

ASSESSMENT REPORT

Central Park Concept Approval (MP 06_0171 MOD 14) and the Old Clare Hotel, Block 3A (MP 11_0089 MOD 4), Central Park, Chippendale

1. INTRODUCTION

This report is an assessment of two requests seeking approval to modify the Central Park Concept Plan approval (MP06_0171) and the Project Application approval (MP 11_0089) for the redevelopment of the Old Clare Hotel at Block 3A in the Sydney local government area.

The requests have been by Cirillo Planning Trust (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposals seek approval to modify:

- the Concept Plan to increase the total maximum Central Park gross floor area (GFA) by 121 square meters (m²) (from 255,500 m² to 255,621 m²)
- the Project Approval to make internal amendments to the basement of the Old Claire Hotel (Block 3A) to convert the space into a day spa / salon.

2. SITE LOCATION

2.1. Central Park Precinct

The Central Park site is located to the south-west of Sydney Central Business District (CBD), within the Sydney Local Government Area. The site has a total area of approximately 5.8 hectares and is 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 is a major urban renewal site and comprises several, high density mixed use and residential buildings (**Figures 1 and 2**).



Figure 1: Central Park Precinct (red) and Block 3A (blue) site locations (Base source: Nearmap)

2.2. Subject Site

The subject site is known as Block 3A is located in the north-east corner of the Central Park site (refer to **Figure 2**). It contains the refurbished Old Clare Hotel and Administration Building which, together comprise a 60-bed boutique hotel and associated facilities, including roof top pool and bar. The buildings are local Heritage Items under the *Sydney Local Environmental Plan 2012* (SLEP). The site is bounded by Broadway to the north, Carlton Street to the west, Kensington Street to the east and Blocks 3B and 3C to the south.

The neighbouring blocks within the Central Park precinct, to the west and south of the site, comprise high density, mixed-use residential and student accommodation developments. The blocks to the east of the site, comprise low-rise, commercial buildings as well as a 6-storey mixed-use residential building fronting Broadway.

