

23 September 2019

218062  
SM/JB

Jim Betts  
Secretary  
NSW Department of Planning, Industry & 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, Industry 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 reflect the concurrent State Significant Development Application (SSDA) for the adaptive reuse of the Brewery Yard building as proposed in SSD9374. Specifically, this modification relates to an increase in the maximum Gross Floor Area (GFA) associated with Block 4B being the Brewery Yard Building and to clarify the existing maximum building heights of the Brewery Yard Buildings. It also involves minor amendments to the concept public domain and concept traffic, access and parking. The proposed modification will result in a maximum GFA for Block 4B of 6,396m<sup>2</sup> and a total GFA of 258,017m<sup>2</sup> in the Central Park Concept Plan.

This EAR has been prepared by Ethos Urban on behalf of IP Generation, the proponent for the Brewery Yard building project. This report describes the site, its environs and provides an assessment of the proposed modifications in the context of the approved Concept Plan. The report is based on the Concept Plan Drawings prepared by Foster + Partners (see **Attachment A**), a Design Amendments Statement prepared by Foster + Partners (see **Attachment B**) and a Heritage Impact Statement prepared by Urbis (**Attachment C**) appended to the report.

## **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 258,017m<sup>2</sup> 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 re-cycle 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 (see **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. The layout of development blocks within the Central Park Concept Plan (as approved) 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).

