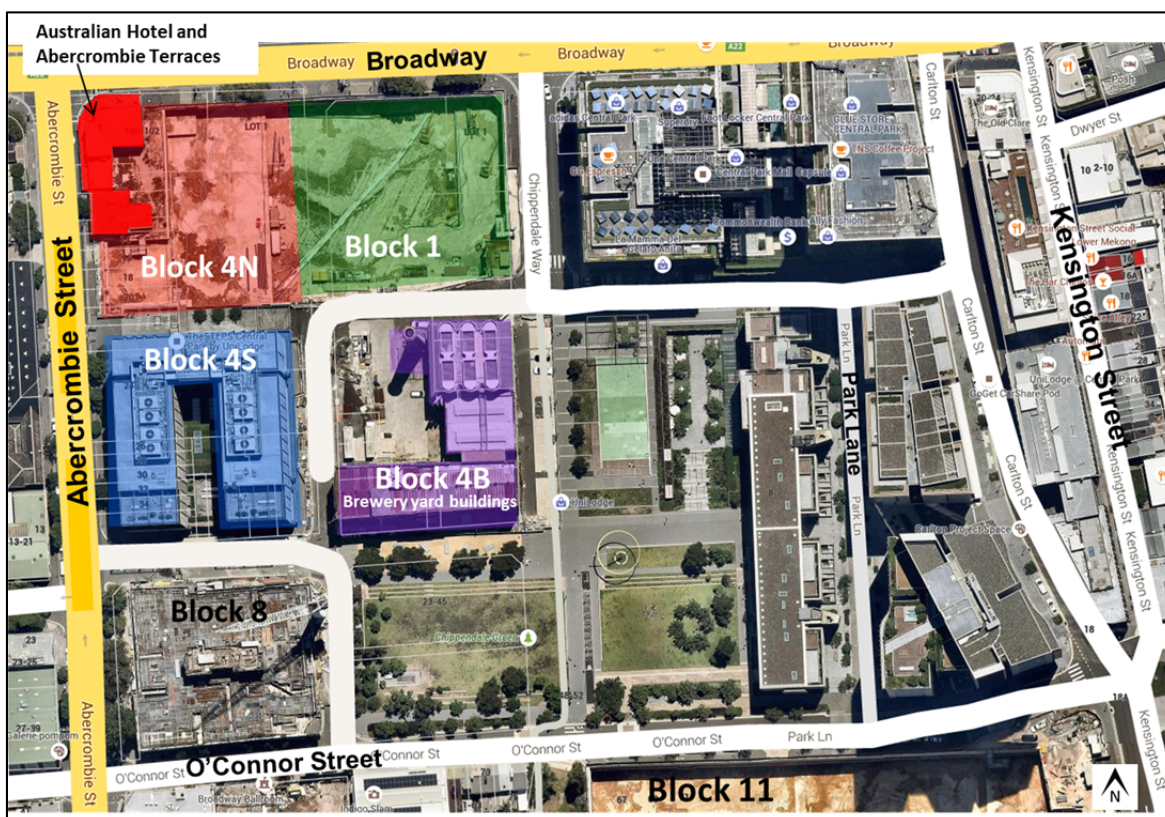


Figure 1: Site location

## 2.2. Subject site

Block 4N is located in the north-west corner of the Central Park site (refer to **Figure 2**). It includes the heritage listed Australian Hotel and three terrace houses which will all be retained. The site is bounded by Abercrombie Street to the west, Broadway to the north and Block 1 to the east. Block 1 and 4N share four levels of basement across both sites. Block 4N is currently being constructed.



**Figure 2:** Location of Block 4N and Block 4B within Central Park site

## 3. APPROVAL HISTORY

### 3.1 Concept Approval

On 9 February 2007, the then Minister for Planning granted Concept Plan approval (MP 06\_0171) for the redevelopment of the site which includes a mix of residential, commercial and retail uses as well as public open space. The Concept Plan approval has been modified on 11 occasions (see **Table 1** below).

Key Aspects of the Concept Plan approval as modified include:

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

**Table 1:** Previous Modifications to the Concept Approval

Mod No.	Description of Modification	Approved
Mod 1	Administrative changes to the approval	18 July 2007
Mod 2	Major amendments to the Concept Plan	5 Feb 2008
Mod 3	Amendment to Voluntary Planning Agreements (timing)	16 May 2010
Mod 4	Modification to the lapsing date	30 Aug 2011
Mod 5	Modification to Ecological Sustainable Design condition	31 July 2012
Mod 6	Modifications to GFA within the Kensington Precinct.	24 July 2012
Mod 7	Amendment to GFA of Block 3	17 Jan 2013

Mod 8	Redistribution of GFA and the mix of residential and non-residential GFA. Use of Block 4S for student accommodation and Block 1 for residential. Reconfiguration of building envelopes for Blocks 1, 4N and 4S.	23 Dec 2013
Mod 9	Redistribution of GFA, envelopes, amendments to building Block 4S and Block 8 envelopes and changes to public domain and access.	27 Nov 2014
Mod 10	Redistribution of the GFA, amendments to Blocks 1 and 4N envelopes and inclusion of residential use within Block 4N.	20 Aug 2015
Mod 11	Redistribution of GFA and modifications to Block 11.	2 March 2016

The subject modification also relates to the Block 4N and 4B approvals as outlined below.

### 3.2 SSD 6673 Block 4N Approval

On 20 August 2015, SSD 6673 was approved under delegation for the construction of a part 18, part 19 storey mixed use building on Block 4N with 26,591 m<sup>2</sup> of GFA including:

- 283 hotel rooms;
- 48 residential apartments;
- 6,417 m<sup>2</sup> commercial office space;
- 1,236 m<sup>2</sup> retail accommodation;
- 812 m<sup>2</sup> childcare facility;
- four levels of basement car parking;
- the retention and refurbishment of the Australian Hotel and Abercrombie Street terraces;
- public domain works;
- signage zones; and
- stratum subdivision.

