



Block 4B Central Park Adaptive Reuse

Modification to Concept Plan MP06_0171 MOD 16 and
State Significant Development Assessment SSD 9374

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Cover image: Photomontage of Brewery Yard building and forecourt Source: Additional Information dated 6 August 2020

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CTP	Central Thermal Plant
Council	City of Sydney
CUB	Carlton United Brewery
Department	Department of Planning, Industry and Environment
DIP	Design Integrity Panel
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
Heritage	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
LPCTCC	Local Pedestrian, Cycling and Traffic Calming Committee
Minister	Minister for Planning and Public Spaces
RRFI	Response to Request for Further Information
RMS	Roads and Maritime Services, TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SECP	Special Elements Conservation Plan, Urbis 2009
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
WMP	Waste Management Plan

Executive Summary

Introduction

This report provides a concurrent assessment of a Section 75W modification application seeking to amend the Central Park concept approval (MP 06_0171 MOD 16) and a State Significant Development (SSD) application (SSD 9374) for the adaptive reuse of the Brewery Yard building (Block 4B) for commercial uses, at Central Park, Chippendale.

The modification to the concept plan seeks to increase the building heights of Block 4B and increase the GFA by 2,266 m² to 6,266 m² to accommodate a roof addition, reflect existing heights and achieve additional floorspace. The SSD proposal seeks internal demolition, two additional storeys above Buildings 22 and 23 and a new roof, removal of one coal hopper, a glazed northern façade, heritage interpretation and public domain works.

The Capital Investment value (CIV) of the SSD is \$44,124,337 and is predicted to generate up to 700 jobs during construction and 50 jobs during operation. The site is located within the City of Sydney local government area (LGA).

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Section 75W Modification Report and Environmental Impact Statement (EIS) between 3 October to 30 October 2019 (28 days). The Department received seven submissions, comprising five from Government agencies, including the City of Sydney Council (Council) and one public submission.

Council initially objected to the proposal due to the potential heritage impacts associated with the proposal. The public submission provided comments in relation to the design, bicycle facilities, loading and waste management, public art, motorcycle parking and Voluntary Planning Agreement obligations.

In response to the issues raised, the Applicant made amendments to the design of the roof addition over Buildings 22 and 23, changed the internal floor setbacks in Building 30 to improve internal and external views of the coal hoppers, additional interpretation of the removed coal hopper and revised loading and servicing arrangements.

Council subsequently withdrew its objection but noted it does not support certain elements, including the north facade design and the proposed removal and interpretation of the central coal hopper. Council has provided comments and recommended conditions in relation to all other aspects of the proposal.

Assessment

The Department has assessed the merits of the proposal as well as issues raised in submissions and the Applicant's response. The Department considers the proposal is acceptable for the following reasons:

- the proposed increase in building height and GFA is minor and will facilitate the adaptive reuse of the Brewery Yard buildings. Additionally, the increase in GFA is accommodated

within roof additions and internally within the building and would not result in any significant visual, amenity or heritage impacts

- the proposal exhibits design excellence as:
 - it is consistent with the design excellence strategy (DES) adopted within the Concept Approval including being designed by Tzannes Architects and peer reviewed by a Design Integrity Panel
 - it achieves a high standard of architectural design which respects the heritage significance of the building
 - it has been designed to achieve a 5-star Green Star rating
- the proposal has acceptable heritage impacts as:
 - it will provide for the conservation, restoration and interpretation of the history of the Brewery Yard buildings
 - it balances the conservation of significant heritage fabric with new elements to facilitate the commercial use of the building
 - the design of the glazed northern façade and removal of central coal hopper is appropriate as it allows internal and external views of the remaining two hoppers without significant adverse impacts on the significance and understanding of the industrial use of Building 30
 - heritage interpretation is proposed, including conservation and reconstruction of significant building fabric and conditions are recommended for a schedule of conservation works, heritage interpretation plan and archival recording
- loading and servicing can be satisfactorily managed to be safe and efficient, subject to a Loading Management Plan.

Conclusion

The Department has assessed the proposal in accordance with section 4.15 of the EP&A Act and considers the proposals are acceptable as it retains the significant Brewery Yard buildings, it achieves design excellence, provides for open space and a through site link and will achieve a 5 star Green star rating.

The Department has also carefully considered Council's concerns regarding the removed coal hopper and northern façade and is satisfied that the proposal appropriately balances the retention of significant fabric with the proposed interventions to allow the adaptive reuse of the building. The Department has also recommended a suite of conditions to ensure conservation, reconstruction and heritage interpretation occur in consultation with Council.

The Department's assessment therefore concludes the proposal is in the public interest and recommends the applications be approved.

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1 Introduction

1.1 Introduction

This report provides a concurrent assessment of a Section 75W modification application to amend the Central Park concept approval (MP 06_0171 MOD 16) and a State Significant Development (SSD) application (SSD 9374) for the adaptive reuse of the Brewery Yard building (Block 4B) and forecourt for commercial uses, within Central Park, Chippendale.

The proposal seeks:

- to modify the concept approval to:
 - increase the maximum Gross Floor Area (GFA) of Block 4B (Brewery Yard) to 6,266 m² and associated changes to non-residential and total GFA
 - increase maximum building heights of Block 4B
 - amend the concept public domain and traffic, access and parking plans
- SSD approval for the adaptive reuse of the Brewery Yard building for commercial uses, including:
 - internal demolition and removal of brewery machinery
 - addition of two storeys above Buildings 22 and 23 and a new roof
 - heritage interpretation/ display areas, a glazed façade on the northern elevation of Building 30, new external fire stairs, heritage display areas and public domain works

The Brewery Yard Building is the final block to be developed in the Central Park precinct. The applications have been lodged by The Trustee for Brewery Yard Trust (the Applicant).

1.2 Central Park Precinct

The Central Park Precinct (formerly known as the Carlton & United Breweries site) is located to the south-west of Sydney Central Business District (CBD), within the City of Sydney Local Government Area (**Figure 1**).

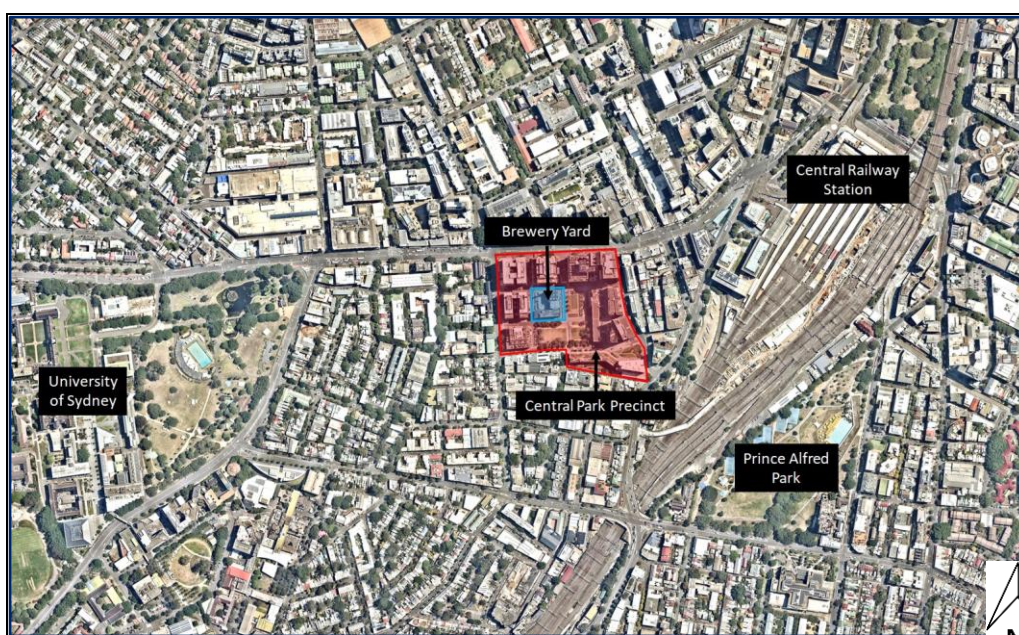


Figure 1 | Central Park concept approval site location and surrounding context (Base Image Source: Nearmap)

The precinct 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 comprises several high-density mixed use and residential buildings.

The Central Park site was formerly used as a brewery for the production, packaging, warehousing and distribution of beer. The site closed in 2005 and has been undergoing a period of significant urban renewal into a mixed-use precinct in accordance with the Central Park concept approval.

1.3 The subject site

The site is known as Block 4B (Brewery Yard) under the Central Park Concept Plan and is in the central west part of Central Park. The site is adjoined by Central Park Avenue to the north and west, Chippendale Green to the south and landscaped public domain to the east (**Figure 2**).

