



STATEMENT OF ENVIRONMENTAL EFFECTS

OLD CLARE HOTEL, 20-24 BROADWAY & 1-3 KENSINGTON STREET, CHIPPENDALE



SECTION 75W AMENDMENT TO INSTRUMENT OF APPROVAL MP 06-0171

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Introduction

This Statement of Environmental Effects (SEE) is prepared in support of an application pursuant to Section 75W of Part 3A of the Environmental Planning and Assessment Act 1979.

Section 75W continues to apply for the purpose of the modification of a Project Application approved before or after the repeal of Part 3A. Section 75W also applies whether or not the project, or any stage of the project, is (or was) a transitional Part 3A project.

The NSW Department of Planning (DoP), under Part 3A of the Environmental Planning and Assessment Act 1979, approved Concept Plan Approval numbered MP 09_0171 (Modification 12) on 24/06/2016.

The modified consent approved the following:

Application Number:	MP 06_0171
Proponent:	Frasers Broadway Pty Ltd
The Authority:	Minister for Planning
The Land:	26 Broadway, Chippendale (former Carlton United Breweries site)
Project Approval:	Mixed use development granted on 9 February 2007 by the Minister for Planning
For the Following:	<p>Concept Plan Approval for the former Carlton & United Breweries Site, 26 Broadway, Chippendale comprising:</p> <ul style="list-style-type: none">• development blocks;• a maximum Gross Floor Area (GFA) of 255,500 sq.m of which a minimum of 59,515 sq.m must be non-residential floor space;• combined basement car parks, providing car parking for Blocks 1 and 4N and Blocks 2, 5, 9 and the Kensington Precinct;• a new public park and public domain works;• tri-generation and re-cycled water treatment plants;• retention and heritage items; and• contributions.
Modification:	<p>MP 09_0171 MOD 12, the modification includes:</p> <ul style="list-style-type: none">• redistribution of 102 m² of approved floor space from Block 4N to Block 4B; and• modifications to the public domain plan to clarify the ownership of roads and open space.

This application seeks to further modify the Concept Plan to increase the total maximum Gross Floor Area by 121m², increasing from 255,500m² to 255,621m². The modification is proposed in tandem with the s75w modification to Project Application MP 11_0089, which seeks consent to convert the approved basement level storage space to a day spa, operating 7am to 10pm, 7 days per week. The proposal is substantially the same development as the approved development. Accordingly, the matter may be determined in accordance with s75W of the EP&A Act granted by the Minister.

Proposal

The application seeks consent to further modify the Concept Plan (MP 06-0171) to increase the total maximum Gross Floor Area by 121m², increasing from 255,500m² to 255,621m², specifically to enable the conversion of an existing 110 square metre basement storage space beneath the Old Clare Hotel (identified as Block 3 in MP 06-0171) on the site to a day spa and the inclusion of 11m² for toilets to be located on the roof top deck (although this has been assessed separately to this application, it is included here for the purpose of GFA accuracy).

Site and its Context

The subject site has a street address of 20-24 Broadway, Chippendale (Lot 1/DP191024), and 1-3 Kensington Street, Chippendale (Lot 6/DP1142053). The site has street frontages to Broadway to the North, Kensington Street to the east, and Carlton Street to the west. The site is part of a dense mixed-use area, comprising student housing, residential apartment buildings and retail and commercial premises. The precinct is also characterized by significant ambient noise, arising from the surrounding road network, the operation of adjacent premises and rooftop plant and equipment. Both buildings within Block 3A are identified as heritage items under Sydney LEP 2005 as the County Clare Inn (Item 5007) and the Administration Buildings part of Carlton United Brewery site (Item 5008A).