This application is the first modification to the SSD approval for Block 4N.

### 3.3 MP 10\_0217 Block 4B Approval (brewery buildings)

On 15 May 2012, Major Project MP 10\_0217 was approved under delegation for the adaptive reuse of the brewery buildings and yard (Block 4B). The approval included the adaptive reuse of the buildings for commercial and retail uses and restoration of the brewery yard.

## 4. PROPOSED MODIFICATION

On 15 February 2016, the Proponent lodged a concurrent application to modify the Concept Plan (MP 06\_0171 MOD 12) and SSD approval of Block 4N (SSD 6673 MOD 1). The proposed modifications to each application are outlined below.

### 4.1 Concept Plan Modifications

The proposal seeks to change the tenure of the following roads and footpaths on the site:

- change Central Park Avenue and Chippendale Way from being privately owned, publically accessible roads to public roads dedicated to Council;
- change Park Lane (including the southern end access to Block 11) from a privately owned, publically accessible road to a private road, but publically accessible for pedestrians; (**Figure 4** indicates publically accessibly open space)
- change the footpath along O'Conner Street from being privately owned, publically accessible, to a public path dedicated to Council; and
- change the area around the Brewery buildings (Block 4B) from being publically accessible open space to private land not accessible to the public.

These changes are illustrated in **Figures 3 and 4**.

The proposal also seeks approval to reallocate 102 m<sup>2</sup> of permissible non-residential GFA from Block 4N to Block 4B (the brewery yard and buildings) while maintaining the overall maximum GFA of 255,500 m<sup>2</sup>. No change is proposed to the overall mix of non-residential and residential GFA on the site.