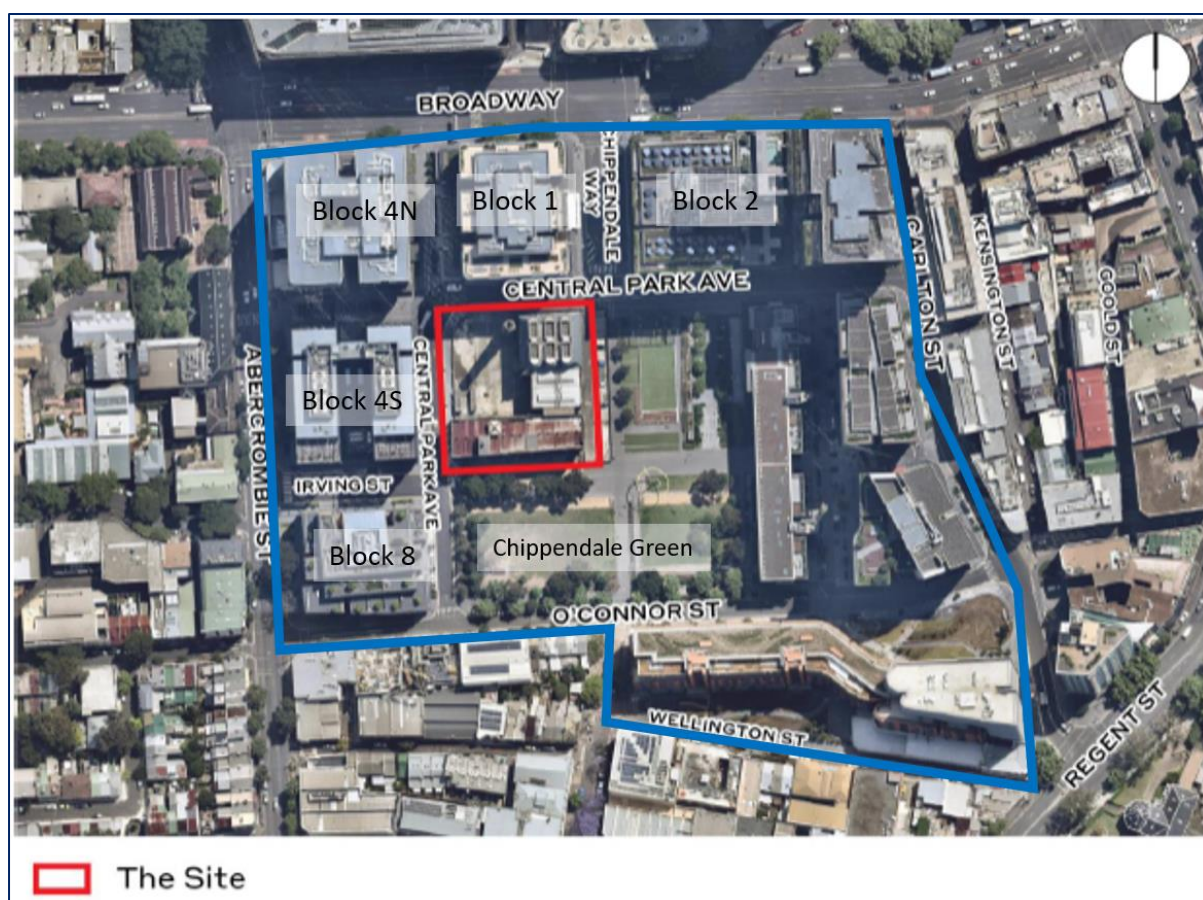


Figure 2 | Block 4B location (red), Central Park Concept Plan (blue) and surrounding buildings (Source: Applicant's EIS)

The Brewery Yard site has an area of approximately 3,850 m² and is legally described as Lot 203 DP 1240831. The site contains a group of buildings which have been retained from the site's former use as a brewery and are collectively known as the Brewery Yard Buildings. The buildings represent the largest surviving group of early twentieth century brewery structures on the site.

All buildings on the site are identified as items of heritage significance under the Heritage Impact Statement (HIS) that accompanied the concept plan. The chimney stack is the only element listed as a heritage item under Sydney Local Environmental Plan 2005.

The buildings on the site are identified by an asset number in the concept plan HIS, in addition to their previous use, as follows (**Figure 3**):

- Filtration Building (Building 22)
- Malt Silo Building (Building 23)
- Staircase Block (Building 25)
- Gas Receiving Station (Building 26)
- Old Boiler House (Building 30)
- Chimney Stack (Building 36)
- Irving Street Brewery Yard.

The buildings have been modified to accommodate the Central Thermal Plant located below the Brewery Yard as well as the cooling tower and metal enclosure on the roof of Building 30, external chimney flue, stairs and ducts.

The site is currently unoccupied and inaccessible to the public.

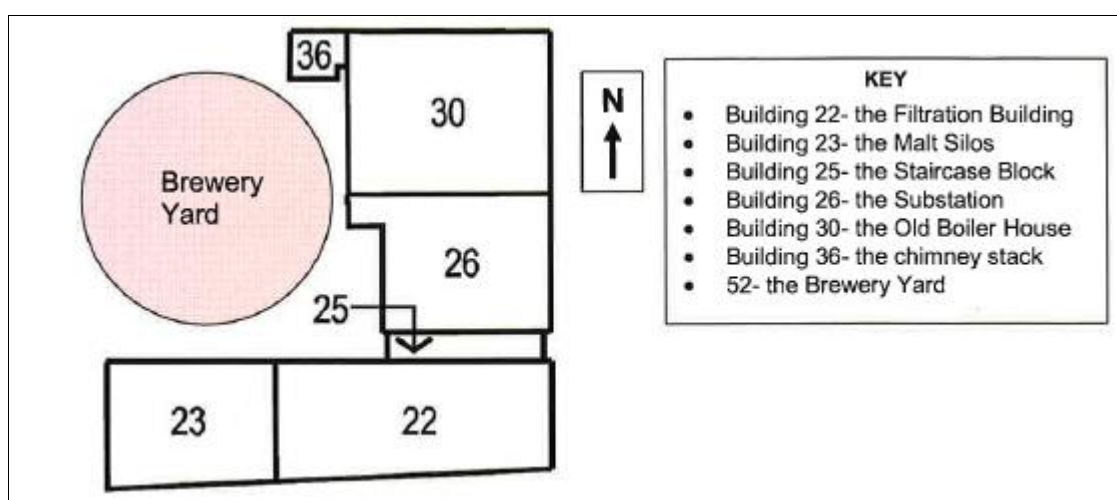


Figure 3 | Brewery Yard buildings location plan (Source: MP10_0217 assessment report)

Development surrounding the site includes (**Figure 2**):

- to the north, Block 1, an 18 storey mixed use building with residential, commercial and retail uses
- to the north-west on the corner of Central Park Avenue, Block 4N, a 16-19 storey mixed use building containing hotel, residential, commercial, retail uses and a child care centre
- to the north-east, Block 2, two towers of 34 and 17 storeys with a mix of retail, commercial and residential uses, known as One Central Park
- to the west, Block 4S, a 15-16 storey student accommodation building
- to the south-west, Block 8, a 13 storey mixed use building containing residential and retail uses.

1.4 Previous approvals and other relevant applications

MP 06_0171 Central Park Concept Plan

On 9 February 2007, the then Minister for Planning granted concept approval (MP 06_0171) for redevelopment of the Central Park site for residential, commercial, retail uses and public open space (**Figure 4**). The concept approval established the framework for the assessment of subsequent

detailed applications within the Central Park Precinct and included 11 development blocks. Key aspects of the concept approval (as modified) includes:

- a maximum 255,687 m² of GFA (a minimum 59,901 m² must be non-residential)
- a new park (6,000 m²) and open space areas
- tri-generation and re-cycle water treatment plants
- a contribution of \$32 million for the provision of affordable housing in the locality
- retention of 33 heritage items associated with the former brewery and the adaptive reuse of existing buildings.

The concept approval (as modified) identifies the subject site as Block 4B and requires conservation of the existing heritage buildings, provision of a landscaped public domain (privately owned but publicly accessible in the Brewery Yard forecourt) and a maximum GFA of 4,000 m² (**Figure 4**).

The concept approval has been modified on 14 occasions (**Table 1**).

Table 1 | Summary of Modifications

MOD No.	Summary of Modification	Approval Authority	Type	Approval Date
MOD 1	Administrative changes to the approval.	Minister	s75W	18 July 2007
MOD 2	Major amendment to Concept Plan including revised GFA, building envelopes, land use mix, public park, sustainability strategy and increased affordable housing contribution.	Minister	s75W	5 February 2009
MOD 3	Amend timing of executing of Voluntary Planning Agreements	Department	s75W	16 May 2010
MOD 4	Modification to lapsing clause	Commission	s75W	30 August 2011
MOD 5	Modification of Ecological Sustainable Design condition	Department	s75W	31 July 2012
MOD 6	Modifications to GFA within the Kensington Precinct	Department	s75W	24 July 2012
MOD 7	Amendment to GFA of Block 3	Department	s75W	17 January 2013
MOD 8	Redistribution of GFA and 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	Commission	s75W	23 December 2013
MOD 9	Redistribution of GFA, amendments to building Blocks 4S and 8 envelopes and changes to public domain and access	Department	s75W	27 November 2014
MOD 10	Redistribution of GFA, amendments to Block 1 and 4N envelopes and inclusion of residential use within Block 4N	Department	s75W	20 August 2015

MOD 11	Redistribution of GFA and modifications to Block 11	Commission	s75W	2 March 2016
MOD 12	Redistribution of GFA from Block 4N to Block 4B and modification to public domain to clarify ownership	Commission	s75W	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	Department	s75W	28 February 2018
MOD 15	Increase GFA by 66 m ² across the site	Department	s75W	28 August 2019