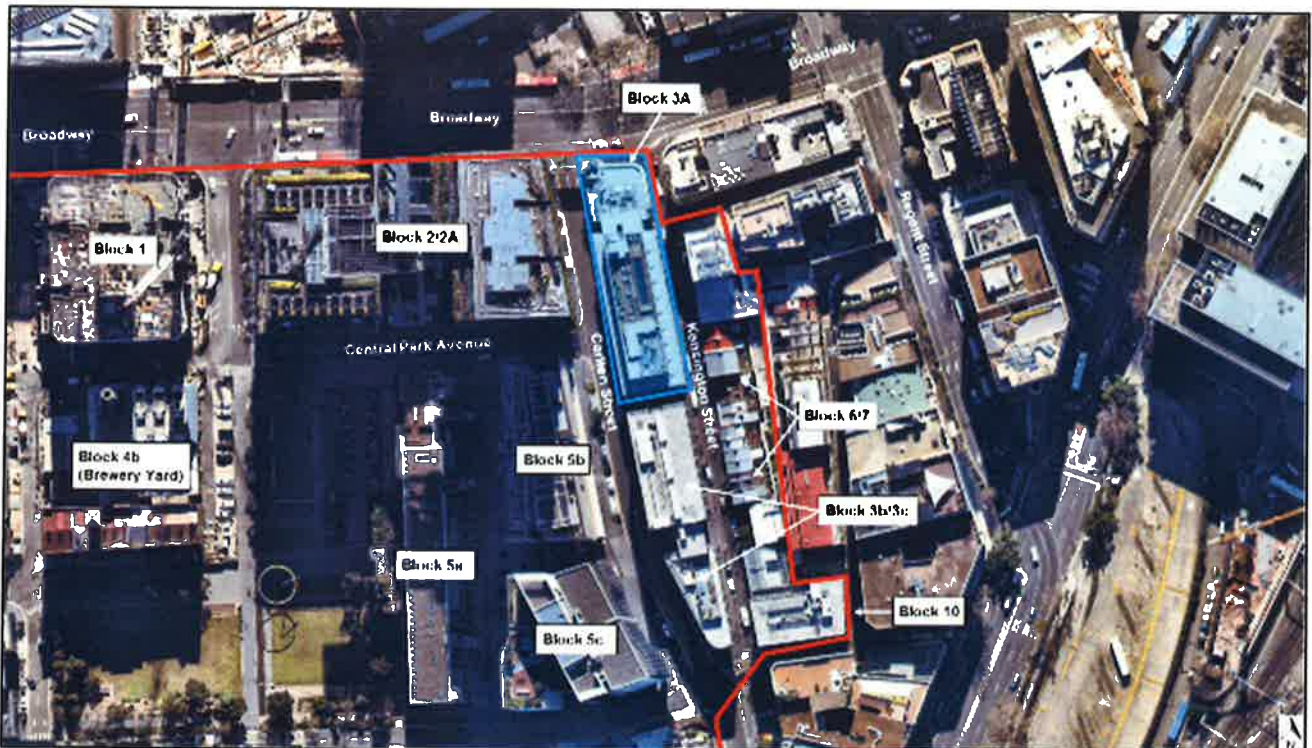


Figure 2: Site location (highlighted blue) within the Central Park site (outlined red) (Base source: Nearmap)

3. APPROVAL HISTORY

3.1. Concept Approval

On 9 February 2007, the Minister for Planning granted Concept Plan approval (MP 06_0171) for redevelopment of the site for a residential, commercial, retail uses and public open space development (the Concept Approval). The Concept Approval established the framework for the assessment of subsequent detailed applications within the Central Park Precinct and has been modified on 12 occasions (refer to **Table 1**).

Key aspects of the Concept Approval as modified include:

- a maximum 255,550 m² of GFA (including a maximum 195,985 m² of residential and minimum 59,515 m² of non-residential)
- a new park (6,000 m²) and open space areas
- a contribution of \$32 million for the provision of affordable housing within the locality
- retention of 33 heritage items associated with the former brewery and the 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 amendment to Concept Plan	5 February 2009
MOD 3	Amendment to timing of execution of Voluntary Planning Agreements	16 May 2010
MOD 4	Modification to lapsing clause	30 August 2011
MOD 5	Modification of 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 January 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 December 2013
MOD 9	Redistribution of the GFA, amendments to building Blocks 4S and 8 envelopes and changes to public domain and access.	27 November 2014
MOD 10	Redistribution of GFA, amendments to Blocks 1 and 4N envelopes and inclusion of residential use within Block 4N.	20 August 2015
MOD 11	Redistribution of GFA and modifications to Block 11.	2 March 2016
MOD 12	Redistribution of GFA from Block 4N to Block 4B and modification to public domain to clarify ownership.	24 June 2016

The Department is currently assessing a separate modification application for the site (MP 06_0171 MOD 13), which proposes alterations to the Brewery Yard Block.

The Concept Approval includes the following Modification, which establishes maximum GFA limits for the Central Park Precinct (site-wide), residential land uses and each development Block within the Precinct together with a minimum GFA limit for non-residential uses within the Precinct.

A1 Gross Floor Area Controls

The Concept Plan is modified with regards to GFA as described by the provisions below

- (a) *The Maximum GFA available for development across the Subject Site is 255,500 square metres*
- (b) *The GFA for residential land uses on the site shall not exceed 195,985m² of the total GFA.*
- (c) *The GFA for non - residential land uses on the site shall not be less than 59,515m² of the total GFA.*
- (d) *The maximum GFA for the development parcels approved as part of the Concept Plan are described below:*

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	11,516
Block 5B	16,800
Block 6	2,000
Block 7	1,000
Block 8	14,875
Block 9	26,598
Block 10	1,844
Block 11	25,220
Site Total	255,500

- (e) *Notwithstanding the above, any GFA that occurs from the development for the purposes of community facilities within the Main Park that Council will own and operate shall not be calculated towards the maximum GFA referred to in (a) above.*
- (f) *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.*

- (g) 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).
- (h) The maximum GFA identified above is subject to satisfying as part of future applications:
 - (i) the requirements of this approval,
 - (ii) all design excellence provisions, and
 - (iii) environmental considerations.

