

11 July 2019

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GG/SM

Jim Betts
Secretary
Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Mr Betts,

SECTION 75W MODIFICATION – ENVIRONMENTAL ASSESSMENT REPORT CENTRAL PARK CONCEPT PLAN MP06_0171

This Environmental Assessment Report (EAR) is submitted to the Department of Planning and Environment in support of a Section 75W modification to Concept Plan Approval MP06_0171 pursuant to clause 3C, Schedule 2 of *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (Savings and Transitional Regulation).

This modification seeks to update the approved Gross Floor Area figures to reflect the as-built GFA figures of each completed development block within the Central Park Precinct. The modification will ensure that there are no inconsistencies between the completed development and the approved Concept Plan. The application results in an increase to the total approved GFA at Central Park of 66m² equating to a 0.03% increase on that currently approved.

This EAR has been prepared by Ethos Urban on behalf of Frasers Central Park Equity No. 1 Pty Ltd. This report describes the site, its environs and the proposed development, and provides an assessment of the proposed modification in the context of the approved Concept Plan.

The report is based on the amended Concept Plans prepared by Foster + Partners, which are included at **Attachment A**.

1.0 Background

1.1 Central Park Concept Plan (MP06_0171)

MP 06_0171, as modified, is a Concept Plan approval applying to the former Carlton & United Breweries (now Central Park) site, which permits the construction of a mixed-use precinct comprising:

- 11 development blocks;
- A maximum Gross Floor Area (GFA) of 255,621m², with minimum non-residential and maximum residential floor space mix;
- Combined basement car parks, providing car parking for Blocks 1, 4 and 8 and Blocks 2, 5, 9 and the Kensington Precinct;
- A new public park;
- Tri-generation and recycle water treatment plants;

- Retention of heritage items;
- Public domain works; and
- Contributions.

To date, a total of 13 modifications to the Concept Plan have been approved between 2007 and 2018, which are summarised in **Table 1**. The modifications have primarily related to amendments of building envelopes and reallocation of floor space in response to the delivery of each block. A further modification (MOD 13) to the Concept Plan was withdrawn. We also note that MOD 15 in relation to Block 4B has been prepared and will be lodged concurrently with the EIS for SSD9374 for the adaptive reuse to the Brewery Yard Building. The layout of development blocks within the Central Park Concept Plan (as approved at MOD 14) is presented in **Figure 1**.

Table 1 Previous Modifications to the Central Park Concept Plan

Modification #	Date Approved	Description
MOD 1	18 July 2007	Administrative changes to approved concept plan.
MOD 2	5 February 2009	Redistribution of the built form across the site and the resultant creation of larger public domain areas.
MOD 3	16 May 2010	Minor amendments associated with VPA timing.
MOD 4	30 August 2011	Administrative changes to approved concept plan.
MOD 5	31 July 2012	Administrative modification of ESD requirements.
MOD 6	24 July 2012	Amendments to GFA distribution and land use mix associated with Kensington Street Precinct
MOD 7	17 January 2013	Amendments to GFA distribution and land use mix within the Kensington Precinct (Block 3) and Block 11
MOD 8	23 December 2013	Amendments to the GFA and the mix of residential and non-residential GFA on the site, as well as modification of building envelopes associated with Block 4S, Block 1 and Block 4N.
MOD 9	27 November 2014	Amendment to the GFA distribution and amendment to the building envelopes of Block 4S and Block 8, including ground floor public domain arrangements and vehicle access arrangements.
MOD 10	20 August 2015	Amendment to the GFA distribution and amendment to the building envelopes of Block 1 and Block 4N.
MOD 11	2 March 2016	Amendment to the GFA distribution and amendment to the building envelopes of Block 11.
MOD 12	27 June 2016	Amendment to the GFA distribution between Block 4N and Block 4B (Brewery Yard) and minor public domain amendments
MOD 13	Withdrawn	Amendments to site access arrangements and public domain associated with the Brewery Yard.
MOD 14	26 March 2018	Minor increase in total GFA on Central Park site to allow for an increased GFA associated with the Old Clare Hotel (Block 3).
MOD 15	Prepared but not lodged.	Amendment to the GFA of Block 4B (Brewery Yard)