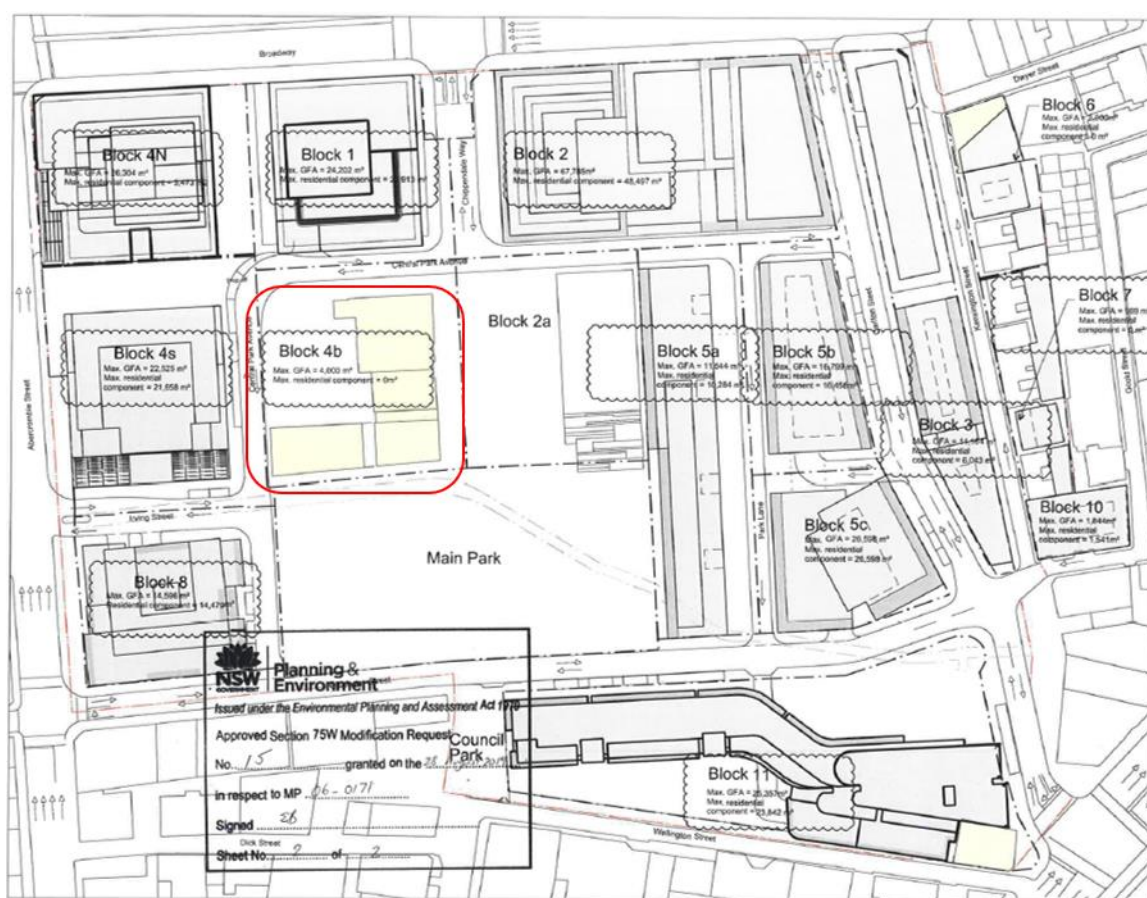


Figure 4 | Concept Plan block layout and GFA (Block 4B in red) (Source: MOD 15 approved plan)

MP 10_0217 - Alterations and Adaptive Reuse of Brewery Buildings

On 15 May 2012, the Department, granted consent for alterations and additions to the existing Brewery Yard buildings for retail and commercial uses, and public domain works over two stages. The first stage has been constructed. The two stages comprise the following:

- Stage 1: construction of associated plant related to the approved Central Thermal Plant including cooling towers and metal enclosure to the roof of the Old Boiler House, external chimney flutes, reuse of chimney stack, stairs and air ducts within the Brewery Yard
- Stage 2: partial demolition of some existing building fabric and the adaptive reuse of the Brewery Yard buildings providing 2,976 m² of commercial floor space and 1,281 m² of retail floor space.

SSD 8336 - SEARs for Brewery Yard Building

On 18 April 2017, Secretary's Environmental Assessment Requirements (SEARs) were issued for the adaptive reuse of the Brewery Yard buildings for the purpose of a hotel.

A development application has not been received by the Department in respect of this SSD.

2 Project

The applications seek:

- to modify the Central Park concept approval (MP 06_0171 MOD 16) to increase Block 4B maximum GFA to 6,266 m², associated changes to the non-residential and total GFA, increase maximum building heights and amend the concept public domain and traffic, access and parking (refer to **Table 2**)
- SSD development consent (SSD 9374) for the adaptive reuse of the Brewery Yard Building and forecourt for commercial uses, including internal demolition and removal of brewery machinery, addition of two storeys above Buildings 22 and 23 and a new roof, heritage interpretation/ display areas, fire stairs, a glazed façade on the northern elevation of Building 30 and public domain works (refer to **Table 3** and **Figure 5** to **Figure 7**).

Table 2 | Main Components of the proposal MP 06_0171 MOD 16

Component	Description																								
Gross floor area (GFA)	<ul style="list-style-type: none"> Increase the maximum GFA of Block 4B (Brewery Yard building) from 4,000 m² to 6,266 m² (increase of 2,266 m²) Increase the Central Park Concept Plan total GFA to 257,953 m² Increase the non-residential GFA to a total of 62,167 m². 																								
Building Heights	<ul style="list-style-type: none"> Increase maximum building heights for Block 4B as follows: <table border="1"> <thead> <tr> <th>Building no.</th> <th>Concept plan maximum height (RL)</th> <th>Existing height</th> <th>Proposed height (RL)</th> </tr> </thead> <tbody> <tr> <td>22</td> <td>41.10</td> <td>Parapet: 42.06</td> <td>44.783</td> </tr> <tr> <td>23</td> <td>41.10</td> <td>Ridge: 47.06 Parapet: 41.02</td> <td>47.06</td> </tr> <tr> <td>25</td> <td>-</td> <td>-</td> <td>45.050</td> </tr> <tr> <td>26</td> <td>35.30</td> <td>Ridge: 37.23 Walkway: 39.2</td> <td>No change (35.30)</td> </tr> <tr> <td>30</td> <td>39.80</td> <td>Attenuator: 47.78 Enclosure parapet: 44.78</td> <td>46.77</td> </tr> </tbody> </table>	Building no.	Concept plan maximum height (RL)	Existing height	Proposed height (RL)	22	41.10	Parapet: 42.06	44.783	23	41.10	Ridge: 47.06 Parapet: 41.02	47.06	25	-	-	45.050	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
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30	39.80	Attenuator: 47.78 Enclosure parapet: 44.78	46.77																						
Land use	<ul style="list-style-type: none"> Commercial 																								
Public Domain and Access	<ul style="list-style-type: none"> Extend the publicly accessible through site link to the main park, in accordance with concept approval conditions. 																								
Site access and parking	<ul style="list-style-type: none"> Service vehicle access to the Brewery yard forecourt. 																								

Table 3 | Main Components of the proposal SSD 9374

Component	Description
Gross floor area (GFA)	6,266 m ²
Land Use	Commercial (separate consent to be sought for fit out and use)

Demolition	Demolition/ removal of: <ul style="list-style-type: none"> • the central coal hopper (one of three) in Building 30 • the malt silo structure within Building 23 • the existing roof structure above Buildings 22 and 23 • intrusive fabric on the southern façade and masonry fabric on the northern façade of Building 23 • the fire stairwell (Building 25) between Building 22 and 26.
Alterations and additions	<ul style="list-style-type: none"> • New glazing to the north elevation of Building 30 • Two storeys above Buildings 22 and 23 and a new roof • A mezzanine level at level 2 of Building 22 • An external fire stair connecting to the north elevation of Building 30 • Reconstruct stairwell between building 22 and 26 • Replace infilled windows on west façade of the ground floor of Building 23 • Remove intrusive central window on south façade and reinstate altered windows to the north façade of Building 22
Heritage fabric retained or reconstructed	<ul style="list-style-type: none"> • Retain two of the three northern coal hoppers • Malt silos: <ul style="list-style-type: none"> ○ retain the fabric of the malt silos where the concrete engages with the existing brickwork of the external walls (where possible) and reconstruct the remaining elements (where viable) ○ rebuild 2 of the concrete silos on level 1 only ○ rebuild five of the pyramidal form of the funnels (base of silo) at the ground floor • Retain the: <ul style="list-style-type: none"> ○ original brick façade and chimney ○ sandstone detailing on southern entrance ○ timber chute and corrugated metal sheeting ○ original timber ceiling beams in building 26
Heritage interpretation	<ul style="list-style-type: none"> • Mesh proposed to create the exact form of the demolished central hopper below level 3 • Basement heritage interpretation area to display equipment and services of high significance originally contained in the basement level, visible through a glass walkway at ground level • Interpretation areas throughout the buildings for the display of salvaged equipment/ artefacts including an interpretation zone on level 1 next to the reconstructed silos • Large scale photos of existing hoppers to be installed to the northern and southern wall of the chimney tower at ground level
Public domain and landscaping	<ul style="list-style-type: none"> • Publicly accessible open space in the forecourt • Publicly accessible through site link at ground level of Building 22/ 23 • Landscaping including raised planters for two new trees, paving consistent with Council public domain manual and bollards to protect existing pipework • A signage pylon in the forecourt near the main pedestrian entrance (Building 26) (details subject to separate DA).
Car parking	<ul style="list-style-type: none"> • No additional car parking proposed • Conversion of 30 existing car spaces constructed and approved for use by the Brewery Yard building in the basement of Block 1 and 2 to provide 28 car spaces and 3 motorcycle spaces
Loading dock and servicing	<ul style="list-style-type: none"> • A loading zone on the western side of Central Avenue • New pedestrian kerb ramps on Central Avenue north of the loading zone • New vehicle crossover on northern side of the Brewery Yard forecourt for overflow loading requirements outside of business hours