3.2. Block 3A Project Approval

On 5 April 2013, the Executive Director, Development Assessment Systems and Approvals, granted Project Application approval (MP 11_0089) for the following (the Project Approval):

- construction of a boutique hotel comprising:
 - 60 hotel rooms
 - a total GFA of 4,595.90 m²
 - 1,098 m² of food and drink premises, including three restaurants and a lounge
 - conference and meeting facilities, staff offices and amenities
 - a rooftop deck, pool and bar
 - storage and loading facilities.
- a single storey addition to the Old Clare Hotel and a two-storey addition to the Administration Building.
- construction of a new, glazed link between the two buildings to create a hotel foyer/entry space.

The proposal has been previously modified on two occasions, as summarised at **Table 2**.

Table 2: Summary of modifications to the Project Approval

MOD No.	Summary of Modifications	Approved
MOD 1	Internal alterations at basement to second floor levels, relocation of the roof top pool, increase pool canopy by 100 mm and modification of external facades.	1 March 2014
MOD 2	Modification to the timing of the implementation of façade heritage conservation works.	26 May 2015
MOD 3	Establishment of hours of operation and erection of rooftop structures.	27 November 2017

4. PROPOSED MODIFICATION

On 15 May 2017, the Proponent lodged a modification request to modify the Project Approval (MP 11_0089 MOD 4), and on 29 October 2017, the Proponent lodged another modification request to modify the Concept Approval (MP 06_0171 MOD 14). The modifications to each application are outlined below.

Concept Approval Modification (MP 06_0171 MOD 14)

- increase of 121 m² of non-residential GFA within Block 3A (from 4,595.9 m² to 4,716.9 m²), comprising:
 - 110 m² within the basement
 - 11 m² at roof level
- amend Modification A1 *Gross Floor Area Controls* to increase the:
 - site-wide maximum GFA by 121 m² (from 255,500 m² to 255,621 m²)
 - Block 3 (which includes Block 3A) maximum GFA by 121 m² (from 11,043 m² to 11,164 m²).

Project Approval Modification (MP 11_0089 MOD 4)

- convert 110 m² existing basement storage area within Block 3A into a day spa / salon, comprising two massage rooms, reception and lounge area and hair/makeup salon
- internal alterations including new walls, timber floors and stone tiles
- establish the following hours of operation for the salon:
 - 7 am to 10 pm, seven days a week.

The modification is requested as:

- the proposed use of the basement area represents an efficient use of the site

- the proposal results in a negligible (2%) increase in the GFA of the Clare Hotel
- the modification would not have any adverse heritage or amenity impacts
- the previous modification application (MP 11_0089 MOD 3), which included the provision of rooftop structures, resulted in an approximate 11 m² increase of GFA beyond the Block 3A and site-wide maximum GFA. This application seeks to regularise this discrepancy.

The proposal is shown at **Figures 3 and 4**.

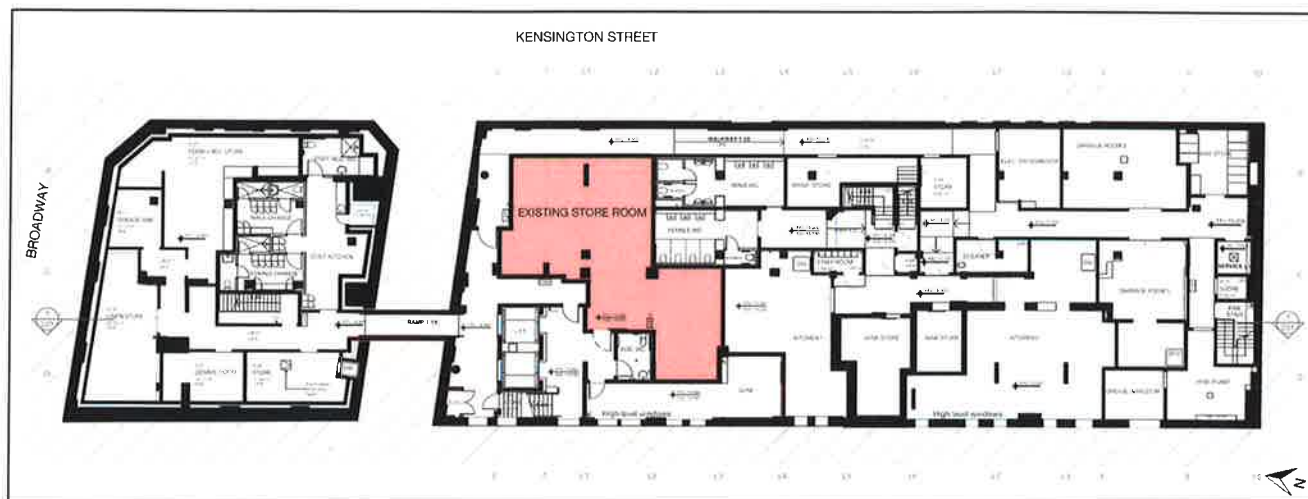


Figure 3: Location of the proposed spa at basement level of Block 3A (highlighted pink) (Base source: Proponent's application)