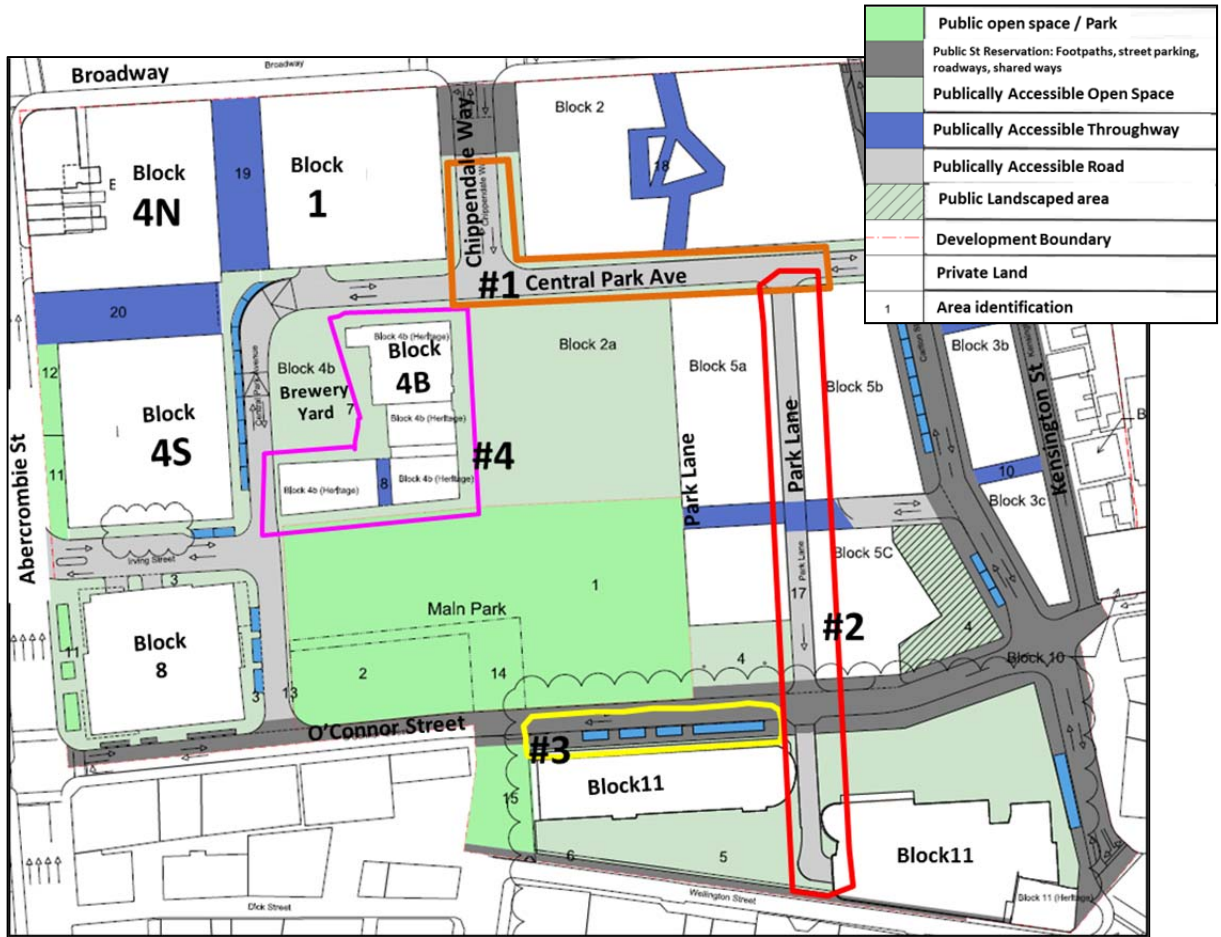


Figure 3: Approved Public Domain Plan

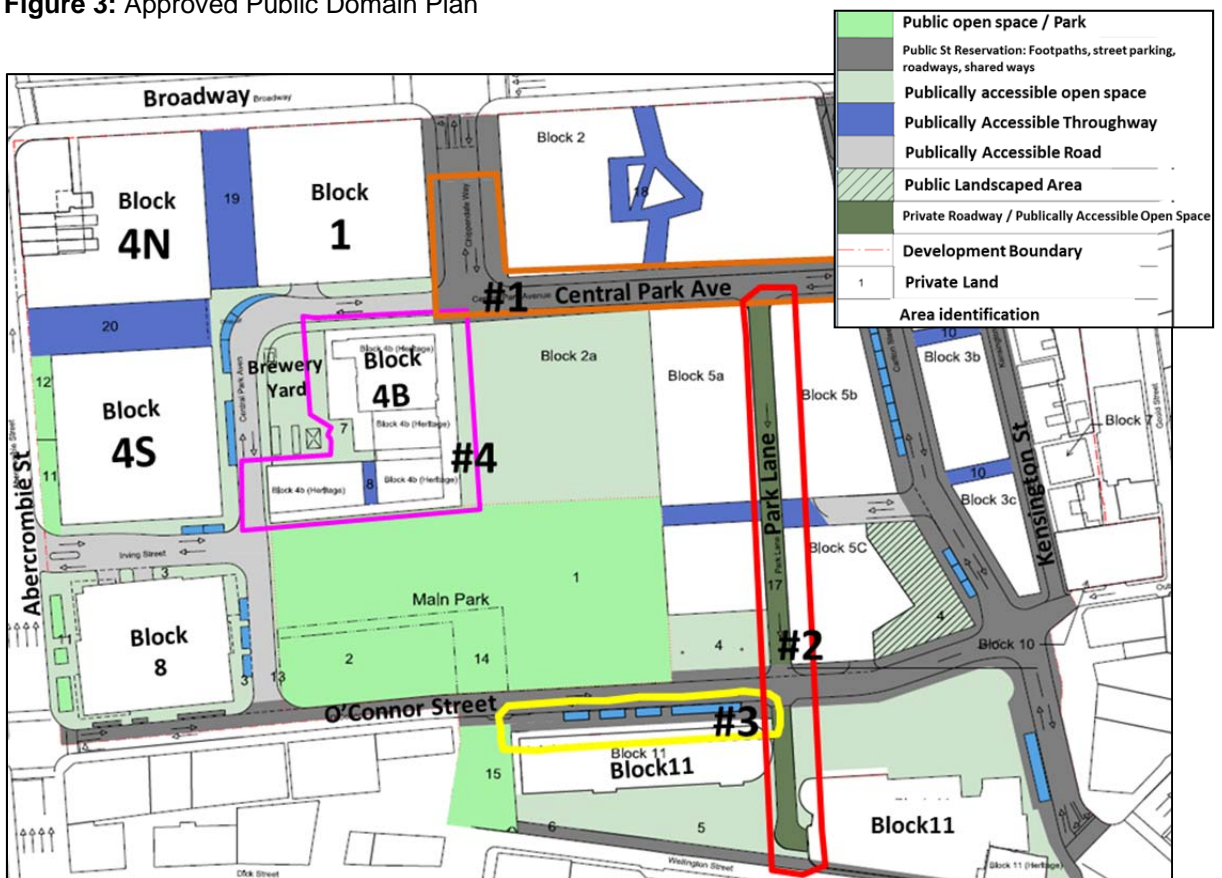


Figure 4: Proposed Public Domain Plan

## 4.2 Block 4N Modifications

Key changes to Block 4N include:

- enclosure of a ground floor terrace fronting Broadway;
- changes to the roof design;
- internal changes including:
  - deletion of the pool;
  - deletion of retail areas; and
  - provision of 14 additional hotel rooms.

Details of the modifications are outlined in **Table 2**, and illustrated in **Figures 5 to 8**.

**Table 2: Modifications to Block 4N**

Location	Detail of Modification
Ground Floor	<ul style="list-style-type: none"> <li>• Enclosure of the outdoor terrace fronting Broadway (see <b>Figure 5</b> and <b>6</b>).</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>• Replace the retail space with communal hotel facilities including a gym, bathroom amenities and hotel office space.</li> <li>• Include a connection at the south-eastern corner of the building to connect these facilities to the hotel component of the building (see <b>Figure 7</b>).</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>• Replace existing hotel rooms and the pool void with hotel function and meeting rooms (<b>Figure 8</b> and <b>9</b>).</li> </ul>
Level 3	<ul style="list-style-type: none"> <li>• Delete the pool to include an additional 14 hotel rooms, from 283 to 297 (4.7%). No changes to the childcare facility at this level (<b>Figure 8</b> and <b>9</b>).</li> </ul>
Levels 13 to 18	<ul style="list-style-type: none"> <li>• Minor amendments to the residential apartment configurations to allow for design changes to internal bathroom layouts, kitchen design, types of internal doors and riser locations for storage of cabling and engineering services. Note: No changes are proposed to the number or mix of apartments.</li> </ul>
Basement	<ul style="list-style-type: none"> <li>• Include additional back of house hotel facilities (kitchen, offices, storage rooms).</li> <li>• Reconfiguration of car park layout including changes to location of storage and plant equipment.</li> <li>• Additional bicycle storage spaces.</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Removal of an awning from the roof level to allow for increased solar access (see <b>Figure 10</b>).</li> </ul>
External Changes	<ul style="list-style-type: none"> <li>• Landscaping changes across the site including removal of trees and the water feature on the ground floor to allow for additional seating to the outdoor terrace.</li> <li>• Minor amendments to external building materials including glazing, louvres, sunshades, and replacement of sandstone fin walls with off form concrete (discussed further in <b>Table 4</b>).</li> </ul>
Changes to Conditions	<ul style="list-style-type: none"> <li>• Amend Condition A6 to give approval for the fit out of the hotel including food and drink premises associated with the hotel.</li> <li>• Amend Condition A2 to include revised plans (including additional signage zones).</li> <li>• Amend Condition F8 relating to BASIX Sustainability requirements.</li> </ul>

The Department notes the modification request initially included additional signage zones on the building facades but following concerns raised by Council, this aspect of the proposal has been deleted.