Bicycle parking	<ul style="list-style-type: none">• End of trip facility and bike storage on ground floor of Building 26 and 22 and basement level 1• Outdoor bicycle storage adjacent to southern elevation.
Capital investment value (CIV)	<ul style="list-style-type: none">• \$44,124,337.02
Jobs	<ul style="list-style-type: none">• 700 Construction Jobs• 50 Operational Jobs



Figure 5 | Photomontage of Brewery Yard forecourt (Source: Applicant's Additional Information August 2020)



Figure 6 | Photomontage of proposed development from north east (Source: Applicant's EIS)

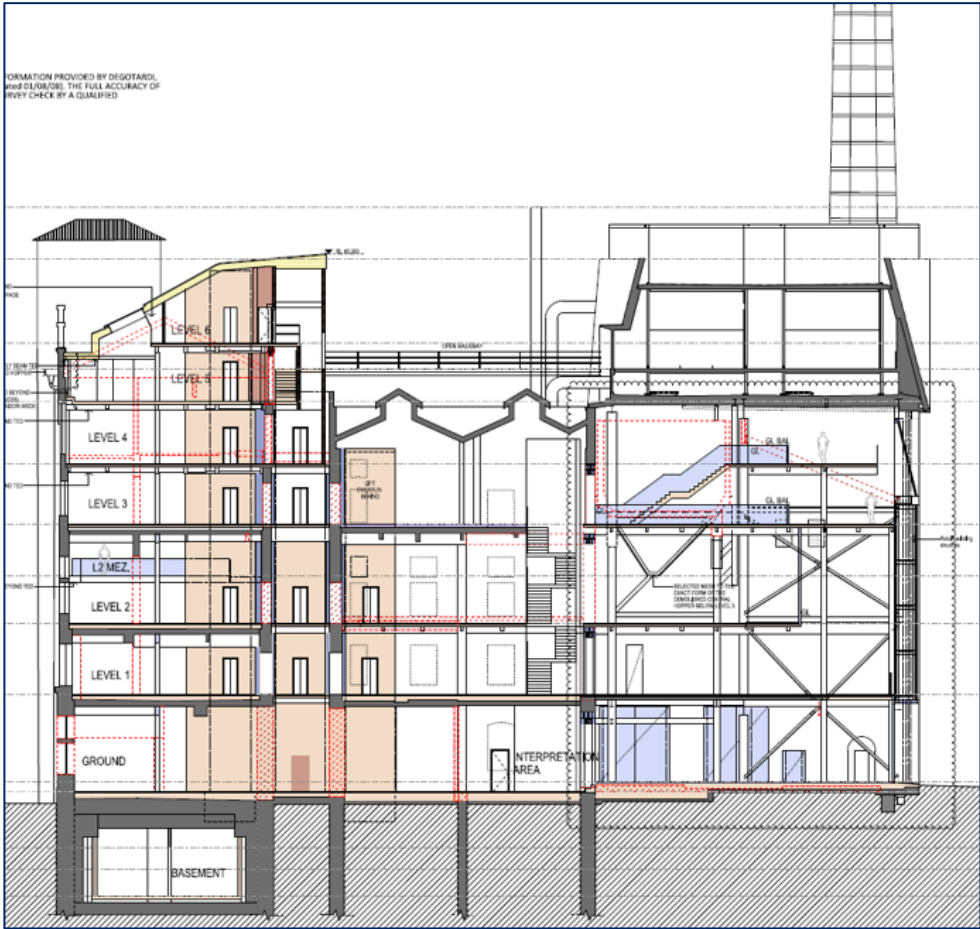


Figure 7 | Proposed section (Source: Applicant's Architectural Plans)

3 Strategic context

3.1 The Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the Greater Sydney Region Plan to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The Plan aims to integrate land use, transport links and infrastructure across the three cities, with more people having access within 30 minutes to jobs, schools, hospitals and services.

The proposal is consistent with the directions of the Regional Plan as it:

- increases access to open space by providing a through site link and publicly accessible forecourt area (Objective 12)
- conserves and restores the Brewery Yard buildings, a significant part of Central Park's environmental heritage (Objective 13)
- increases commercial floor space and ancillary retail uses to continue the growth of the economy in the Eastern Economic Corridor (Objective 15)
- provides additional jobs within the Harbour CBD and contributes to the productivity and strength of this precinct (Objective 18).

3.2 Eastern City District Plan

The GSC has also prepared District Plans to implement the Regional Plan through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney.

The site is located within the Eastern City District area. The proposal is consistent with the relevant objectives in the Eastern City District Plan as it will:

- support the provision of services and infrastructure to meet people's changing needs, including retail and employment opportunities (Planning Priority E3)
- adaptively reuse the Brewery Yard buildings and respects the sites heritage (Planning Priority E6)
- contribute to the growth of a stronger and more competitive Harbour CBD (Planning Priority E7)
- supports the goal for a 30-minute city by providing an employment opportunities facility close to existing public transport and housing (Planning Priority E10).

4 Statutory Context

4.1 Modification of the Minister's Approval (MP06_0171 MOD 16)

The concept approval MP 06_0171 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.

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 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).

This proposal seeks to amend the GFA and maximum building height of Block 4B, as such the Department is satisfied the proposal is within the scope of clause 3BA(5)(c) as it is substantially the same as the project to which the concept plan currently relates for the following reasons:

- the increase in GFA is less than 1% of the total approved GFA across the Central Park Precinct
- there is no change to overall building layouts, blocks, street network, pedestrian and cycle routes, public open space or ESD commitments of the concept approval
- the land use mix remains consistent with the concept plan
- the proposal will facilitate the adaptive reuse of the Brewery Yard building as intended under the concept approval.

Section 6 of this report provides an assessment of the impacts associated with this proposal.

4.2 State significant development

The proposal is SSD under clause 2 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is for a development within the Broadway (CUB) site, which is identified as an SSD site under the SRD SEPP and has a CIV over \$10 million (\$44,124,337).

4.3 Consent authority

The Independent Planning Commission (IPC) is the consent authority under Clause 8A of the State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP). However, under the IPC's delegation dated 12 March 2020, the Executive Director, Regions, Industry and Key Sites may determine this application as Council has advised in writing that it withdraws its objection.

4.4 Permissibility

The site is zoned 'City Edge' under Sydney Local Environmental Plan (SLEP) 2005.

The proposed commercial development is consistent with the objectives of the zone and is permissible with consent.

4.5 Planning Secretary's Environmental Assessment Requirements

Concept approval modification

The Department considers sufficient information was provided in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original SEARs.

Block 4B SSD application

On 21 June 2018, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for SSD 9374. The Department is satisfied that the EIS for the adaptive reuse of the Brewery Yard buildings adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.6 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The Department's Environment, Energy, and Science Group waived the requirement for a BDAR for SSD 9374 on 15 November 2018 and the Department waived the requirement for a BDAR on 19 November 2018.

4.7 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecological Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has undertaken a detailed assessment of these EPIs in **Appendix B** and is satisfied the application appropriately addresses the mandatory matters for consideration.

5 Engagement

5.1 Department's engagement

On 23 August 2019, the Applicant lodged the Section 75W request and EIS for the adaptive reuse of the Brewery Yard Building.

The application has been revised four times, by the Applicants Response to Submissions (RtS) and Responses to Request for Further Information (RRFI).

The Department publicly exhibited the Section 75W modification request and EIS, made the additional information publicly available on the Department's website and engaged with Council. A summary of the Department's engagement is provided at **Table 4**.