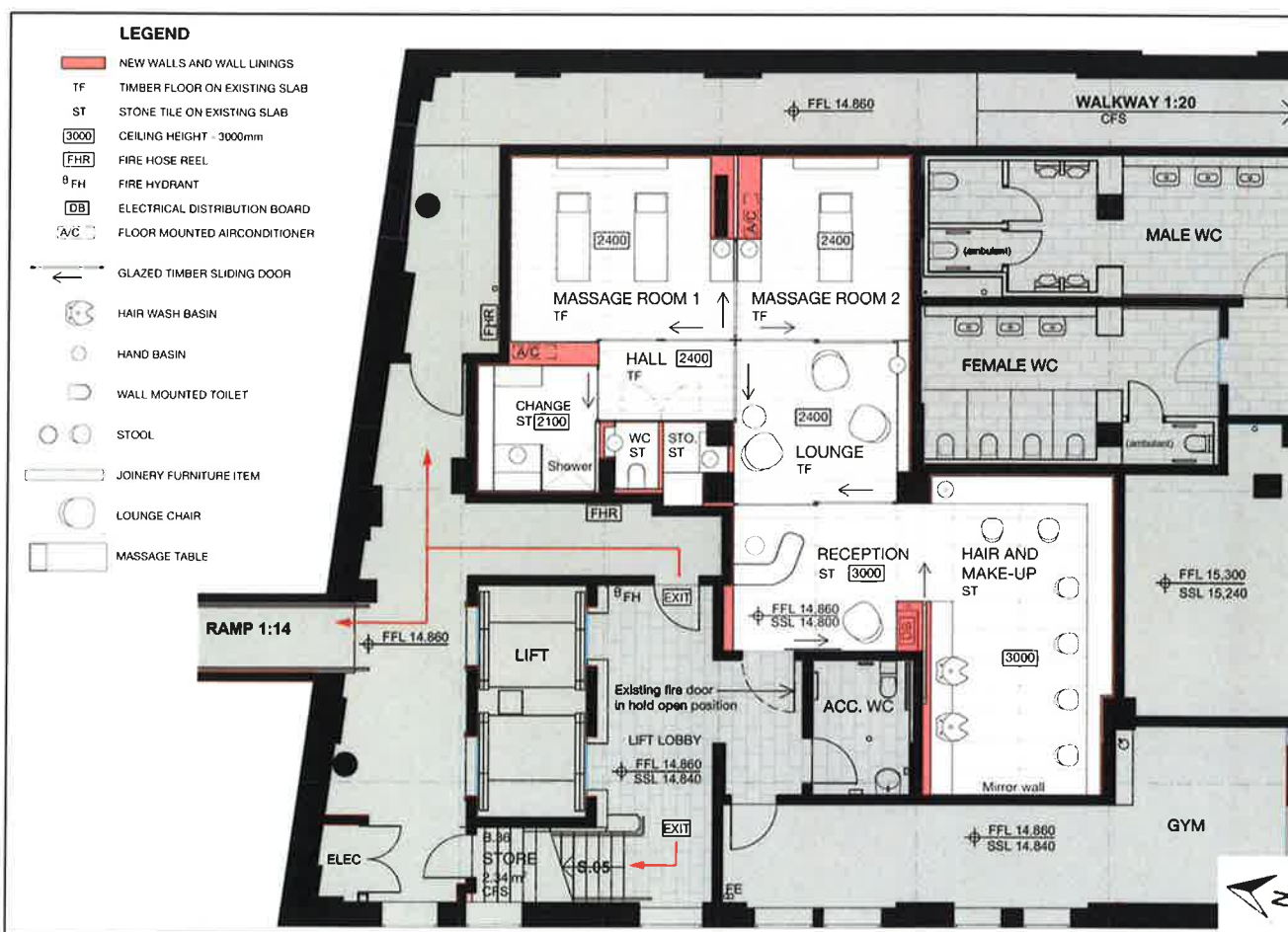


Figure 4: Proposed internal layout of the spa, including proposed internal alterations (Base source: Proponent's application).