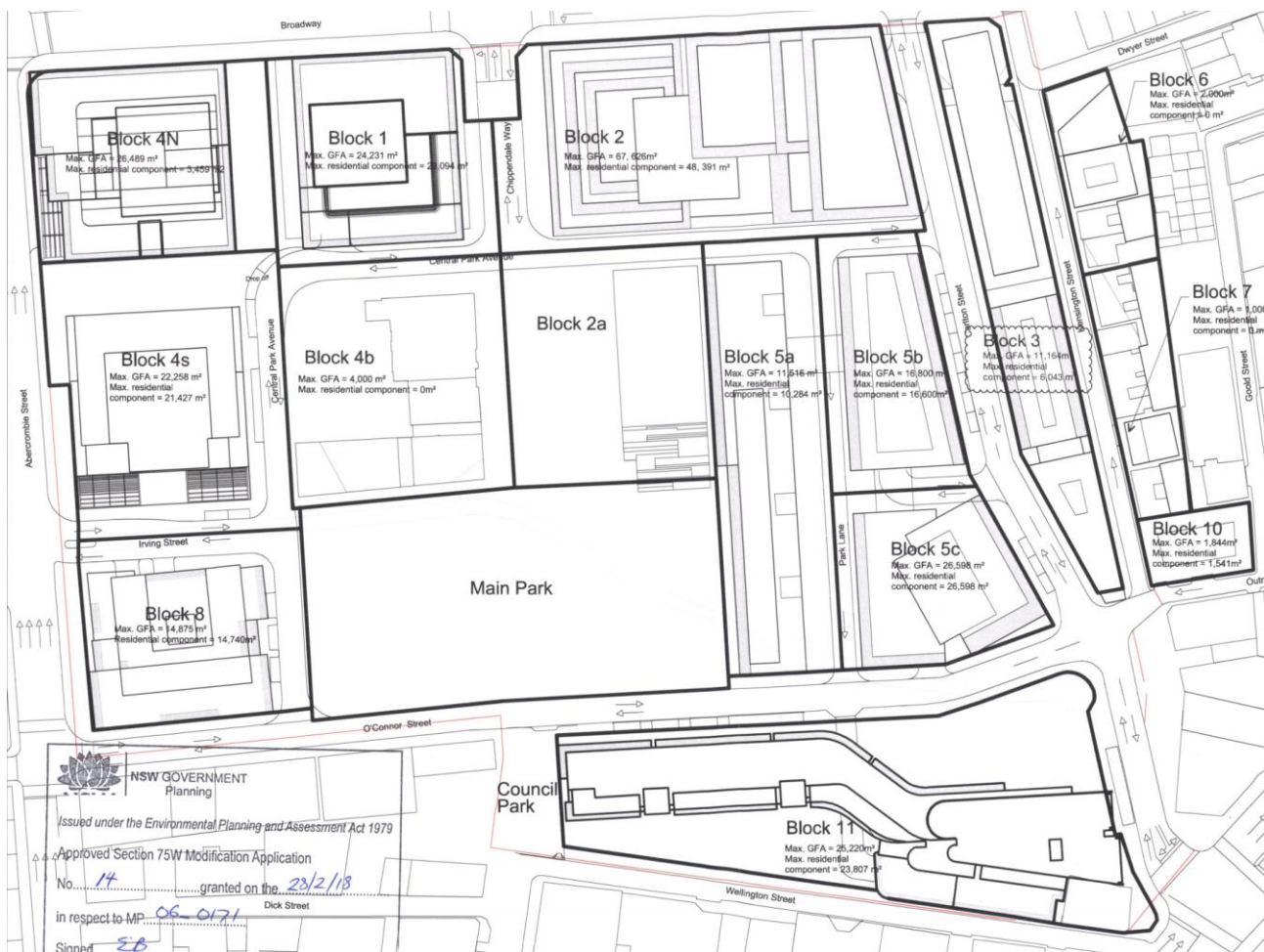


Figure 1 Central Park Concept Plan

## 1.2 Brewery Yard Building SSDA (SSD 9374)

Concurrent to this Section 75W application, SSD 9374 has been prepared and lodged in respect of Block 4B. This SSDA seeks approval for:

- The adaptive reuse of the Brewery Yard building for the purposes of a commercial premise providing 6,396m<sup>2</sup> of non-residential GFA;
- External additions within the southern portion including reducing the floor to ceiling height of Level 5 to accommodate two levels above, including an additional retail level above the existing parapet; and
- External public domain works within the forecourt.

A photomontage of the development proposed in SSD9374 is presented in **Figure 2**. A detailed Environmental Impact Statement (EIS) has been prepared in relation to SSD9374, addressing the Secretary’s Environmental Assessment Requirements issued for the project on 21 June 2018.



**Figure 2** Photomontage of proposed SSD9374

Source: Tzannes

## 2.0 Site Description

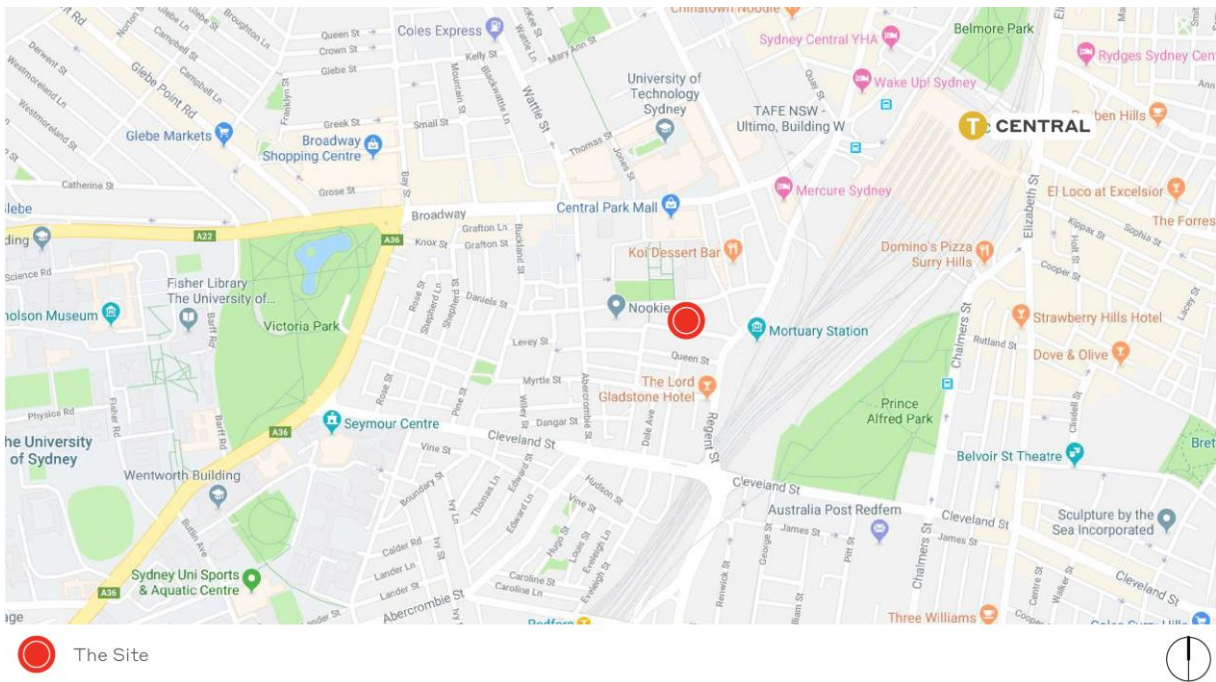
The Central Park precinct is located on the southern edge of the Sydney CBD. The site is located 700m south-west of Central Station, 400m south-east of Broadway Shopping Centre, 150m east of the University Notre Dame Australia, and immediately south of the University to Technology Sydney. The site’s locational context is shown in **Figure 3**.