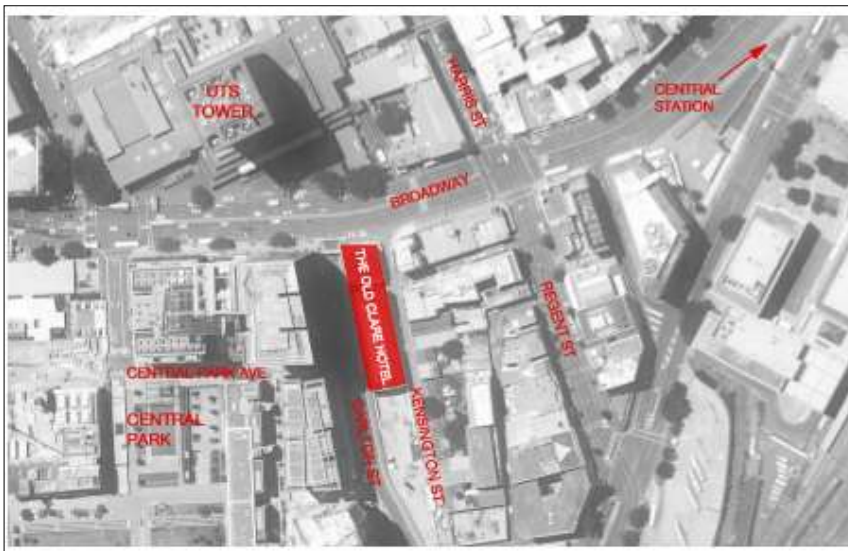


Figure 2. Existing Site Location

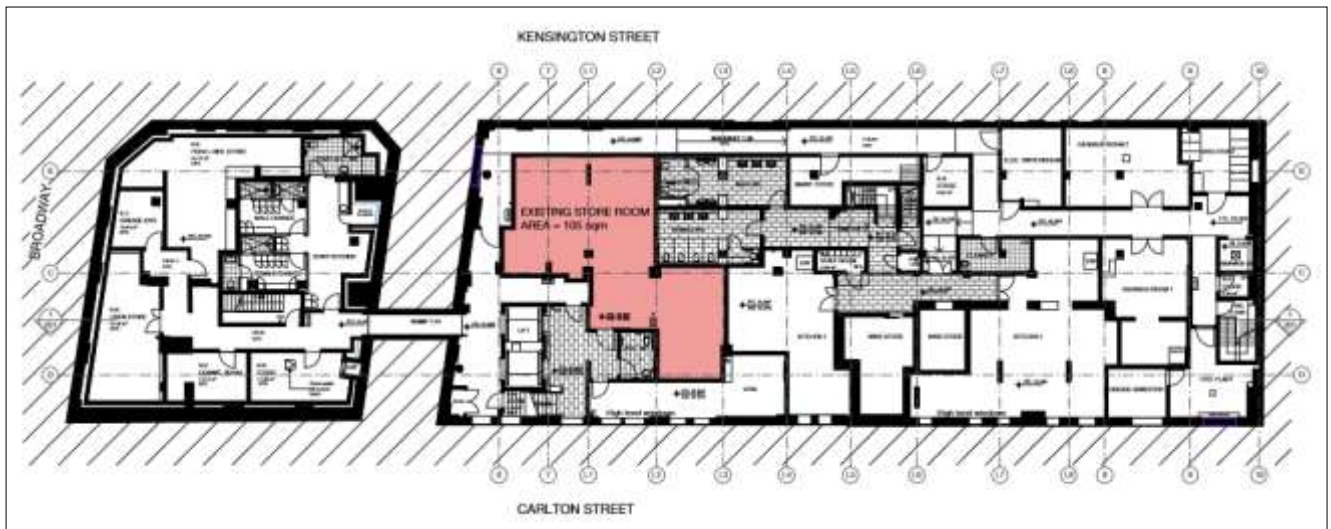


Figure 3. Existing Configuration of the Basement Level

Background

In February 2007, a Concept Plan (MP 06_0171) was approved by the Minister for Planning, enabling redevelopment of the former Carlton United Brewery site for residential, commercial and retail use, and public open space. This Concept Plan was subsequently modified on several occasions, with Modification 12 being approved on 24/06/2016. The approval allows a maximum gross floor area of 255,500m² across the subject site.