5. STATUTORY CONSIDERATION

5.1. Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project 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 that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

5.2. Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessment may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no more than 25 public submissions in the nature of objections.

6. CONSULTATION

6.1. Consultation

The Department made the modification request publicly available on its website and referred the application to Sydney Council (Council). Letters were also sent to notify adjoining owners/occupiers about the proposed modification.

Council does not object to the proposed modification applications and provided the following comments:

- the exact increase in GFA is unclear
- no significant original building fabric should be removed or substantially altered and the proposed works should be reversible.

One **public** submission was received in response to the proposed modification of the Concept Approval and raised concern about the increase in GFA. No public submissions were received in relation to the modification to Block 3A.

6.2. Response to Submissions

Following the notification of the modification request the Department placed copies of all submissions received on its website and requested that the Proponent provide a response to the issues raised in the submissions.

On 28 January 2018, the Proponent provided a Response to Submissions (RtS) (**Appendix A**) clarifying the calculation of GFA increase. The RtS did not include any amendments to the proposal.

7. ASSESSMENT

The Department has assessed the potential impacts associated with the proposal in **Table 3**.

7.1. Assessment issues

Table 3: Assessment of issues

Issue	Consideration	Recommendation
<i>Consistency with the Concept Approval</i>	<ul style="list-style-type: none"> The Concept Approval includes the following relevant requirements relevant to the proposal (as set out in Modification A1, refer to Section 3.1): <ul style="list-style-type: none"> a maximum GFA of 255,500 m² for the Central Park Precinct a maximum GFA of 11,043 m² for Block 3 (with a variation of up to 5% allowed) minimum 59,515 m² non-residential GFA. The proposal includes a minor increase of 121 m² of GFA resulting from the conversion of 110 m² existing storage floorspace into a salon and increase of 11 m² GFA relating to previously approved rooftop structures (approved under MOD 3). Concerns were raised in a public submission about the increase in GFA. Council stated the increase of 121 m² of GFA was minor. The proposed increase of 121 m² of GFA would result in a Central Park Precinct site-wide GFA of 255,621 m², which exceeds the approved maximum (255,500 m²). However, the Department considers this to be acceptable as: <ul style="list-style-type: none"> in the context of the overall total the proposed increase is insignificant and the objectives of the controls would continue to be met the majority (110 m²) of the proposed GFA is derived from the conversion / reclassification of existing storage floorspace within the basement of the Clare Hotel the GFA is contained wholly within the approved building envelopes and would not result in any amendments to the location, height or scale of approved building envelopes or the size or location of open space and public domain the Department has already considered the provision of roof structures above the Clare Hotel (MOD3) and concluded they were acceptable the increase would not result in any adverse heritage, traffic, visual or amenity impacts as discussed in the following sections of this report the non-residential GFA will continue to exceed the approved minimum requirement. The proposed increase of 121 m² GFA would result in Block 3 (which includes Block 3A) having a total GFA of 11,164 m², which exceeds the approved maximum (11,043 m²). The Department notes the modification equates approximately to a 2% increase of the GFA of Block 3. The Department considers as the increase is less than the 5% variation allowed by the Concept Approval, it is therefore acceptable. The Department concludes the proposal remains generally consistent with the Concept Approval and is therefore acceptable. 	The Department has recommended an amended Modification A1 of the Concept Approval and the description of development of both applications to take account of the increase of GFA.
<i>Heritage</i>	<ul style="list-style-type: none"> The Clare Hotel is a local heritage item under the SLEP 2012. The modification seeks approval for the conversion of an existing basement storage area into a salon, including the installation of new walls, flooring and associated works (refer to Figure 4). Council recommended no significant original building fabric 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	<p>should be removed, or substantially altered, and the proposed works should be reversible.</p> <ul style="list-style-type: none"> The Department considers the proposal would not have any adverse heritage impacts as: <ul style="list-style-type: none"> changing the use of the space from a basement storage area to a salon would not adversely affect the heritage significance of the building it does not propose to remove any existing building fabric all new walls, flooring and associated works could be removed and the works are therefore reversible the proposal includes light-weight materials, which do not require any significant interventions into the existing building fabric all modifications are contained with the basement and would not be visible from the surrounding area. 	
<i>Traffic</i>	<ul style="list-style-type: none"> The Clare Hotel has a total of 10 car parking spaces at basement level (of adjoining Blocks) for use by hotel guests. The proposal does not include an increase in on or off-site car parking. The Proponent asserts the majority of the clientele to the salon would be hotel guests and the proposal would therefore not generate additional traffic movements. The Department considers the existing hotel car parking allocation remains sufficient and an increase in car parking is not warranted as: <ul style="list-style-type: none"> it is likely many of the patrons to the salon will be hotel guests the Concept Approval and the Sydney Local Environmental Plan 2012 seek to suppress car parking at this highly accessible location due to the small size of the proposed salon it would not result in a noticeable increase in trip generation or parking demand the site is well served by public transport, including bus services along Broadway outside the site and train and light rail services at Central Station (approximately 400 m to the north-east). 	No additional conditions or amendments necessary.
<i>Hours of operation and noise</i>	<ul style="list-style-type: none"> The modification seeks approval to establish the hours of operation of the salon, from 7 am to 10 pm, seven days a week. The Department notes the existing uses on the site operate during the following hours: <ul style="list-style-type: none"> the hotel: 24 hours, seven days a week restaurant 1: 6 am until midnight Monday to Saturday and 6 am to 10 pm Sunday restaurant 2 and 3: midday until midnight, seven days a week roof top bar: 7am until 10 pm, seven days a week. The Department considers the proposed hours of operation are acceptable as: <ul style="list-style-type: none"> the nature of the proposal is not likely to generate noise and condition F6 <i>Noise General</i> ensures all uses on the site do not create offensive noise emissions the salon will be located at basement level and therefore it would not have an adverse amenity impact the proposed hours of operation are equivalent to, or less than, existing hours of operation for the other uses on the site. 	The Department has recommended a modified Project Approval condition F9 stipulating the hours of operation of the salon.
<i>Compliance with BCA</i>	<ul style="list-style-type: none"> The Proponent has provided a BCA Report, confirming the proposal is capable of meeting BCA requirements. The Department notes Conditions A4, B1, and C3 of the Project Approval require the Proponent to comply with BCA 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
	requirements.	
	<ul style="list-style-type: none"> Accordingly, the Department is satisfied the proposal would comply with the relevant BCA requirements. 	