This application specifically relates to the development block Block 4B of the Central Park Concept Plan. Block 4B is located in the western half of the Central Park precinct (see **Figure 4**) and contains a group of heritage-listed former brewery buildings which have been retained on the site. As shown at **Figure 5**, the existing buildings are currently in a state of disrepair and the site remains behind construction hoarding.

Block 4B is bounded by Central Park Avenue to the north and west with the following surrounding development under construction or recently completed:

- North: Block 1 (SSD 6554) being an 18 storey residential flat building with ground floor retail.
- North West: Block 4N (SSD 6673) being a 19 storey mixed use building including retail, hotel, child care, commercial office, and residential apartments.
- West: Block 4S (SSD5700) being a part 15, part 16 storey student accommodation building with ground floor retail.
- South and East: Chippendale Green being a large public open space within the Central Park precinct.





**Figure 3** Location of the site within the surrounding context

Source: Google maps, Ethos Urban



**Figure 4** Aerial image identifying Block 4B within the Central Park precinct

Source: Nearmap and Ethos Urban





**Figure 5 Existing Brewery Yard building and site conditions**

Source: Ethos Urban

### 3.0 Description of the Proposed Modifications

#### 3.1 Modifications to the Concept Plan

##### 3.1.1 Gross Floor Area

The proposed modification seeks to increase the maximum GFA for Block 4B from 4,000m<sup>2</sup> to 6,396m<sup>2</sup>. This floor space is 100% non-residential GFA. This will result in an increase in the total GFA of the Central Park Concept Plan to 258,017m<sup>2</sup>. As all other development blocks within the Central Park precinct are either completed or nearing completion, there is not an opportunity to redistribute GFA within the precinct.

##### 3.1.2 Building Height

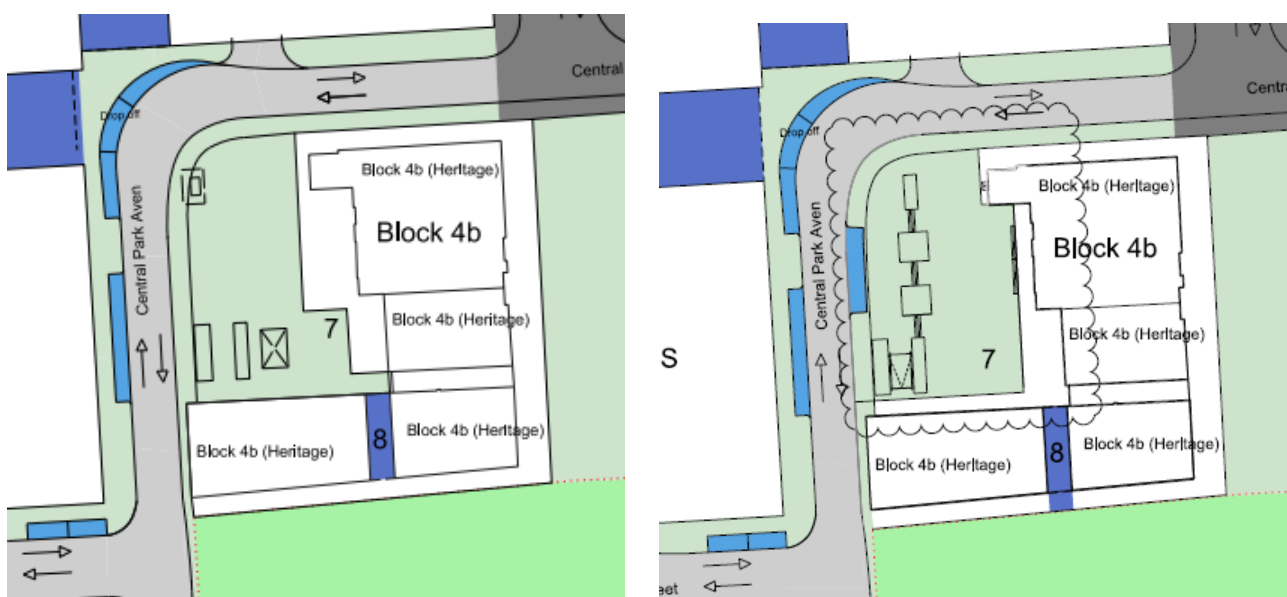
This application seeks minor amendments to increase the concept plan building heights for Block 4B such that reflect the existing height of buildings in relation to the Brewery Yard, refer to **Table 2** below.