Figure 5: Approved and Proposed layout of outdoor terrace at the Broadway frontage.

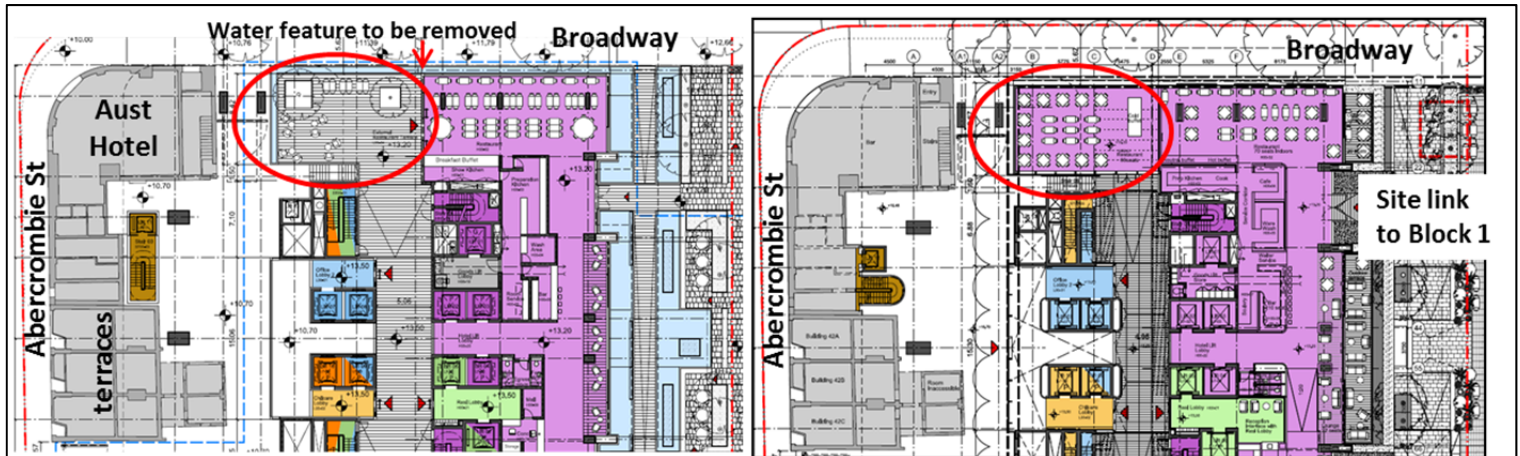


Figure 6: Approved and proposed layout of Ground floor with additional seating

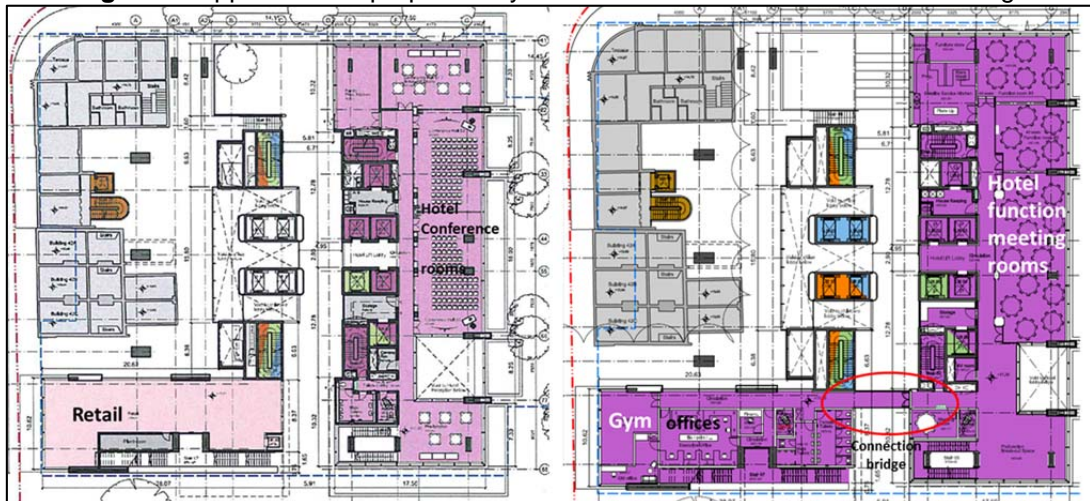
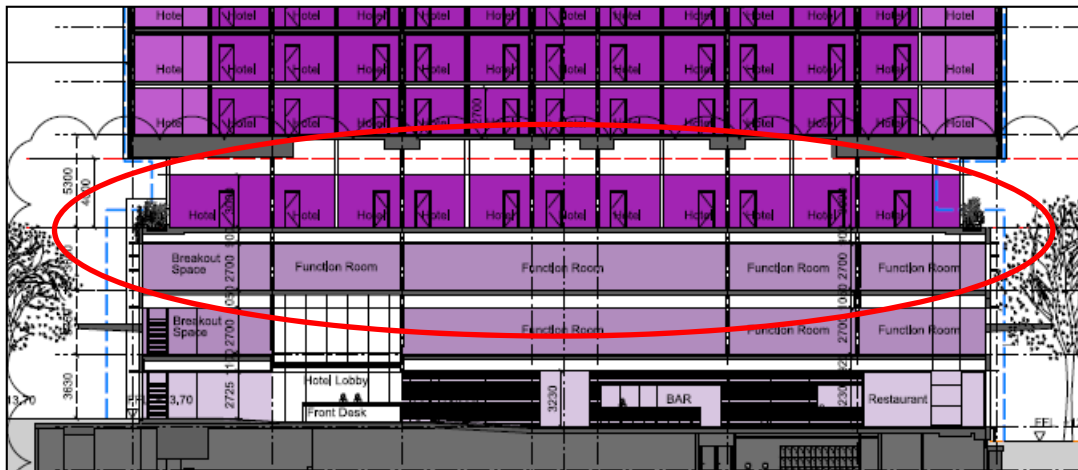


Figure 7: Approved and Proposed layout of Level 1 including new connection bridge.