Table 4 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification period	Public notice date (newspaper publication)	Consultation method	Submissions
Section 75W and EIS	Exhibition: 3 October to 30 October 2019 (28 days)	2 October 2019 (The Daily Telegraph and The Sydney Morning Herald)	Displayed: <ul style="list-style-type: none"> Department's website and office Service NSW Council's office Notified: <ul style="list-style-type: none"> Adjoining landholders Council Government agencies 	8 submissions comprising: <ul style="list-style-type: none"> 6 Government agencies 1 Council (object) 1 public (comment)
RtS	Notification: 8 May to 31 May 2020	N/A	Displayed: <ul style="list-style-type: none"> Department's website Notified: <ul style="list-style-type: none"> Council 	1 submission comprising: <ul style="list-style-type: none"> Council (objection withdrawn subject to conditions)
RRFI 1 (July 2020)	N/A	N/A	Displayed: <ul style="list-style-type: none"> Department's website 	N/A
RRFI 2 (August 2020)	Notification: 6 August to 17 August 2020 (12 days)	N/A	Displayed: <ul style="list-style-type: none"> Department's website Notified: <ul style="list-style-type: none"> Council TfNSW? 	2 submissions comprising: <ul style="list-style-type: none"> Council (comment) TfNSW (comment)
RRFI 3 (September 2020)	N/A	N/A	Displayed: <ul style="list-style-type: none"> Department's website 	N/A

The Department has considered the comments raised in Council, Government agencies and the public submission during the assessment of this application (**Section 6**) and in the recommended conditions of consent at **Appendix E**.

5.2 Summary of submissions

A total of 11 submissions were received in response to the exhibition of the Section 75w report and EIS and notification of the RtS and RRFI's, comprising seven from government agencies, three from Council and one from the public. A summary of the issues raised in the submissions is provided at **Section 5.3** and **5.4**. Copies of the submissions may be viewed at **Appendix B**.

5.3 Key issues – Government agencies

The key issues raised in Government agency submissions are summarised in **Table 5**.

Table 5 | Government agency submissions to the EIS/ s75w report

Heritage NSW	
S75W report/ EIS	<p>Heritage NSW notes the site is not listed on the State Heritage Register and in principle supports the revitalisation of the building, with a cautious approach recommended as the works are extensive and will affect most parts of the former brewery building. Heritage NSW provided the following comments:</p> <ul style="list-style-type: none"> the proposal involves a high degree of intervention to the building fabric which may have adverse impact on heritage values, and it is recommended Council be consulted the proposed works are unlikely to cause Aboriginal and Historical Archaeological impacts the impact of the Aboriginal cultural heritage values of the site should be assessed in consultation with Aboriginal people.
Transport for NSW (TfNSW)	
S75W report/ EIS	<p>TfNSW does not object to the proposal and requested the Applicant provide additional information including:</p> <ul style="list-style-type: none"> details of freight and servicing investigate shared loading dock facilities in Central Park confirm time restrictions for the loading bay and its ability to accommodate forecast demand future fit out developments include bicycle parking and end of trip facilities in accordance with Council guidelines. <p>TfNSW also recommend a condition requiring the preparation of a Freight and Servicing Management Plan and a Construction, Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office.</p>
RRFI 2	<p>TfNSW reviewed the Applicant's RtS and additional information and requested:</p> <ul style="list-style-type: none"> the Applicant prepare a report to investigate the possible use of the underground dock (currently servicing Central Precinct) for shared servicing of Block 4B a CPTMP be prepared as a condition of consent bicycle facilities to be located in secure, adequately lit and accessible areas based on Austroads guidelines.
TfNSW (RMS)	
S75W report/ EIS	<p>TfNSW (RMS) does not object and recommend a CPTMP be required as a condition of consent.</p>
Environment, Energy and Science Group (EES), DPIE	

S75W report/ EIS	EES does not object to the proposal and provide the following comments: <ul style="list-style-type: none"> • a Biodiversity Development Assessment Report (BDAR) waiver was approved on 13 November 2018 • no outstanding flood risk management issues • no comments on Aboriginal Cultural heritage requirements.
EPA	
S75W report/ EIS	EPA does not object to the proposal and provide the following comments: <ul style="list-style-type: none"> • the proposal does not require an environment protection license • the EIS has not considered whether emissions from the Central Thermal Plant may have any impacts on the proposal or commercial occupants of the building. Mitigation measures would include minimising ventilation openings in the building and mechanical ventilation inlets in the vicinity of the stack.
TransGrid	
S75W report/ EIS	TransGrid does not object to the proposals.

5.4 Key issues – Council and community

Council key issues

Council, in response to the exhibition of the Section 75W request, objected to the proposal based on its significant heritage impacts. Following review of the further information provided by the Applicant, Council withdrew its objection subject to design modifications or additional information.

The Department sought clarification from Council on its position on the proposal following review of the RRFI's. Council confirmed it does not object to the proposal overall, but it recommends the additional floors be deleted and the three coal hoppers retained to address its concerns about the northern facade design and impacts to, and interpretation, of the coal hoppers.

Further details of Council's submissions are provided in **Table 6**.

Table 6 | Council's submissions to the EIS, RtS and RRFI's of the proposal

Council	
S75W report/ EIS	<p>Council objects to the proposal and raised the following issues:</p> <p><u>Heritage</u></p> <ul style="list-style-type: none"> • Council does not support increase in GFA at expense of significant heritage items • The removal, relocation or interpretation of exceptional or high significant fabric is not supported as it is consistent with the approved conservation plan and best practice principles within the Burra charter • <u>Rooftop addition</u>: the form is supported but the impact on heritage fabric is high • <u>New external stair tower</u>: the HIS should be amended to consider the new stair tower. Notwithstanding, Council considers the visual impact is high but acceptable • <u>Removal of one coal hopper</u>: Demolition of the exceptionally significant coal hopper is not supported, and street views to the hoppers should be maintained • <u>Reorganisation of floor levels internally for mezzanine floors</u>: the additional floor and mezzanine in Building 30 interrupt views of the hoppers from the street. Council does not support any additional floors or surface that interrupts the visibility of the hoppers. • <u>Removal of silos in building 23</u>: Council does not support the removal of silos on the upper floors as it has a high and detrimental heritage impact • <u>Modifications to external windows and doors</u>: Council does not support proposed aluminium window/door framing and recommends that steel framing is replaced 'like

for like'

Impacts on northern façade

- Council does not support the change to the original approved design intent of the northern façade of Building 30. The design should be amended to retain the 'birds mouth' articulation.
- The additional columns to support the new floors also compromise the design quality of the building.
- Council considers the proposal has less design quality and higher heritage impacts than the previously approved development (MP10_0127)

ESD

- The office component should be designed to at least NABERS Energy 5.5 Stars
- Clarification should be provided if the proposal connects to the trigeneration energy system, precinct scale water recycling system and any on site renewable energy opportunities

Transport and Access

- Council does not support the loading bay over the public footway
- No bicycle plans have been submitted for review
- The green travel plan does not meet Council's requirements and a TAG has not been submitted

Other

- Access within the site: Council recommended a number of options for the through site link to provide a direct visual connection to both ends
- Public art: Details of public art should be provided to ensure it does not have adverse impacts on the function of the courtyard
- Tree planters: Additional details are required on the proposed tree planter boxes
- Waste management: an amended WMP is required
- A public domain lighting strategy should be considered during the assessment or as a condition of consent.

RtS

Council confirmed it **withdraws** its objection subject to consideration of design modifications or submission of additional information. Council provided the following comments:

Heritage:

- The RtS includes some attempt to reduce impacts of loss of original fabric but is still considered a great loss to the historic significance of the site.
- Rooftop addition: the amended roof form is acceptable.
- New external stair tower: Council recommends the external mesh be constructed of zinc, consistent with the existing material of the Building 30 plant
- Removal of one coal hopper in Building 30: The removal of one coal hopper is still considered detrimental. Should approval be granted to the removal, the additional floors constructed in its space should be reduced to improve views to the remaining two coal hoppers from the public domain
- Reorganisation of floor levels internally for additional mezzanine floors: the internal floors continue to have a negative impact on views to the significant building features and should be reduced.
- Removal of silos in Building 23: the justification to support the reconstruction and interpretation of the elements is acceptable
- Modifications to external windows and doors: the removal and replacement of original steel windows is supported however Council recommends some original windows be retained/ restored
- Council recommends the following conditions:
 - a detailed schedule of conservation works and a detailed Heritage Interpretation

Plan

- interpretation areas to be implemented and constructed
- final details of interpretation media be provided to Council
- final inspection of interpretation features by Council
- archival recording to be undertaken.

Impacts on northern façade:

- Council maintains its concern that the current constructed roof form and north façade design will be diluted as a result of the proposed design.

ESD:

- Council requested clarification if the development will use any on site renewable energy opportunities.
- Council recommended conditions to achieve a minimum NABERS Energy 5.5 Star rating, provide an independent energy assessment report to Council and implement sustainability measures

Transport and Access

- Parking bay, loading and servicing: Council notes an application has been made to amend the on-street parking restrictions, however the Applicant is also advised to make arrangements to use loading spaces in surrounding buildings if on-street loading is not possible.
- Bicycle parking and end of trip facilities: Council recommends conditions requiring bicycle parking and end of trip facilities
- Green Travel Plan and Transport Access Guide: Council recommends conditions requiring a GTP and TAG to be submitted to Council for approval

Other

- Access within the site: The amended ground floor foyer design is supported
- Public art: The provision of public art is supported. Council recommends conditions including record of ownership and future maintenance plans be forwarded to Council
- Tree planters: Council raised concern that the proposed trees will be too large and recommend the tree selection be reconsidered to suit the planter size

Waste management:

- The waste management plan (WMP) should be revised to provide additional detail.
- Council recommended conditions requiring a commercial contract in place prior to use, waste services and storage in accordance with Council's waste policy and requirements for servicing of any grease traps.