**Table 2 Building height**

Building Number	Concept Plan Maximum Permitted Height (RL)	Existing Height of Structures (RL)	Proposed Building Height (RL)
22	41.10	Parapet: 42.06	44.78
23	41.10	Ridge: 47.06 Parapet: 41.02	47.06
26	35.30	Ridge: 37.23 Walkway: 39.2	No change (35.30)
30	39.80	Attenuator: 47.78 Enclosure parapet: 44.78	46.77

### 3.1.3 Public Domain

This application seeks minor amendments to the approved public domain concept in relation to the Brewery Yard boundary to align with the proposed site access arrangements in SSD 9374 that provides a loading bay on Central Park Avenue at the western boundary of Block 4B. A comparison of the approved public domain plan and proposed public domain is presented in **Figure 6**.

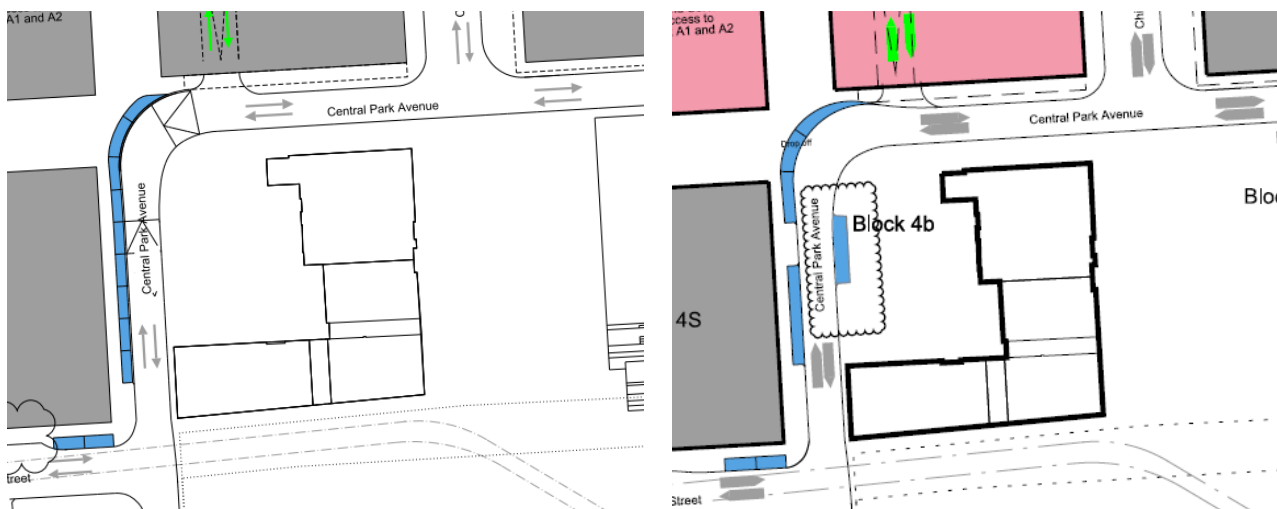


**Figure 6 Comparison of approved (left) and proposed (right) public domain plan**

Source: *Fosters + Partners*

### 3.1.4 Site Access and Parking

The proposed modification seeks a minor amendment to the approved traffic pedestrian and cycle routes to include the proposed loading bay adjacent to the site on Central Park Avenue. No changes to the pedestrian/cycle paths or road network are proposed. A comparison of the approved routes and proposed public domain is presented in **Figure 7**.