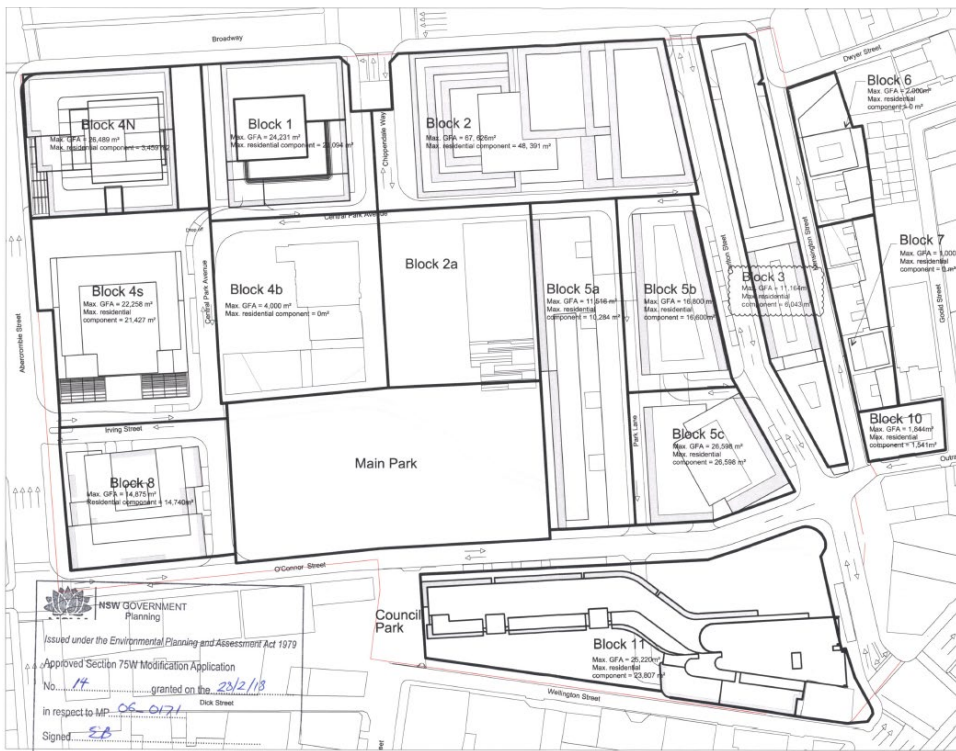


Figure 1 Approved Central Park Concept Plan (MOD 14)

2.0 Description of the Proposed Modification

This modification seeks to update the Gross Floor Area figures provided at Schedule 2, Part A of the consent, to reflect the as-built GFA figures of each project approval. The discrepancy in block-by-block GFA correction is minor and the total modification to the approved GFA is 66m² across the total of Central Park, equating to an approximate 0.03% increase.

The proposed modification is required in order to ensure that there is no discrepancy between the completed built form on the site and the approved Concept Plan. This modification does not facilitate any changes to the completed buildings sited on each block.

The above discussed update necessitates the following modifications to the conditions of consent. Deletions are shown in ~~bold strike through~~ and insertions are shown in ***bold italics***.

SCHEDULE 1

For the Following:

Concept Plan Approval for the former Carlton & United Breweries Site, 26 Broadway, Chippendale comprising:

- development blocks;
- a maximum Gross Floor Area (GFA) of ~~255,621~~ ***255,687*** sqm of which a minimum of ~~59,515~~ ***59,901*** sqm 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.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

A4 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
- (a) *Volume 1 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (b) *Appendices – Volume 2: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (c) *Appendices – Volume 3: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (d) *Appendices – Volume 4: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.