Public domain

- Council continues to raise concerns about the loading zone and service vehicle requirements, including use of the existing 15 minute zone between Block 4s and 1
- Council does not support installing additional pedestrian ramp crossings
- Council recommends the Applicant provide clear documents showing new vehicle crossover locations and turning circles for vehicle size
- Council also notes the public domain and landscaping plans are inconsistent with amended architectural plans and should be updated.

RRFI 2

Council notes many recommendations raised by Council in previous correspondence have been considered and included in the amended design. Council provided the following comments:

Heritage impacts:

- Council notes some attempt to ameliorate the impacts of the loss of original fabric have been included in the supplementary RTS, although it considers the proposed loss of original fabric is a great loss to the historic significance of the site.

Relationship with existing heritage building roof line:

- the original design of the bird's mouth recess is an important interpretation of the original structure, the proposed design is **not supported** as it delivers a detrimental impact

Removal of one coal hopper in building 30:

- the cumulative impact of the removal of one coal hopper and obstruction of views is considered a detrimental heritage impact
- the interpretation of the removed hopper with mesh is unsatisfactory and **not supported**
- recommend the Applicant reconsider its approach to the remaining 'exceptional' fabric in this part of the building.

Impacts on northern façade:

- maintains concern the current constructed roof form and north façade design will be diluted as a result of the proposed design

ESD:

- recommend conditions to commit to 5 stars NABERS energy rating and an independent energy assessment report submitted to Council

Waste management:

- insufficient detailed provided in submitted WMP and floor plans showing bins, path of access for users and collection vehicles, waste collection point to be provided

Onsite loading and servicing

- concerns with proposed loading zone, overlap of service vehicle requirements/ numbers. Recommend the Applicant reconsider the safety impacts of the reverse in/ out operation, due to the strong night-time economy and provision of the courtyard as public open space.

Community issues

One public submission was received in response to the exhibition of the proposal, which provided the following comments:

- the design changes must be well considered to ensure they do not detrimentally affect the visual impact, access to and architectural context of Central Park
- the external fire stair is a significant addition and needs a well formed design
- provide bicycle storage and end of trip facilities
- the new indented parking bay should be for loading only and waste bins should not be placed on the public footpath
- provide amenities within the building for the increased floor area and population
- identify access from the waste storage area to the collection point
- the public art procured by Frasers Property is to be installed in the forecourt
- provide motorcycle parking
- VPA obligations relating to the forecourt should be conditioned in the consent.

No public submissions were received in response to the Applicant's RtS or RRFI's.

5.5 Design Integrity Panel

The Statement of Commitments for the Central Park Concept Plan requires a Design Integrity Panel (DIP) to oversee the development of Block 4B.

The Applicant noted that the original Central Park DIP has not been consulted for a considerable length of time and the original panel members were no longer available to review the application. In consultation with the Department, the Applicant formed a project specific DIP, comprising of Graham Brooks (Director, GBA Architects), Brian Zulaikha (Director, Tonkin Zulaikha Greer Architects) and Luke Johnson (Principal, Architectus) to provide advice on the proposal.

On 20 March 2020, the Applicant presented the proposal to the DIP. The DIP provided comments on the architectural design, materials and detailing, relationship with the public domain, sustainability, removal of heritage fabric, the proposed reconstruction and introduction of internal structures, how the additions relate to the predominant scale and grain of the setting, views towards significant building elements and design excellence.

The DIP provided the following conclusions and recommendations:

- the proposal achieves design excellence, subject to some additional resolution and options
- the floor plate of the proposed level 3 mezzanine in Building 30 should be pulled away from the retained coal hoppers to enable the full scale of the hoppers to be more visible within the building
- several large-scale photos of the coal hoppers as interpretation panels to be installed external to building, to allow the public to view the photos and see through the glazed wall into Building 30, to compensate for the loss in external views of the coal hoppers.
- the proposed new roof over Building 22/23/25 should feature a hipped eastern end.

The DIP confirmed the revised architectural drawings submitted with the RRFI (17 July 2020) reflect the recommendations of the Panel.

5.6 Response to submissions

The Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 23 April 2020 the Applicant provided its RtS, which was updated on 17 July 2020, 6 August 2020 and 15 September 2020 by the RRFI's. The RtS and RRFI's include additional information, justification and amendments to the proposal in response to the issues raised in submissions, including:

Concept Plan:

- Confirmation of the proposed increase in height of Building 25 height (3.425m increase above the existing height)
- 120 m² reduction in the GFA sought for Block 4B to 6,266 m²

SSD:

- amendments to the new roof form over building 22/ 23
- reduce the floor plates in Building 30 to improve internal views of the hoppers
- interpret the removed third hopper in architectural mesh and an interpretation zone with photos and historical information installed on the existing chimney at ground level

- retain some elements of the malt silos and reconstruct remaining elements
- use zinc mesh cladding for the external stair
- refurbish two windows on the southern facade
- remove the indented loading bay and convert an existing parking bay to a loading zone on the western side of Central Avenue
- a new vehicle crossover on the northern boundary of the site and use of the forecourt for loading/ servicing out of business hours
- amendments to bicycle parking and end of trip facilities
- confirmation that the building will achieve a 5 star NABERS energy rating and 5 star Green Star rating.

6 Assessment

The Department has considered the proposal, the issues raised in submissions and the Applicant's RtS and additional information in its assessment of the application. The Department considers the key issues associated with the proposal are:

Concept approval modification:

- height
- gross floor area

SSD 9374:

- consistency with the concept approval
- design excellence
- heritage
- loading and servicing.

These issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application are addressed in **Section 6.5** of this report.

6.1 Modification to the concept approval

6.1.1 Building height

The modification application seeks to increase the maximum building heights of Block 4B to reflect the existing height of the Brewery Yard buildings and to accommodate a roof addition proposed for Buildings 22 and 23 under SSD 9374 (**Table 7**). The Applicant advises these changes will also correct previous survey errors and update the maximum height to reflect the constructed building heights.

Table 7 | Building height

Building no.	Existing height	Concept plan approved height (RL)	Proposed height (RL)
22	Parapet: 42.06	41.10	44.783
23	Ridge: 47.06 Parapet: 41.02	41.10	47.06
25	Parapet: 41.625	-	45.050
26	Ridge: 37.23 Walkway: 39.2	35.30	35.30 (no change)
30	Attenuator: 47.78 Enclosure parapet: 44.78	39.80	46.77

The Department notes proposal does not seek any increase to the existing height of building 23 or the existing concept approval height of building 26 (**Table 7** and **Figure 8**) and therefore is satisfied that these aspects do not require further assessment.

The Department has therefore assessed the proposed amendments to Building 22, 25 and 30.

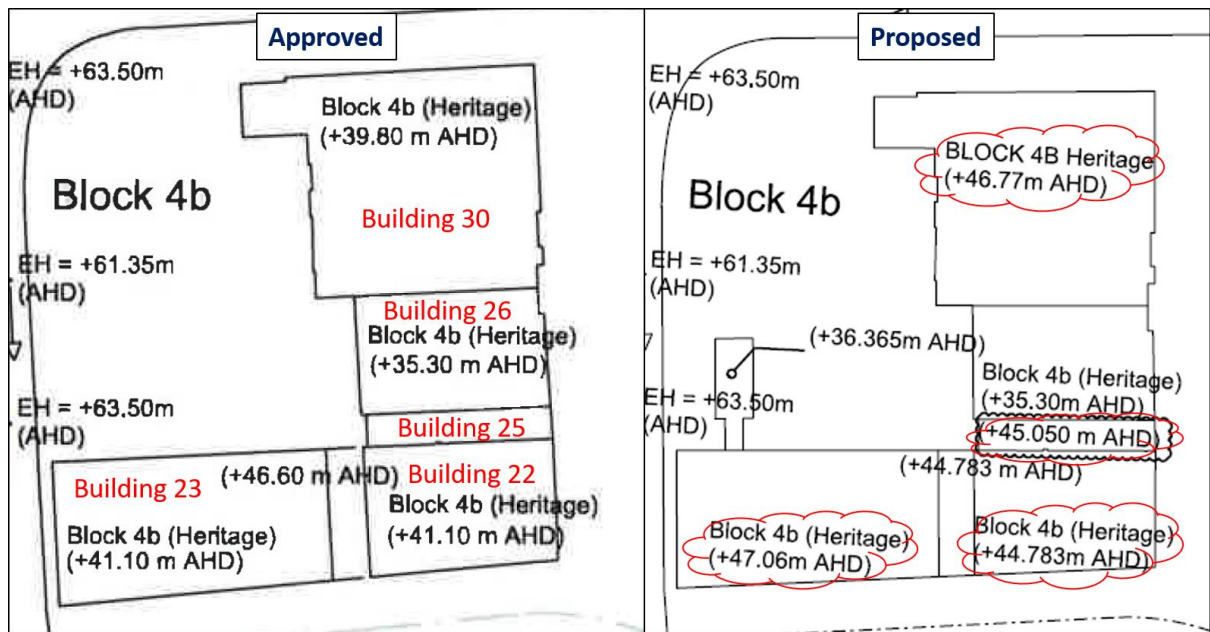


Figure 8 | Concept plan building heights, approved (left) and proposed (right), with proposed height changes clouded in red (Source: concept plan modification Architectural Plans)

Building 22

The proposal seeks to increase the existing building height of Building 22, by 2.72 m to RL 44.783 m (**Figure 9** and **Figure 10**), to accommodate the roof addition proposed over Building 22/ 23 under SSD 9374, to provide additional office floorspace.