**Figure 7 Comparison of approved (left) and proposed (right) traffic, access and parking**

Source: Fosters + Partners

### 3.2 Modifications to Conditions of Approval

The above changes necessitate the following modification to the conditions of consent. Deletions are shown in ~~bold strike through~~ and insertions are shown in **bold italics**.

#### 3.2.1 Schedule 1

##### **Approved Concept Plan Description**

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

- Development blocks;
- A maximum Gross Floor Area of ~~255,621~~ **258,017**sqm of which a minimum of 59,515sqm 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;
- Tri-generation and recycled water treatment plants;
- Retention and heritage items; and
- Contributions.

#### 3.2.2 Schedule 2

##### **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 areas across the Subject Site is ~~255,621~~ **258,017** square metres
- (b) The GFA for residential land uses shall not exceed 195,985m<sup>2</sup> of the total GFA.
- (c) The GFA for non-residential land uses on the site shall not be less than 59,515m<sup>2</sup> 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	26,489
Block 4S	22,258
Block 4B (Brewery Yard)	<del>4,000</del> 6,396
Block 2	67,626
Block 3	11,164
Block 5A	11,516
Block 5B	16,800
Block 6	2,000
Block 7	1,000
Block 8	14,875
Block 9 (5C)	26,598
Block 10	1,844
Block 11	25,220
<b>Site Total</b>	<del>255,624</del> 258,017

Note: The above condition picks up a minor error where the Instrument of Modification 12 did not update this condition in relation to the GFA redistribution between Block 4N and Block 4B.

#### A4 Development in Accordance with Plans and Documents

(1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:

...

Except as modified by

....

(2) (n) Section 75W Modification Application (MP06\_0171 MOD 15) prepared by Ethos Urban dated 23 September 2019 (n) (m) the following drawings:

Architectural (od Design) Drawings Prepared by Fosters + Partners			
Drawing No.	Revision	Name of Plan	Date
A0060	A	Concept Plan Roof Plan Maximum Building Height (AHD)	18/09/2019
<del>171123b</del> A 1002	<del>A</del> 28	<del>Concept Plan</del> Concept Plan Areas	<del>Nov 2017</del> 14/03/08
<del>171123a</del> A-1252	<del>A</del> 33	<del>Concept Plan and max GFA</del> Blocks and max, GFA	<del>Nov 2017</del> 14/03/08
A-1254	<del>19</del> 20	Public Domain	<del>06/04/16</del> 13/03/08
A-1257	<del>44</del> 18	Traffic, Access and Parking	<del>12/08/15</del> 31/03/08

## 4.0 Environmental Assessment

### 4.1 Substantially the Same Development

Pursuant to clause 3C(1) of Schedule 2 of the Savings and Transition Regulation, 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 increase in total GFA represents less than a 1% increase in the context of the Central Park precinct;
- The proposed modifications do not fundamentally alter the land use mix of the Central Park Concept Plan as additional GFA is proposed as non-residential GFA which remains at 76% residential and 24% non-residential across the precinct;
- The proposed modification does not alter the overall building layouts, block patterns, street network, pedestrian and cycle routes, public open space provision or ESD commitments of the approved Concept Plan;
- The proposed increase in GFA will facilitate the adaptive reuse and conservation of the Brewery Yard building as intended by the Central Park Concept Plan, which has proved unviable with the current development potential; and
- The environmental impacts of the proposed modifications remain substantially the same as that of the approved Concept Plan.

### 4.2 Strategic Need for the Modification

The proposed modification is required in order to facilitate the development proposed in SSD 9374 for the adaptive reuse of the Brewery Yard building. The existing buildings on site have currently fallen into a state of disrepair and Block 4B remains the final development block within the Central Park Concept Plan not to be completed.