**Figure 8:** Approved section of Levels 1 to 3 of Hotel including swimming pool.



**Figure 9:** Proposed section of Levels 1 to 3 with additional hotel rooms.



**Figure 10:** Approved and proposed North elevation - removal of roof structure.

## 5. STATUTORY CONSIDERATION

### 5.1 Section 75W Modification of Concept approval

The Concept Plan was approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the Concept Plan remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act. The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

### 5.1 Section 96(1A) Modification to State significant development

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied the following matters are addressed in respect of all applications that seek modification approvals:

**Table 3**

<b>Section 96(1A) matters for consideration</b>	<b>Comment</b>
That the proposed modification is of minimal environmental impact	<b>Section 7</b> of this report provides an assessment of the impacts associated with the modification. The Department is satisfied the proposed modifications to Block 4N will have minimal environmental impact.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for external and internal changes primarily to the hotel component of the building and does not result in any additional adverse impacts on the surrounding area. On this basis, the proposal would result in development that is substantially the same as the originally approved for the development of Block 4N.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 6</b> of this report.
Any submission made concerning the proposed modification has been considered.	The Department received two submissions on the proposal. The issues raised in submissions have been considered in <b>Section 7</b> of this report.

### 5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Building Sustainability Index: BASXI) 2004;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – (Advertising and Signage);
- State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development);
- Sydney Local Environmental Plan 2005; and
- Sydney Development Control Plan 2012.

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessments. The Department has considered the above EPIs and is satisfied the modifications are generally consistent with the EPIs.

### 5.3 Approval Authority

The Minister for Planning is the approval authority for the applications. However, the Planning Assessment Commission (the Commission) may determine the applications under delegation as the City of Sydney Council object to aspects of the proposed modifications to Block 4N.



## 6. CONSULTATION

The modification applications were made publicly available on the Department's website and referred to City of Sydney (Council) and NSW Roads and Maritime Services (RMS) for comment. The Department also notified landowners within the Central Park Concept Plan site of the proposed modification applications. Due to the minor nature of the proposed modifications, the modification request was not exhibited by any other means.

### 6.1 Submissions

**City of Sydney Council** raised the following key issues to each proposal. Some of the concerns raised are in the nature of objections.

#### Concept Plan

- Further clarification was sought regarding the changes proposed to the public domain plan and the allocation of land to be dedicated to Council;
- Council does not support the reduced width of the pedestrian footpath along O'Connor Street; and
- Impacts arising from relocated floorspace to Block 4B should be the subject of a separate assessment.

#### Block 4N

- The enclosure of the outdoor terrace at the Broadway frontage and changes to landscaping are not supported for reasons relating to: outdoor amenity; street activation; visual impacts and heritage impacts;
- Council does not support the additional signage zones on the north and west elevation;
- Consideration should be given to the impact of the internal changes to the communal hotel facilities on the amenity of the hotel; and
- Clarification was sought regarding the roof design changes and if changes were proposed to the residential section of the development.

#### **Roads and Maritime Services**

RMS did not object to the proposed modifications.

No **public** submissions were received on the proposals.

### 6.2 Response to Submissions

The Proponent provided additional information and amended plans to address concerns raised by Council and the Department. The response to submissions (RTS) included:

- a revised public domain plan to amend the Concept Plan;
- a drawing to clarify the public domain areas around the brewery buildings at Block 4B;
- additional drawings to clarify changes to the roof and pedestrian link at Block 4N; and
- a heritage impact statement to consider the relationship of the adjoining heritage buildings with the proposal to enclose the outdoor terrace in Block 4B.

The Proponent also confirmed the request for additional signage zones was no longer sought.

Following the submission of the RTS Council advised that while a number of its issues had been addressed, its concerns relating to the enclosure of the terrace, landscaping changes, and hotel amenity have not been satisfactorily addressed.

## 7. ASSESSMENT

### 7.1 Modification to the Concept Approval

The Department considers the key issues associated with the proposed modification to the Concept Plan approval are:

- changes to the ownership and accessibility of roads and footpaths;
- removal of publically accessible open space within the brewery building; and
- reallocation of floor space.

#### Changes to streets and footpaths

The proposal seeks approval to change the ownership and use of certain streets and footpaths. These changes are proposed to reflect the current arrangement and ownership of the site, following individual Major Project and SSD approvals.

The amended public domain plan identifies:

- certain roads, footpaths, throughways and street parking to be dedicated to Council;
- areas that are designated as publically accessible open space; and
- roads, footpaths and areas of the public domain that will be privately owned.

These changes are outlined in **Section 4.1** and **Figure 4**.

The proposal seeks to dedicate Central Park Avenue, Chippendale Way, and part of O'Connor Street to Council. Council raised no objection to this aspect of the proposal. The Department is supportive of the proposed changes as it would not impact on the accessibility or permeability of the site and would be consistent with the intent of the original approval.

Park Lane and the access driveway to Block 11 (see **Figure 3 and 4**) is proposed to be retained in private ownership, and converted from a publically accessible 'street' to a private driveway that is publically accessible for pedestrians. Council raised no objection to this modification but notes that appropriate easements to ensure public access will be required. The Proponent has confirmed easements for public access will be implemented in each relevant project or development approval.