The Department supports the proposed increase in height as:

- the increased height will not adversely impact on the character and heritage of the Brewery Yard buildings as it has been located within the existing ridgeline of Building 22/ 23
- the proposal remains consistent with the concept approval sun access plane and will not result in any additional overshadowing of the Chippendale Green on 21 June
- it has assessed the roof addition in the concurrent SSD application (**Section 6.3.3**) and concludes it will result in minimal visual impacts as it will be partly obscured behind the parapet and not visible from Chippendale Green.

Building 25

The concept plan does not currently identify a maximum height for Building 25. The proposal seeks to nominate a height of RL 45.050 (3.425 m higher than the existing building) to accommodate the eastern stair associated with the roof addition proposed under SSD 9374 (**Figure 10**).

The Department supports the proposed increase in height as there is no adverse impact on the heritage fabric of the Brewery Yard buildings, it will not result in any additional overshadowing of the Chippendale Green on 21 June and the height is integrated with the roof addition over Building 22/23 (**Section 6.3.3**).

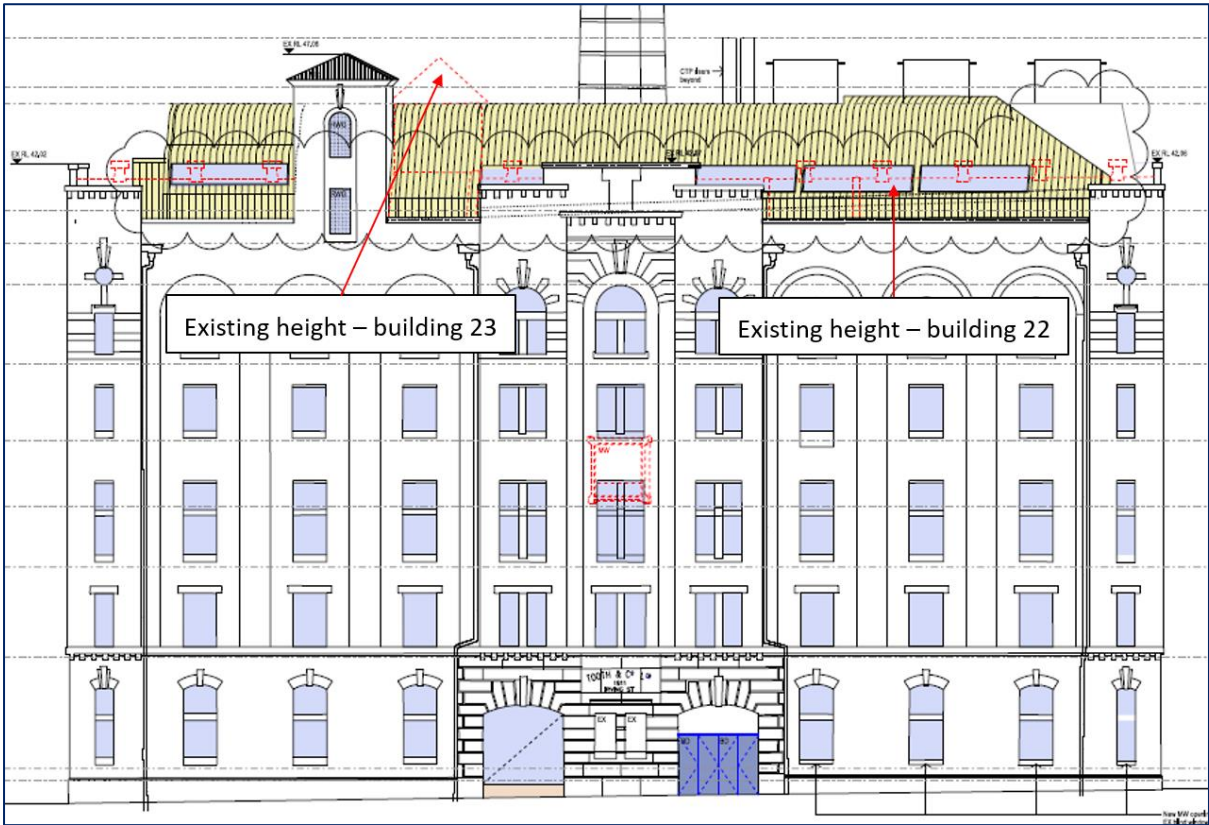


Figure 9 | South elevation, existing building heights for building 22 & 23 (red line) proposed heights (yellow) (Source: SSD 9374 Architectural Plans)

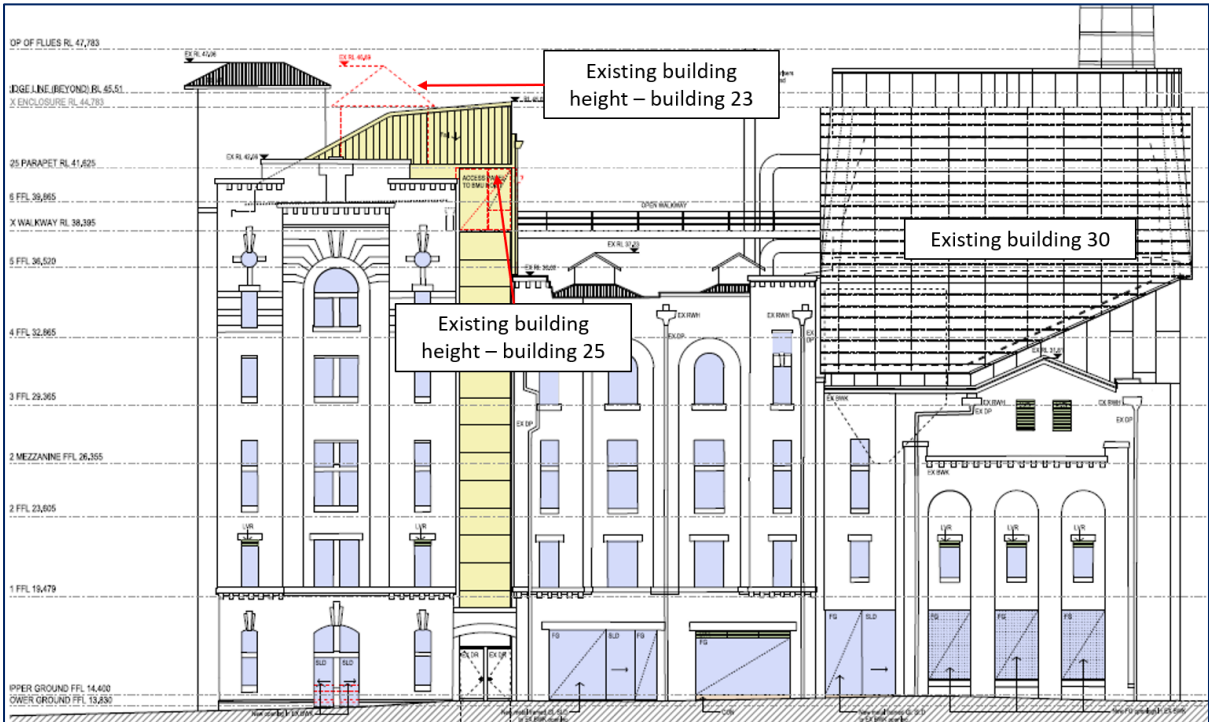


Figure 10 | East elevation, existing building heights for building 23, 25 & 30 and proposed heights (Source: SSD 9374 Architectural Plans)

Building 30

The proposal seeks to increase the approved concept plan height of Building 30 by 6.97 m to RL 46.77m, however this is 1.01 m below the existing attenuator flues (47.78 m) associated with the central thermal plant (CTP) and 1.99 m higher than the top of CTP (44.78 m) (**Figure 11**).

The Department notes that Building 30 contains the CTP roof plant within a sculptural roof element and the increase in height seeks to represent the height of the CTP addition already approved and constructed. No physical changes to the height of this building are being sought under SSD 9374.