Although development consent was granted to MP10\_0271 for the adaptive reuse of the Brewery Yard building, only the Stage 1 works of this consent have been completed, as the approved development does not represent a commercially viable development outcome for the site. A number of alternative development options have been explored for the project, including hotel land uses (refer to SEARs issued for SSD8336), however this use was observed as having a greater impact on the heritage fabric and character of the building.

In order to balance a commercially viable development and a superior heritage outcome, the proponent is seeking consent for additional floorspace associated with the non-residential use of the Brewery Yard building as a commercial premises. The increase to the maximum GFA of Block 4B is required in order to deliver a commercially viable development, whilst the commercial land use is considered to be a land use that is sympathetic to the heritage characteristics of the site whilst minimising the impacts of the adaptive reuse on heritage fabric. As all other development blocks within the Central Park precinct are either completed or nearing completion, there is not an opportunity to redistribute floor space within the precinct and therefore the proposed modification results in an increase to the total GFA under the Central Park Concept Plan. The proposed modification will enable the completion of the Brewery Yard adaptive reuse as one of the final development components of the Central Park precinct.

### 4.3 Land Use Mix

The proposed modification seeks to increase the provision of non-residential floorspace within Block 4B and therefore within the overall Central Park precinct. To avoid any doubt, the proposed modification does not relate to residential floor space and does not seek to increase the maximum residential GFA. This modification seeks to increase the total non-residential GFA within the Central Park precinct to a total of 61,912m<sup>2</sup> representing 24% of the total floor space.

Accordingly, the proposed modification remains consistent with condition A1(b) and A1(c) of the Concept Plan.

### 4.4 Height of Buildings

The prescribed height of buildings contained in **Table 2** reflects the existing height of the structures on the site as well as the proposed increase in height for Block 4B submitted under SSD9374. Works approved and completed under MP10\_0217 exceed the height prescribed by the Concept Plan and additional survey information confirms that the height of the existing structures also exceeded the height prescribed within the Concept Plan (ie the Concept Plan heights as approved are incorrect). The height permitted under the Concept Plan, the existing height, and the height proposed in this application is set out in **Table 2**.

The proposed changes to the Concept Plan height of buildings plan will correct previous survey errors and will update the building heights to reflect the constructed building elements. The modification application will also enable the construction of an additional to Block 4B. The proposed addition is considered acceptable in that:

- The proposed height is below the height of the existing ridgeline of the building, not accurately recorded in the heights prescribed in the Concept Plan;
- The increase of height will maintain consistency with the sun access plane controls applying to the site;
- The increase of height does not result in additional overshadowing of the Chippendale Green on 21 June (refer to the concurrent SSD9374 EIS currently under assessment by DPIE);
- The increase of height will not result in any adverse visual impacts as it seeks to correct an error under the original Concept Plan (refer to Section 4.7); and
- The increase of height will not result in adverse impacts to the heritage context of the Brewery Yard (refer to discussion at Section 4.5 and Appendix C).

### 4.5 Heritage

Comments issued by the Department in response to the submission for the Test of Adequacy for the concept plan were issued in relation to heritage impacts associated with the removal of the existing roof forms to buildings 22 and 26. In response, a detailed assessment of the additional height and alternate roof form proposed in SSD9374 is provided in an updated Heritage Impact Statement prepared by Urbis and is included as **Attachment C**. Urbis, in their assessment of SSD9374, state that the Brewery Yard building not only forms part of the Central Park precinct but is the historic centrepiece of the urban environment, and the last remaining physical representation of the site's significant brewing history. The building must be adapted for future use not only to prevent their physical deterioration, but to provide an important central element within the public domain of the Central Park precinct. As an innovative result, the proposal seeks to maximises the potential floor space of the Brewery Buildings through adaptation of existing spaces and introduction of new levels designed to induce the least amount of impact on the existing heritage fabric.

Whilst there is some intervention to heritage elements in the scheme (including the removal of the gabled roof of buildings 22 and 23), a careful balance of conservation and modern intervention has been achieved with the current proposal, which seeks to provide a feasible outcome for the use of the space, but also embraces and celebrates the site's history through interpretation and retention of significant fabric and mitigating design. Although the proposal provides for an increase in GFA and building height, the collective modifications have been designed in such a way to mitigate impacts on the significant fabric of the building, and to prevent visual impacts by locating additional GFA within the building footprint and envelope where possible.