The Department considers converting Park Lane from a publically accessible 'street' to a private driveway, that is publically accessible for pedestrians, is acceptable as the development would continue to provide sufficient vehicular access throughout the Central Park site. The Department also notes the Concept Plan approval includes a condition (Condition B4) which requires Rights of Way and Easements on title to ensure public access is provided and maintained.

The Department is therefore satisfied the footpaths and streets would remain publicly accessible and the development would continue to provide good levels of permeability throughout the site consistent with the original approval.

#### Public Domain Areas – Block 4B (Brewery buildings & yard)

The modification seeks to amend the setback around the Block 4B brewery buildings (See area identified a No.4 in **Figures 3 and 4**). Currently the area up to the building line is identified as publically accessible open space. The Proponent seeks approval for part of the area around the building to be made private land.

The proposal outlines the changes are required in order to:

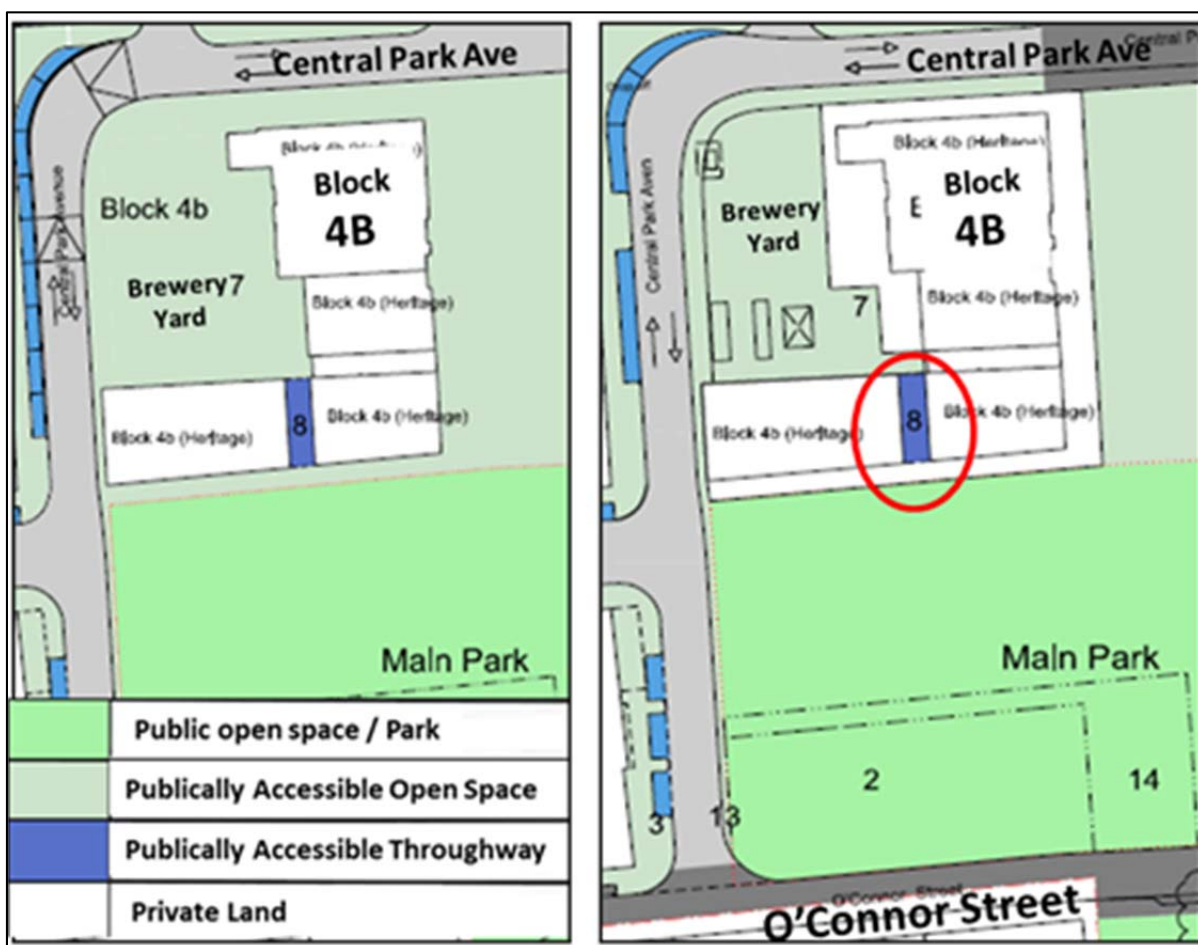
- allow flexibility for the redevelopment and future use of the brewery yard;
- reflect the current lot boundaries; and
- reflect the current approved layout of the site which includes outdoor covered seating areas.

The Department notes Council raises no objection to this aspect of the modification.

The Department considers the proposed reduction in publically accessible land around Block 4B is a minor change and would not result in any material adverse impact, noting:

- the majority of the brewery yard will remain publically accessible;
- most of the proposed private land within the brewery yard would be outdoor seating area, accessible to the public as patrons of the retail use and external bar; and
- despite proposed changes to the northern, eastern and southern curtilages, there is sufficient publically accessible land on all sides of the building so that public access to the site would not be restricted.

The Department also notes that the public domain plan requires the provision of a publically accessible through site link (see **Figure 11**). This link needs to be extended through the proposed 'private' southern curtilage (see highlighted in red below) to ensure it can operate effectively as a publically accessible thoroughway. A condition is therefore recommended requiring an updated public domain plan which illustrates the publically accessible thoroughway fully connects to the main park and not to privately owned land.



**Figure 11:** Approved and proposed site throughway

#### Reallocation of GFA

The proposal seeks to reallocate 102 m<sup>2</sup> of non-residential GFA from Block 4N to Block 4B. The proposal outlines the floor space is not required for Block 4N and would provide some flexibility for the future redevelopment of the brewery yard and buildings on Block 4B.