Except as modified by

- (e) *Concept Plan Modification - Frasers Broadway 26 Broadway, Chippendale NSW 2008* prepared by JBA Urban Planning Consultants + TCW Consulting Dated July 2008 (08084).
- (2) The following Preferred Project Report and revised Statement of Commitment are approved and shall be complied with:
- (a) *Preferred Project Report* prepared by JBA Urban Planning Consultants dated 21 December 2006;
 - (b) *Preferred Project Drawings* prepared by COX/ATA dated October 2006.
 - (i) Rev CP 04_A-01-02_07
 - (ii) Rev CP 04_A-05-01_07
 - (iii) Rev CP 04_A-09-01_06
 - (iv) Rev CP 04_A-10-01_06
 - (v) Rev CP 04_A-11-06_06
 - (vi) Rev CP 04_A-11-07_06
 - (vii) Rev CP 04_A-11-14_07
 - (viii) Rev CP 04_A-11-15_06
 - (ix) Rev CP_05_A-07-05_01A
 - (x) Rev CP 07 A-07-01A
 - (xi) Rev CP 04_A-05-01_08
 - (c) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants dated 21 December 2006;
 - (d) *Preferred Project Report Modification to Concept Plan – Frasers Broadway* prepared by JBA Urban Planning Consultants + TCW Consulting dated October 2008 (08084) and drawings prepared by Fosters+ Partners;
 - (e) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants + TCW Consulting dated October 2008;
 - (f) The *Section 75W EAR* prepared by JBA Planning Consultants, dated May 2012, and Project No.1645, No. A-1405, Revision 02, dated 29 June 2012, Kensington St – West Elevation;
 - (g) *Section 75W EAR* prepared by JBA dated October 2012;
 - (h) *Section 75W EAR* prepared by JBA dated December 2012 and Response to Submissions dated May 2013 (as amended);
 - (i) *Section 75W EAR* prepared by JBA dated January 2014 and Response to Submissions dated June 2014 (as amended);

- (j) Section 75W EAR prepared by JBA dated November 2014 (as amended) and Response to Submissions / Preferred Project dated March 2015;
- (k) Section 75W EAR prepared by JBA dated December 2014 and Response to Submissions / Preferred Project dated July 2015 (as amended);
- (l) Section 75W Modification Application - Central Park concept Plan – MOD 12 prepared by JBA Urban Planning Consultants Pty Ltd dated 15 February/Response to submissions 18 April and 10 May 2016
- (m) Section 75W Modification Application (MP 06 0171 MOD 14) prepared by Planning Lab dated 17 October 2017 as amended by email dated 28 January 2018
- (n) **Section 75W Modification Application – Central Park Concept Plan – MOD 16 prepared by Ethos Urban dated 11 July 2019**
- (o) the following drawings:

Architectural (or Design) Drawings prepared by Foster+ Partners			
Drawing No.	Revision	Name of Plan	Date
171123b A-1002	A 29	Concept Plan Concept Plan Areas	Nov-2017 18/06/19
A-1030	07	Master Plan Site Set Out Plan	12/08/15
A-1200	08	Indicative Staging Plan, CUB Heritage Map	10/11/14
A-1250	05	Contextual Plan	23.01.14
A-1251	15	Site Plan – contextual	12/08/15
A-1252	06	Site Identification and Ownership	23.01.14
171123a A-1253	A 34	Concept Plan Blocks and max. GFA	Nov-2017 18/06/19
A-1254	19	Public Domain	06/04/16
A-1256	14	Traffic, Pedestrian and Cycle Routes	12/08/15
A-1257	17	Traffic Access, Parking	12/08/15
A-1258	15	Road Width	12/08/15
A-1259	13	Awnings, Balconies	12/08/15
A-1260	18	Height Map - Sheet 1	10/11/15
A-1261	11	Height Map - Sheet 2	24/11/14
A-1262	18	Roof Plan, Maximum Building Height (AHD)	10/11/15
A-1269	12	Typical Basement Level	03/12/14
A-1270	16	Indicative Land Use – Groundfloor	12/08/15
A-1274	15	Indicative Land Use Typical floor (Generally Level 04)	12/08/15
A-1290	18	Residential Flat Design Code Distances between Buildings	12/08/15
A-1400	13	North Elevation	10/11/14
A-1401	09	East Elevation	03/12/14
A-1402	13	South Elevation	10/11/14
A-1403	14	West Elevation	28/11/14
A-1404	04	Kensington St - East Elevation	28/11/14
A-1451	13	Section 1	10/11/14
A-1452	13	Section 2	10/11/14
A-1453	12	Section 3	28/11/14
A-1454	16	Section 4	10/11/14
A-1455	15	Section 5	10/11/14