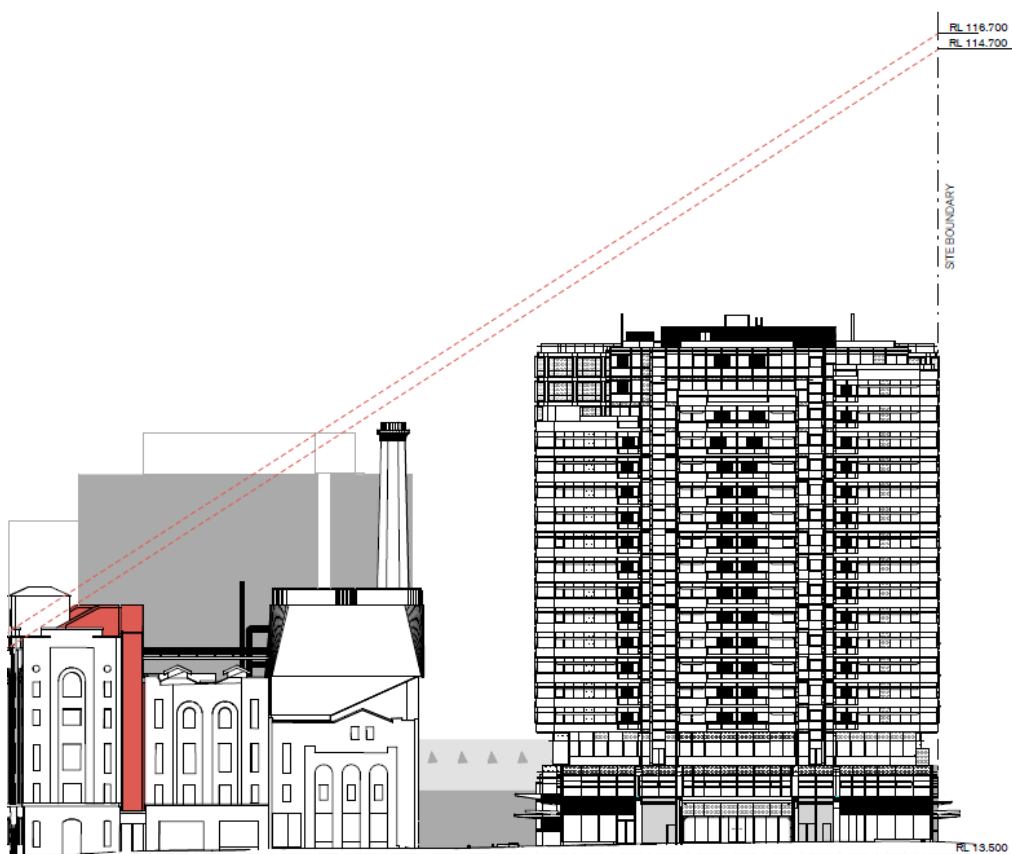


The modifications are intended to enhance the heritage values of the Brewery Yard building by enabling the future occupation of the space in a way that retains the majority of the heritage fabric and provides a new phase of use for the site. It is considered that the overall design and mitigation of impact has resulted in an acceptable level of heritage impact.

#### 4.6 Public Open Space

The proposed modification does not seek to alter the privately owned, publicly accessible open space (identified as Site 7) of the Brewery Yard forecourt and does not alter the privately owned publicly accessible throughway (identified as Site 8).

This modification to MP06\_0171 does not seek to alter the existing sun access plane of the approved Concept Plan. The proposed minor increases to both the maximum concept plan height of buildings and the maximum GFA within Block 4B is able to be accommodated below the sun access plane restrictions protecting Chippendale Green. The development as proposed in SSD9374 is compliant with the sun access plane as presented in **Figure 8**.