Overall, the GFA across the entire site would not change and is capped at a maximum of 255,500 m<sup>2</sup>. The modification also specifies no change is proposed to the land use mix of:

- a maximum of 195, 985 m<sup>2</sup> residential GFA; and
- a minimum of 59,515 m<sup>2</sup> non-residential GFA.

Council advised any impacts associated with the additional GFA should be the subject of a future application.

The Department notes this is a minor change to the Concept Plan approval only. Any future changes to the design or floorspace of the brewery buildings would need to be the subject of a future modification to the brewery building approval (MP 10\_0217), or the subject of a new application which would assess the impacts of future changes at that time.

The Department considers the redistribution of GFA is acceptable on the basis that:

- no change is proposed to the building envelopes approved for Block 4B or Block 4N;
- the overall maximum GFA is maintained;
- the mix of residential and non-residential uses is not affected; and
- any further changes to the design of Block 4B would need to be subject to a separate assessment.

## 7.2 Modification to SSD 6673 Approval for Block 4N

All internal and external changes proposed to Block 4N (SSD 6673) have been considered in **Table 4** below.

**Table 4:** Assessment of Changes to Block 4N

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Consistency with Concept Approval</i>	<ul style="list-style-type: none"> <li>• The proposed modifications to Block 4N are minor and do not alter compliance with the key requirements of the Concept Approval in terms of:               <ul style="list-style-type: none"> <li>○ maximum GFA;</li> <li>○ design excellence;</li> <li>○ site servicing;</li> <li>○ parking rates;</li> <li>○ provision of public benefits; or</li> <li>○ sustainable design.</li> </ul> </li> <li>• The Concept Approval also sets out requirements for street activation and heritage preservation. These issues are discussed in further detail below and it is considered the proposed modifications do not result in any unacceptable impacts in terms of activation or heritage.</li> <li>• The Department is therefore satisfied the proposal, as modified would remain consistent with the Central Park Concept Plan approval.</li> </ul>	No additional conditions or amendments necessary.
<i>Enclosure of Outdoor Terrace</i>	<ul style="list-style-type: none"> <li>• The proposal seeks to enclose the outdoor restaurant and remove the landscaping and water feature from the ground floor of Block 4N fronting Broadway.</li> <li>• The Proponent advised the proposed change is sought to meet the amenity needs of the hotel and to respond to the context of the site facing Broadway.</li> <li>• Council does not support this aspect of the modification as it would result in:               <ul style="list-style-type: none"> <li>○ reduced street activation;</li> <li>○ loss of visual connection to the interior of the site;</li> <li>○ loss of a sense of open space between the development and the heritage listed Australian Hotel; and</li> <li>○ deletion of a canopy tree and loss of visual relief from the water feature.</li> </ul> </li> <li>• With regard to street activation, the Department acknowledges the approved terrace is unlikely to be highly utilised, due to its exposure to high traffic volumes along Broadway. The activation of this space is already comprised as the outdoor terrace cannot be directly accessed from Broadway.</li> <li>• Given these site constraints, the Department is satisfied the proposed enclosure of the terrace would not result in a significant loss or change to the activation of this part of the site.</li> <li>• With regard to the loss of visual connection into the site, the Department considers the void between Block 4N and the Australian Hotel would not be significantly impacted by the enclosure of the terrace as it is a single storey addition and the majority of the void space above the terrace would be retained.</li> </ul>	The Department recommends a new condition requiring amended plans of the Broadway Street elevation. .

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	<p>The Department also notes the enclosure would be constructed of glazing providing a light weight transparent structure, reducing its visual impact.</p> <ul style="list-style-type: none"> <li>• With regard to landscaping, the Department considers the proposed changes are minor and the proposal would still provide appropriate hard and soft landscaping to this part of the site.</li> <li>• The loss of the water feature from the Broadway frontage would expose a large expanse of blank wall to the street, reducing the design quality of this part of the development. Maintaining an appropriate level of design along Broadway is important as it is a key pedestrian thoroughfare into the southern part of the city. In addition, ensuring the development achieves design excellence is a key requirement of the Concept Plan approval. The Department has therefore included a new condition requiring amended plans to be submitted to demonstrate that an appropriate design is achieved for this elevation.</li> <li>• Overall, the Department is satisfied the enclosure of the terrace is acceptable and would not have a significant impact on street activation or any unacceptable visual impacts, subject to conditions.</li> </ul>	
<i>Heritage Impacts</i>	<ul style="list-style-type: none"> <li>• A Heritage Impact Statement (HIS) was submitted with the modification to assess the potential heritage impacts associated with enclosing the outdoor terrace on the adjoining Australian Hotel.</li> <li>• The HIS concluded enclosing the outdoor terrace would not have a significant impact on the Australian Hotel.</li> <li>• The proposed changes are considered to be sympathetic to the heritage item as the Australian Hotel was designed to directly adjoin neighbouring development via a blank party wall which was never intended to be visible. The enclosure of the terrace would reduce the visual dominance of the rear party wall which has little heritage significance.</li> <li>• The proposed changes would not affect the heritage significance of the primary Broadway/Abercrombie Street frontage of the hotel.</li> <li>• The Department also notes the proposed enclosure does not impact the dominance of the 'City Datum Line' in the design of the northern façade of Block 4N. Emphasis on the City Datum Line is a key requirement of the Concept Approval to ensure the building reflects the scale and height of key heritage items such as the Australian Hotel (refer to <b>Figure 5</b> of City Datum Line).</li> <li>• The Department's assessment therefore concludes the proposal would not have a significant heritage impact on the Australian Hotel.</li> </ul>	No additional conditions or amendments necessary.
<i>Signage</i>	<ul style="list-style-type: none"> <li>• The proposal originally sought to include additional signage on the northern and eastern elevations.</li> <li>• Council objected to the proposed signage zones on the basis it caused visual clutter.</li> <li>• The Proponent subsequently advised it no longer sought approval for additional signage zones, although amended plans were not submitted.</li> <li>• The Department therefore recommends a condition specifying the signage zones shown on the plans are not approved.</li> </ul>	The Department recommends Condition A6 - Terms of Approval is modified to confirm the signage zones included in the amended plans are not approved.
<i>External &amp; Roof Design Changes</i>	<ul style="list-style-type: none"> <li>• The proposal seeks to make minor changes to the external facades including: <ul style="list-style-type: none"> <li>○ changes to the type of glass used at the Childcare Centre balcony façade;</li> <li>○ changes to the hotel and restaurant entrance facades at the ground floor from sandstone clad fin walls to off form concrete;</li> <li>○ changes to glass panels and louvres to the commercial and residential facades;</li> <li>○ removal of glass façade panels and horizontal louvers at residential levels 14 to 18; and</li> <li>○ removal of the awning at the roof level of the residential tower.</li> </ul> </li> <li>• The Department notes while the changes result in minor amendments to the external design expression, the materials and</li> </ul>	

