



Central Park Concept Plan

*Part 3A Modification
Assessment
(MP 06_0171 MOD 15)*

August 2019

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Glossary

Abbreviation	Definition
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EP&A ST&OP Regulation	<i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
Proponent	Frasers Central Park Equity No. 1 Pty Ltd
RtS	Response to Submissions
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy



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1. Introduction

1.1 Background

This report provides an assessment of a request to modify the Concept Approval (MP 06_0171) for Central Park, in the City of Sydney local government area.

The request has been lodged by Ethos Urban, on behalf of Frasers Central Park Equity No. 1 Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposal seeks approval to increase the GFA permitted on the site by 66m² to remove minor inconsistencies between the completed development and the Concept approval.

1.2 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 (**Figure 1**).

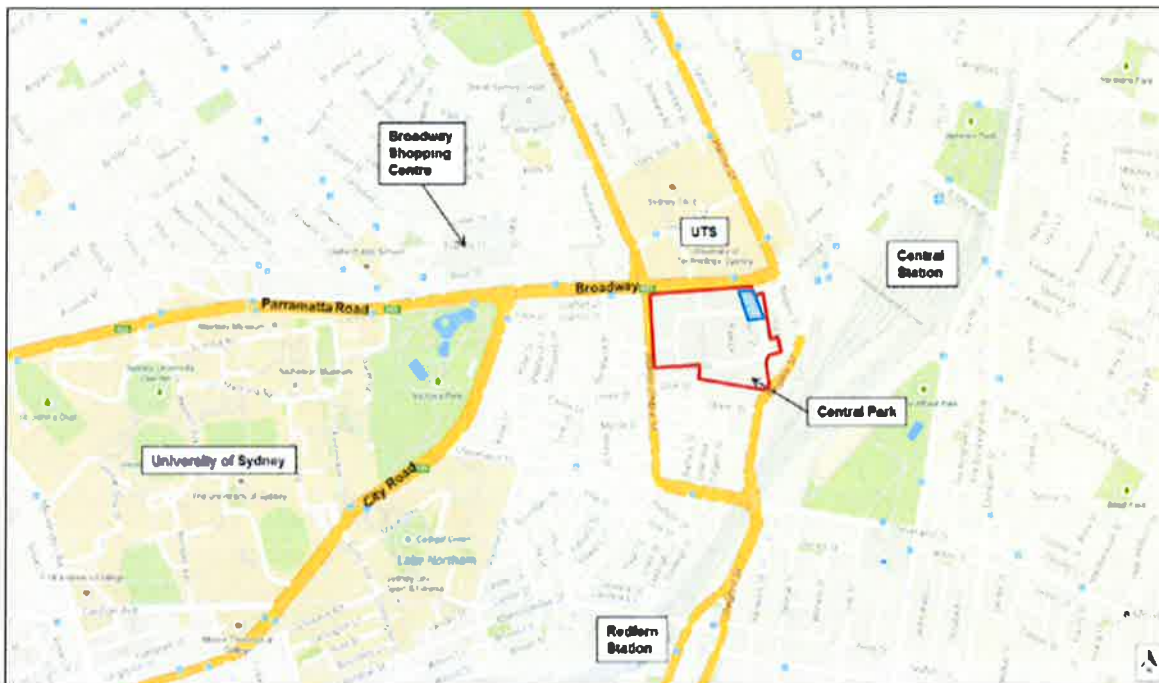


Figure 1: Central Park Precinct (red) (Base source: Nearmap)

1.3 Approval History

On 9 February 2007, the then 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 13 occasions (refer to **Table 1**).

Key aspects of the Concept Approval as modified include:

- a maximum 255,621 m² of GFA (of which a minimum of 59,515 m² must be 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.

The Concept Approval has been modified on 13 occasions (see **Table 1**).

Table 1 | Summary of Modifications

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
MOD 13	Modification to the Public Domain Plan to allow vehicle access to Block 4B.	Withdrawn
MOD 14	Amendment to GFA on Block 3.	28 February 2018



2. Proposed Modification

The Proponent lodged a modification request (MP 06_0171 MOD 15) seeking approval to increase the GFA permitted on the site by 66 m², resulting in a total GFA of 255, 687 m².

The modification is requested on the basis that it would remove minor inconsistencies between the constructed development and the Concept approval. No changes to the completed buildings are proposed.

A summary of the approved and proposed GFA is provided at **Table 2** below. A breakdown of the approved and proposed GFA for each individual block is provided at **Appendix A**.