**Figure 8 Proposed additions in SSD9374 in relation to the sun access plane protecting Chippendale Green**

Source: Tzannes

#### 4.7 Visual Impact

The proposed modification seeks a minor variation to alter the building heights established in the approved Concept Plan. The amendment to increase the concept plan height of buildings for Block 4B is not considered to result in any adverse visual impacts and will form part of the integrated roof form that is in keeping with the visual style of the Brewery Yard. Visual impact resulting from the development proposed in SSD9374 is addressed in the associated Environmental Impact Statement for that application. In summary, the development proposed in SSD9374, facilitated by this modification, does result in any adverse visual impact, in that it:

- Does not alter the existing visual appearance of the Brewery Yard building when viewed from Chippendale Green;
- Presents an appropriate urban outcome when viewed from the public domain and Brewery Yard forecourt with new building elements contrasting with the existing heritage fabric and reinforcing the historical industrial uses of the building; and
- Although an alternative roof form is proposed for the southern component of the building, this will not result in any adverse visual impact when viewed from above from surrounding development.

#### **4.8 Traffic and Site Access**

The proposed modifications to the approved Traffic Pedestrian and Cycle Routes plan only relate to the inclusion of one loading bay located on Central Park Avenue, at the western boundary of Block 4B to reflect the site access and loading arrangements proposed in SSD9374. This loading bay will facilitate the orderly operation of the Brewery Yard building as assessed in the Transport and Accessibility Impact Assessment (prepared by GTA Consultants) and the Operational Waste Management Plan (prepared by Waste Audit and Consultancy Services) in support of SSD9374.

The assessment provided in the Transport and Accessibility Impact Assessment confirms that loading or service vehicle parking requirements for commercial premises under the Sydney Development Control Plan 2012 and therefore there is no minimum provision required. GTA conclude that the provision of one loading bay with a five-minute time restriction is sufficient for the development proposed in SSD9374.

No additional changes are proposed to the approved road network or pedestrian and cycle routes of the Central Park Concept Plan.

#### **4.9 Ecologically Sustainable Development**

The proposed modifications maintain the principles of ecologically sustainable development in respect of the Central Park Concept Plan, specifically:

- The proposed modification does not give rise to any unknown or unqualifiable environmental impacts which require the precautionary principle to be applied;
- This modification will facilitate the adaptive reuse of the heritage-listed Brewery Yard building (as proposed in SSD9374), preserving both the architectural character and the identification of the historical industrial uses of the precinct for the benefit of future generations;
- The proposed modification does not give rise to any impact on biological diversity or ecology beyond that considered in the original assessment of the Central Park Concept Plan; and
- The modification will facilitate the adaptive reuse of the existing building on the site (as proposed in SSD9374), limiting building demolition waste and will not impact on the existing central thermal plant servicing the Central Park precinct.

#### **4.10 Voluntary Planning Instrument**

The proposed modification does not seek to alter the executed VPA for the Central Park site (2010/427) and will not limit the delivery of infrastructure and contributions under this agreement.

#### **4.11 Statement of Commitments**

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

#### **4.12 Public Benefit of the Modification**

The proposed modification is considered to generate the following public benefits:

- Provide the development yield required to ensure the commercial viability of the adaptive reuse of the Brewery Yard building as envisaged by the Concept Plan.
- Increase the level of non-residential development within the Central Park precinct, allowing for the creation of new employment opportunities during the occupation phase and providing for approximately 700 jobs during the construction phase.
- Facilitate the use for commercial premises that will expand the opportunities and foster the genuine mixed use character within the Central Park precinct.



## 5.0 Conclusion

This EAR has been prepared to consider the environmental, social and economic impacts of the proposed amendments to the MP06\_0171 (MOD 15) including the following:

- Correction of the concept plan height of buildings for Block 4B;
- Increase in the non-residential GFA permitted on Block 4B resulting in an increased total GFA across the site as a whole; and
- Minor modifications to the approved public domain concept, and traffic, pedestrian and cycle routes to reflect the site access arrangements for the Brewery Yard.

The amendments to the Concept Plan are proposed in response to determined and concurrently proposed applications to ensure a viable development outcome is realised on the Central Park site. The proposed amendments will have regard to the 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 Jennie Buchanan on [jbuchanan@ethosurban.com](mailto:jbuchanan@ethosurban.com) or 9956 6962.

Yours sincerely,



**Julia Moiso**  
Urbanist



**Jennie Buchanan**  
Director