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
	<p>colours of the facades remain largely unchanged.</p> <ul style="list-style-type: none"> <li>• Due to the minor nature of the external amendments, the Department considers the integrity of the overall design would not be affected. The Department also notes Council did not raise any issues with this aspect of the proposal.</li> </ul>	
<i>Additional Hotel Rooms</i>	<ul style="list-style-type: none"> <li>• The modification seeks to delete the pool and its associated void and facilities at Levels 2 and 3 and replace with 14 additional hotel rooms.</li> <li>• This change would also result in the provision of additional hotel function rooms at Level 2.</li> <li>• The Department considers the proposed changes are acceptable noting: <ul style="list-style-type: none"> <li>○ the GFA allocated for the hotel use does not change as a result of this modification;</li> <li>○ adequate facilities are considered to be provided to serve the needs of the hotel guests; and</li> <li>○ the additional 14 rooms do not result in any material impacts to the surrounding area.</li> </ul> </li> </ul>	No additional conditions or amendments necessary.
<i>Modifications to Residential Apartments</i>	<ul style="list-style-type: none"> <li>• The proposal seeks to make minor modifications to the internal design of apartments including changes to the layout of some bathrooms and kitchens.</li> <li>• The Department is satisfied the changes do not alter the amenity of the apartments or compliance with <i>State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development</i> or the <i>Apartment Design Guide</i>.</li> </ul>	No additional conditions or amendments necessary.
<i>Modification to Basement</i>	<ul style="list-style-type: none"> <li>• The Proposal seeks to amend the basement floor plans to re-arrange the layout of the car, bicycle and storage spaces to suit the needs of the hotel operator.</li> <li>• No changes are proposed to the quantum of parking spaces or storage areas.</li> <li>• Changes in the basement levels are also proposed to include back of house hotel facilities such as kitchens, office space and storage rooms.</li> <li>• The Department considers these changes are minor and would not result in any adverse impacts.</li> </ul>	No additional conditions or amendments necessary.
<i>Other Condition Changes</i>	<ul style="list-style-type: none"> <li>• The proposal also seeks to amend Condition F8 relating to the sustainability BASIX requirements to ensure the development achieves the principles of a 5 Green Star rating but does not require certification for achieving a 5 star design rating. This modification is proposed to reflect consistency with other BASIX requirements in the consent (Condition B41).</li> <li>• The Department considers this change would not result in any further impact to the measures of sustainability for the development and considers it appropriate that Condition F8 is to be updated to be consistent with the existing requirements of Condition B41.</li> </ul>	The Department recommends Condition F8 relating to the BASIX requirements is modified.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modifications are appropriate on the basis that:

- the public domain would retain good levels of accessibility and permeability through the site;
- the reallocation of GFA across the site does not alter the overall maximum GFA or result in any changes to building envelopes;
- the proposed enclosure of the terrace would improve the utility and amenity of the space, without any unacceptable street activation, visual or heritage impacts; and
- the changes to Block 4N are acceptable in terms of the provision of office space, function rooms and communal facilities to appropriately service the hotel component of the development.

Consequently, the proposed modifications are in the public interest and it is recommended the applications be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED the Commission as delegate of the Minister for Planning:

- a) **considers** the findings and recommendations of this report
- b) **approves** the modification application (MP 06\_0171 MOD 12) to modify the Concept Plan Approval under section 75W of the EP&A Act, having considered all relevant matters in accordance with (a) above, and **sign** the attached Notice of Modification at **Appendix A** and
- c) **approves** the modification application (SSD 6673 MOD 1), under section 96(1A) of the EP&A Act, having considered matters in accordance with (a) above, and **sign** the attached Notice of Modification at **Appendix B**.

Prepared by:  
Fiona Gibson, Planner  
Modification Assessments



Anthony Witherdin  
**Acting Director**  
**Modification Assessments**



Anthea Sargent 11/6/16  
**Executive Director**  
**Key Sites and Industry Assessments**

## **APPENDIX A: NOTICE OF MODIFICATION**

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The notice of modification for MP 06\_0171 MOD 12 can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7513](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7513)



## **APPENDIX B: NOTICE OF MODIFICATION**

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The notice of modification for SSD 6673 MOD 1 can be found on the Department's website as follows:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7511](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7511)

## APPENDIX C: 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. Modification request

MP 06\_0171 MOD 12:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7513](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7513)

SSD 6673 MOD 1:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7511](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7511)

2. Submissions

MP 06\_0171 MOD 12:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7513](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7513)

SSD 6673 MOD 1:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7511](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7511)

3. Response to Submissions

MP 06\_0171 MOD 12:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7513](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7513)

SSD 6673 MOD 1:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7511](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7511)