This modification application seeks consent to further modify the Concept Plan (MP 06-0171) to increase the total maximum Gross Floor Area by 121m², increasing from 255,500m² to 255,621m², to enable the conversion of an existing 110 square metre basement storage space beneath the Old Clare Hotel (identified as Block 3 in MP 06-0171) on the site to a day spa.

On 5 April 2013, the Minister for Planning approved the Project Application MP 11_0089 for the adaptive reuse of buildings within Block 3A of the former Carlton United Brewery Site. The approval gave consent to use the administration building and the old Clare Hotel as a 60 room boutique hotel with a rooftop pool, conference and meeting facilities and three food and drink premises with a new physical link to provide internal access between the two buildings. The hotel was approved with a gross floor area of 4,595.9m². The approved plans showed 1,098m² of the gross floor area being dedicated to food and drink premises, including the rooftop bar and adjacent storeroom.

Subsequent applications and approvals have enabled fitout of three licensed restaurants within Block 3A with the following hours of operation and capacity:

1. Restaurant 1 (located in the Administration Building) has an approved capacity for 132 patrons and can operate 6.00am to 12.00midnight, Monday to Saturday, and 6.00am-10.00pm, Sundays.
2. Restaurant 2 (located in the Administration Building) has an approved capacity for 66 patrons and can operate 12.00 midday to 12.00 midnight, Monday to Sunday inclusive.
3. Restaurant 3 (Clare Hotel section) was approved with a capacity for 52 patrons, and can operate 12.00 midday to 12.00midnight, Monday to Sunday, inclusive.

In addition, approval has been sought from the Minister for the modification of the rooftop pool space and the management and regularisation of its use.

Modification Under s75W

The matters assessed under this s75W application are that the development is of no significant environmental impact and that the development, as proposed, is substantially the same development as that approved by the Minister. Accordingly, the matter may be determined in accordance with s75W of the EP&A Act granted by the Minister.

The purpose of this report is to:

- Assess the proposal against all relevant statutory controls;
- Consider whether the proposal is acceptable within the existing and likely future built form of the area;
- Consider whether the proposal is acceptable within the context of the applicable planning controls; and
- Address all significant environmental and external impacts, where applicable.

The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters: Sydney Local Environmental Plan 2005 and Development Control Plan 2012. Having regard to the criteria, the proposal is acceptable and is recommended for approval.

Sydney Local Environmental Plan 2005

Because the proposal seeks consent under 75W, pursuant to Part 3A of the Environmental Planning and Assessment Act, 1979, it is not subject to statutory compliance with Sydney LEP 2005. Notwithstanding, Table 1 describes the relevant matters for consideration under the Sydney LEP 2005 and it is clear that proposal meets the Plan's controls and objectives.

Table 1. Planning Controls in the Sydney LEP 2005.

Aspect	Detail	Assessment
Land Use Zoning	The site is zoned City Edge in the LEP.	The development of a day spa is permitted in the zone and the development continues to comply with the relevant objectives.
Building Height	No numerical height limit is set for the site, although Clause 50(8) is applicable to the site, which states that consent must not be granted for the erection of a building unless its height will complement the height of buildings on adjacent land.	The proposal does not cause additional height.
Floor Space Ratio	The site has a Floor Space Ratio of 4:1 (Hotels) in the Local Environmental Plan.	The application seeks consent to further modify the Concept Plan (MP 06-0171) to increase the total maximum Gross Floor Area by 121m ² . This comprises the conversion of an existing 110 square metre basement storage space beneath the Old Clare Hotel (identified as Block 3 in MP 06-0171) on the site to a day spa and the inclusion of 11m ² for toilets to be located on the roof top deck (although this has been assessed separately to this application, it is included here for the purpose of GFA accuracy). This constitutes approximately a 2% increase in the approved gross floor area on the site (bringing the total floor space to approximately 4,700 square metres). The proposal will result in no additional height, bulk and scale, and will have no heritage impact. There are no impacts on the amenity of surrounding properties and the proposal meets the objectives for floor space in the Local Environmental Plan.