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 that the proposed modification is appropriate on the basis that:

- the proposed use of the basement for a salon is permissible and consistent with the range of uses envisaged for the site under the planning controls
- the increase of 121 m² of GFA remains consistent with the Concept Approval and is therefore acceptable
- the change of the use of the basement and associated internal alterations would not adversely affect the heritage significance of the building and all alterations are reversible
- the hours of operation are consistent with the hours of operation of other non-residential uses on the site
- the proposed is not expected to result in adverse noise, traffic or amenity impacts.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- consider** the findings and recommendations of this report
- determine** that the application falls within the scope of section 75W of the EP&A Act
- approve** the Central Park and Block 3A modification applications (MP 06_0171 MOD14 and MP 11_0089 MOD 4), subject to conditions
- sign** the attached notice of modification (**Attachment A**)

Recommended by:

Recommended by:

Emma Butcher
Planner
Modification Assessments

Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

as delegate of the Minister for Planning.

APPENDIX A: MODIFICATION OF PROJECT APPROVAL

Copies of the notices of modification can be found on the Department's website at:

MP 06_0171 MOD 14 – Central Park

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8860

MP 11_0089 MOD 4 – Block 3A

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8087

APPENDIX B: SUPPORTING INFORMATION

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 requests

MP 06_0171 MOD 14 – Central Park

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8860

MP 11_0089 MOD 4 – Block 3A

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8087

2. Submissions

MP 06_0171 MOD 14 – Central Park

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8860

MP 11_0089 MOD 4 – Block 3A

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8087

3. Response to Submissions

MP 06_0171 MOD 14 – Central Park

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8860

MP 11_0089 MOD 4 – Block 3A

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8087