Architectural (or Design) Drawings prepared by Foster+ Partners			
A-1456	12	Section 6	10/11/14
A-1457	11	Section 7	03/12/14
A-1458	07	Street Sections	10/11/14
A-1459	09	Street Sections 2	03/12/14
A-1460	08	Section 18	03/12/14

**SCHEDULE 2
PART A – MODIFICATIONS**

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 ~~255,624~~ **255,687** square metres
- (b) The GFA for residential land uses on the site shall not exceed ~~195,985m²~~ **195,786m²** of the total GFA.
- (c) The GFA for non - residential land uses on the site shall not be less than ~~59,515m²~~ **59,901m²** 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	24,234 24,202
Block 4N	26,594 26,304
Block 4S	22,258 22,525
Block 4B (Brewery Yard)	3,898 4,000
Block 2	67,626 67,785
Block 3	11,164
Block 5A	11,516 11,544
Block 5B	16,800 16,799
Block 6	2,000
Block 7	1,000 969
Block 8	14,875 14,596
Block 9	26,598
Block 10	1,844
Block 11	25,220 25,357
Site Total	255,624 255,687

- (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 (~~255,624~~ **255,687** sqm) 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.

3.0 Environmental Assessment

3.1 Substantially the Same Development

Pursuant to clause 3C(1) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, Section 75W continues to apply to the modification of a Concept Plan approved before or after the repeal of Part 3A. However clause 3BA(5) limits the powers under Section 75W to only if the Minister is satisfied that:

- (a) *The proposed modification is to correct a minor error, misdescription or miscalculation, or*
- (b) *The proposed modification is of minimal environmental impact, or*
- (c) *The project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The proposed modification to the Central Park concept plan is substantially the same project as that of the approved concept plan (as modified) for the following reasons:

- The proposed modification only seeks to update the approved GFA figures to reflect the as-built GFA;
- The proposed modification results in 66m² increase to the approved total GFA at Central Park and is considered inconsequential in the context of 255,621m² of GFA across the precinct;
- The proposed modification maintains the approved land use mix between residential and non-residential uses across the precinct;
- The proposed modification does not impact on the overall building layouts, block patterns, street network, pedestrian and cycle routes, public open space provision or ESD commitments of the Central Park Precinct; and
- The proposed modification will not have any environmental impacts, beyond those considered and approved under the Concept Plan, as approved (including approved modifications).

3.2 Voluntary Planning Instrument

The proposed modification does not seek to alter the executed VPA for the Central Park site (2010/427).

3.3 Statement of Commitments

This application does not seek to modify the approved Concept Plan Statement of Commitments.

3.4 Other Environmental Impacts

The proposed modification does not give rise to any additional environmental when considering the cumulative impact of the approved Central Park Concept Plan.

4.0 Conclusion

This EAR has been prepared to consider the environmental, social and economic impacts of the proposed amendment to the MP06_0171 (MOD 16), being to reconcile the GFA figures per Block to reflect the as-built GFA figures of each completed project⁰¹.

As the proposed amendment relates to the as-built developments, and has no impact on them, the amendment will have no impact on biophysical, economic and social considerations, including the principles of ecologically sustainable development.

Given the merits described above it is requested that the application be approved. Should you require any additional information, please do not hesitate to contact the undersigned.

Yours sincerely,



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