Table 2 | Approved and proposed GFA comparison

	Approved GFA (m ²)	Proposed GFA (m ²)	Difference (m ²)
Residential (maximum permitted)	195, 985	195, 786	-199
Non -residential (minimum required)	59, 515	59, 901	+386
Total	255, 621	255, 687	+66



3. Statutory Context

3.1 Section 75W

The Concept Approval was originally approved under Part 3A of the EP&A Act. The power to modify concept plans approved under Part 3A of the EP&A Act under former section 75W of the EP&A Act is being wound up. Clauses 3BA(2) and (3) of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A (ST&OP) Regulation) provide that an approved concept plan cannot be modified under section 75W on or after the cut-off date of 1 March 2018, unless the request to modify was lodged before 1 March 2018.

However, Clause 3BA(5) of Schedule 2 to the EP&A (ST&OP) Regulation provides that a Concept Plan may continue to be modified under section 75W in response to a request lodged before or after 1 March 2018 if the Minister is satisfied that:

- the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- the proposed modification is of minimal environmental impact, or*
- 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).*

This proposal seeks to approval for a minor increase in GFA to remove inconsistencies between the completed development and the Concept approval, as such the Department is satisfied that the proposal is within the scope of clause 3BA(5)(b) as it is of minimal environmental impact. **Section 5** of this report provides an assessment of the impacts associated with this proposal.

3.2 Consent Authority

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

- the relevant local council has not made an objection
- there has been a political donations disclosure statement in relation to a previous related proposal
- there are no public submissions in the nature of objections.



4. Engagement

4.1 Department's Engagement

The request was made publicly available on the Department's website and notified to City of Sydney Council (Council) and surrounding landowners and residents.

4.2 Agency Submissions

Council raised no objection to the proposal.

4.3 Public Submissions

No **public** submissions were received



5. Assessment

In assessing the merits of the proposed modification, the Department has considered the:

- the modification and associated documents (**Appendix A**)
- the Environmental Assessment and conditions of approval for the original project (as modified)
- submissions received on the proposal and the Proponent's response to the submissions
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act.

The Department's assessment of key issues is set out at **Table 3** below.

Table 3 | Assessment of key issues

Issue	Findings	Recommended Condition
Amendment to GFA	<ul style="list-style-type: none"> • The request seeks approval to amend the GFA outlined in the Concept Approval to remove minor inconsistencies between the completed development and the Concept approval, resulting in an overall increase of 66m² GFA across the site. • The Department notes the original approval anticipated that there would be minor discrepancies between the approved and constructed GFA for a development of this scale, and Condition A1(f) states that variations of less than 5% for each block are acceptable. • The Department considers the proposed modification is acceptable as: <ul style="list-style-type: none"> ○ it only seeks to remove inconsistencies between the completed development and the Concept Approval and does not propose any additional uses on the site ○ it would be contained within the existing approved building envelopes and would therefore not result in any additional visual or amenity impacts ○ the overall increase of 66 m² GFA across the whole site is minor (approximately 0.03%) ○ the variation in GFA for each block is less than 5% as demonstrated in Table 4 at Appendix A ○ the distribution of GFA between residential and non-residential uses remains consistent with the approved minimum and maximum requirements, as demonstrated in Table 2 ○ it would not result in the need for additional car parking spaces, as maximum car parking rates apply to the site ○ Council raised no objection to the proposal. • The Department is therefore satisfied the proposal is acceptable, and would not result in any impacts beyond those already assessed and approved. 	No additional conditions or amendments are considered necessary.



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate as it would ensure consistency between the constructed buildings and the Concept Approval and would not result in any impacts beyond those already assessed and approved.

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



7. Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application MP 06_0171 MOD 15 falls within the scope of section 75W of the EP&A
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent MP 06_0171
- **signs** the attached approval of the modification (Appendix B)

Recommended by:

Emma Butcher
Planning Officer
Regional Assessments

Recommended by:

Anthony Witherdin
Director
Regional Assessments



8. Determination

The recommendation is: **Adopted by:**

Chris Ritchie

28/8/19.

Acting Executive Director
Compliance, Industry and Key Sites



Appendices

Appendix A – Approved and Proposed GFA

Table 4 | Approved and Proposed GFA by Block

Block	Approved GFA (m²)	Proposed GFA (m²)	Difference (%)
1	24,231	24,202	-0.12
4N	26,591	26,304	-1.08
4S	22,258	22,525	+1.20
4B	3,898	4,000	+2.62
2	67,626	67,785	+0.23
3	11,164	11,164	0
5A	11,516	11,544	+0.24
5B	16,800	16,799	-0.01
6	2,000	2,000	0
7	1,000	969	-3.1
8	14,875	14,596	-1.88
9	26,598	26,598	0
10	1,844	1,844	0
11	25,220	25,357	+0.54
Total	255,687	255,687	+0.03

Appendix B – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification Request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10019

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10019

Appendix C – Notice of Modification

The recommended modification of Concept Plan approval can be found on the Department's website at:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10019