Aspect	Detail	Assessment
Carparking	Hotels and Clubs generate a maximum car-parking requirement of 1 space per 5 bedrooms, and 4 spaces per 100 square metres of function room area, in the Local Environmental Plan.	Carparking provision for the site has been assessed and approved by the Minister as part of the Project Plan. Ten car-parking spaces for boutique hotel guests are located in the basement carparking areas of adjoining blocks. However, no additional carparking is allocated to the approved food and drink premises. This proposal causes an additional 121 square metres of gross floor area. This nominal increase in floor space will not cause additional car-parking demand, as many of the day spa's customers will be pre-existing guests of the Hotel. Further, given the site's proximity to public transport, and active pedestrian and road networks that support walking, taxis and ride sharing, as well as carparking stations on nearby land, any further demand that arises from any increase in patronage on the site, can be easily accommodated by the existing context.
Heritage	Both buildings located in Block 3A are identified as Heritage Items pursuant to Sydney Local Environmental Plan 2005. Clause 67A of the LEP contains objectives for development relates to Heritage Items.	The proposal will not have an adverse heritage impact on the buildings on the site.

South Sydney Development Control Plan 2012

Table 2 summarises the relevant matters for consideration under the Sydney Development Control Plan 2012, with further detail regarding the key issues of acoustic impact and hours described in further detail below.

Table 2. Planning Controls in the Sydney DCP 2012.

Aspect	Detail	Assessment
Waste	Section 3.14 of the Development Control Plan 2012 relates to waste management, including requirements for a Waste Management Plan and an appropriate waste storage area.	A Waste Management Plan for the site has been prepared by Arup and a dedicated waste storage room and loading area is provided on the site, accessed from Kensington Lane. Waste is collected by a private contractor, and the Plan of Management for the site reaffirms the commitment to minimise impacts from surrounding residents and tenancies with respect to waste removal from the site. The application meets Council's requirements for waste management and minimisation.
Accessibility	3.12 of the Development Control Plan seeks equitable access and facilities for all people where upgraded or intensified uses in existing buildings are proposed.	A lift is provided to the same level as the day spa and the development meets the access requirements of the Building Code of Australia and the Development Control Plan with respect to accessibility.
Heritage	Section 3.9 contains provisions and objectives regarding the impact of development on Heritage items.	As outlined above, the proposal will not have an adverse heritage impact upon buildings on the site.

Aspect	Detail	Assessment
Parking	Section 3.11 contains provisions and objectives regarding parking provision.	Parking and access is outlined above in Table 1. The development fulfills the objectives and provisions for parking in both LEP 2005 and DCP 2012.
Acoustic Impact and Proposed Hours	This site is located within the 'Kensington Precinct' of the Central Park Development area that has been allocated for retail, commercial and food and drink uses. The site is partly designated City Living Area with respect to late night trading management. Category A premises located within this Late Night Trading Area can have outdoor trading hours of between 10.00am and 12.00midnight.	Proposed hours are 7am to 10pm, 7 days, which are consistent with the existing site operations and surrounding area.

Conclusion

Whilst a small increase of 121m² to the overall GFA of the subject site (255,500m²) is proposed, the impact is indiscernible given its location is within an existing basement; and to allow for the inclusion of 11m² for toilets to be located on the roof top deck (although this has been assessed separately to this application, it is included here for GFA accuracy).

There are no other changes to the approved development, and it is considered that the matter being dealt with (under this s75W application) does not increase the potential for adverse environmental impact. The development, as amended, is substantially the same development as the approved development. Accordingly, the matter may be determined in accordance with Section 75W of the *Environmental Planning and Assessment Act 1979*. The development complies with the provisions and objectives that govern heritage, noise, hours, waste, accessibility and parking within the Local Environmental Plan and Development Control Plan.