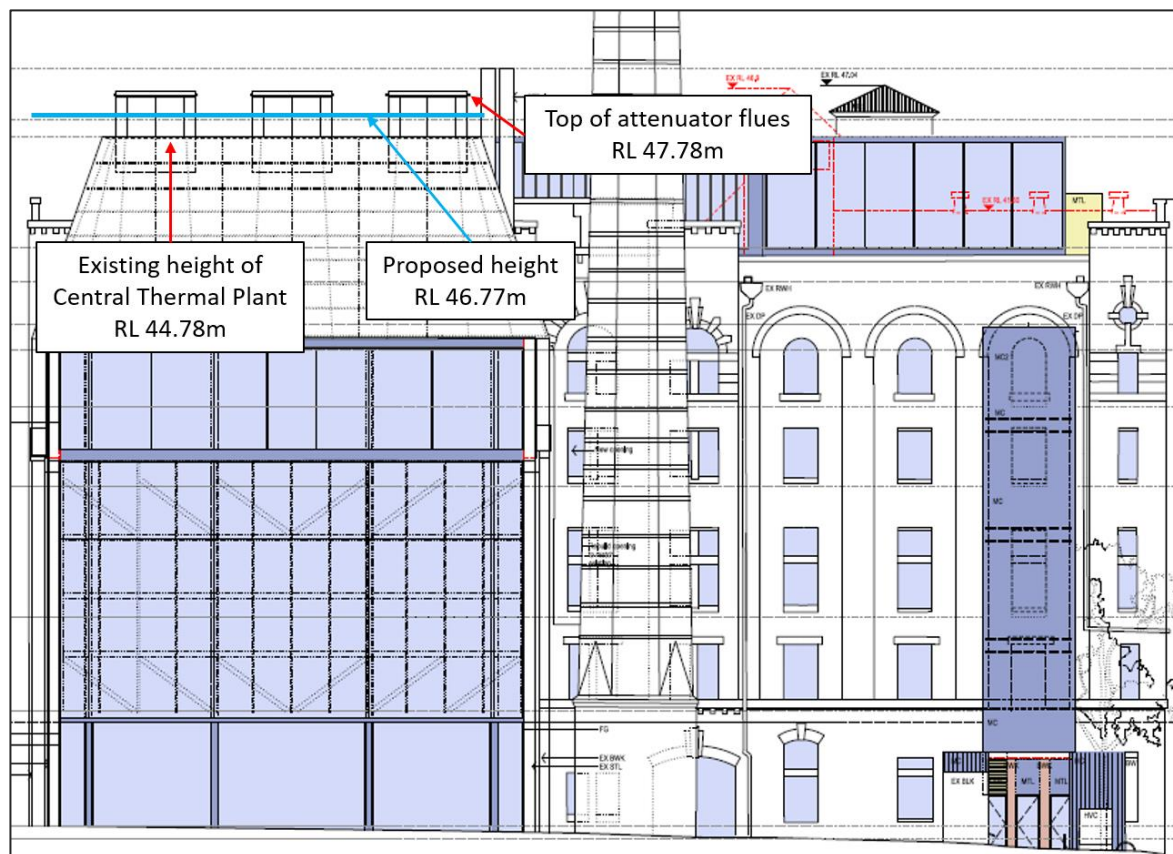


Figure 11 | North elevation, existing building heights of building 30 CTP and proposed height in blue (Source: SSD 9374 Architectural Plans)

Conclusion

The Department concludes overall the proposed changes to the maximum height of the Brewery Yard buildings are acceptable as:

- the additional height for Building 22/23 and 25 will facilitate the roof additions proposed under SSD 9374, without any adverse heritage, visual or overshadowing impacts
- the proposed amendment to Building 30 seeks to align more closely with the maximum existing height of the building and will not result in any change to the existing building.

6.1.2 Gross floor area

The modification application seeks to increase the maximum GFA for Block 4B from 4,000 m² to 6,266 m² and a related increase to the total GFA of the Central Park concept plan and non-residential GFA (**Table 8**).

Table 8 | Gross floor area

	Concept approval GFA (m ²)	Proposed GFA (m ²)	Increase (m ²)
Block 4B	4,000	6,266	+ 2,266
Residential (maximum)	195,786	195,786	No change
Non-residential (minimum)	59,901	62,167	+ 2,266
Concept plan total	255,687	257,953	+ 2,266

The Applicant is seeking additional floorspace for Block 4B to achieve a commercially viable development for the site. The Applicant notes the development will include \$10 million of heritage refurbishment works which would be unfeasible without the proposed increase in floor space.

The Applicant advised that a number of different options for the site have been explored but were considered unviable or have unacceptable impacts on the building's heritage fabric. In particular, the Applicant notes a previous proposal for a hotel (SSD 8336) was not pursued due to significant impacts to heritage fabric and the approved Stage 2 works under MP 10_0217 are not a commercially viable option.

Council did not object or raise any concern with the proposed increase in floor space, however it does not support the additional floor space within the additional two floors within Building 30. The Department has considered Council's concerns on this aspect of the proposal in **Section 6.3.1**.

The Department considers the proposed increase in GFA within Block 4B has strategic merit and supports the increase in commercial floor space within the Central Park precinct, with excellent access to public transport, services and amenities. The commercial floor space will further contribute to the vibrancy of the mixed-use precinct and would be a catalyst for the adaptive reuse, conservation and interpretation of the significant heritage brewery buildings.

The Department acknowledges the additional GFA is minor (0.9%) in the context of 255,687 m² of approved GFA across the Central Park precinct, however it represents a significant increase (56%) within Block 4B. The Department has carefully considered the impacts of this increase on the existing buildings and the precinct and concludes the increase in GFA is acceptable as:

- the GFA will facilitate the adaptive reuse of the Brewery Yard buildings, including conservation and interpretation of significant heritage fabric and public accessibility to the building, which is the final block to be completed of the Central Park concept plan
- the increase in GFA is accommodated within roof additions and internally within the building and has acceptable heritage impacts, subject to mitigation measures as outlined in **Section 6.3**
- the proposal involves only a minor change to the existing built form of the Brewery Yard buildings and will not result in any significant adverse visual or amenity impacts
- the proposal will result in a 3.8% increase in non-residential GFA, which is consistent with, and encourages commercial uses in accordance with the land use mix established by Condition A1 of the concept approval which requires a minimum 59,901 m² of non-residential floor space
- it will not result in adverse traffic impacts or additional demand for infrastructure or services as the Central Park precinct has provided sufficient infrastructure, road, pedestrian and cycle networks and open space.

6.2 State significant development application for Block 4B

6.2.1 Consistency with the concept approval

The Department has assessed the current application against the requirements of the concept approval (as recommended to be modified) in detail at **Appendix C**. In summary, the Department is satisfied the proposal is consistent with the concept approval as:

- it seeks approval for a maximum GFA of 6,266 m² for Block 4B and a maximum GFA of 257,953 m² across the entire precinct, which is consistent with the maximum GFA proposed under the concurrent modification to the concept plan
- the maximum building heights are consistent with the maximum building heights proposed under the concurrent modification to the Concept Plan
- it exhibits design excellence and has been designed by Tzannes Architects in accordance with the design excellence strategy approved as part of the concept approval, and the DIP have been involved in the design process, in accordance with the concept plan Statement of Commitments
- the proposed commercial uses are consistent with the approved land use mix and locations
- the Brewery Yard forecourt and through site link are publicly accessible areas in accordance with the approved public domain plan, with appropriate landscaping proposed
- all building structures are located below the sun access plane which preserves solar access to Chippendale Green.

The Department therefore concludes the proposal is consistent with the concept approval as it has addressed all requirements of the concept approval and complies with the maximum GFA and building heights (as concurrently modified).

6.2.2 Design Excellence

SLEP requirements

Clause 26 of Sydney LEP 2005 (SLEP) outlines the requirements for design excellence, having regard to architectural design, form and external appearance, the amenity and quality of the public domain and any impact on identified view corridors.

The Department has considered the proposal against Clause 26 of SLEP in **Appendix B** and is satisfied the proposal exhibits design excellence as:

- it achieves a high standard of architectural design while retaining significant building fabric
- the proposed materials and detailing complement the significant fabric and enhance the qualities of the building, while also being complementary to the work already carried out under Stage 1 (the Central Thermal Plant)
- it will improve the quality and amenity of the public domain through:
 - additional public open space in the Brewery Yard forecourt
 - a through site link connecting Chippendale Green to the forecourt
 - restoration of the building will improve views from the surrounding public domain
 - ensuring no additional overshadowing occurs to Chippendale Green.

Concept Approval requirements

Condition A3 of the concept approval requires design excellence in accordance with the approved design excellence provisions documented in the Statement of Commitments:

- Commitment no.2 requires Tzannes Architects to be the appointed architects for Block 4B
- Commitment no.3 requires a Design Integrity Panel (DIP) to be appointed to oversee the development proposal for Block 4B.

The Department notes that Tzannes Architects are the architects for Block 4B and is satisfied that a DIP has overseen and advised on the proposal (see **Section 5.5**).

The Department notes the DIP considers the proposal achieves design excellence and supports the proposal. The DIP recommended setbacks of the internal floors within Building 30, a revised roof form on the eastern end of the roof addition over Building 22 and 23 and additional interpretation of the removed coal hopper in Building 30. The Applicant amended the proposal to incorporate these changes and the Department is therefore satisfied that proposal is in accordance with the concept approval design excellence provisions.

The Department therefore concludes the proposal demonstrates design excellence as it has satisfied the design excellence criteria in SLEP and the concept approval and will positively contribute to the Central Park precinct.

6.3 Heritage

The Brewery Yard buildings on Block 4B are the largest surviving group of early twentieth century brewery structures on the site and were recognised as having a high level of significance in the Heritage Impact Statement provided with the Concept Plan (Godden MacKay Logan, 2006).

The Chimney Stack is listed as an item of local heritage under SLEP 2005. None of the other Brewery Yard buildings are listed as heritage items.

The proposal retains the Brewery Yard buildings and forecourt, including the following significant fabric which will be retained, conserved and made visible:

- two of the three coal hoppers in Building 30
- the brick chimney
- all external brickwork and sandstone detailing
- original timber ceiling in building 26
- bricked up windows are to be reinstated to match existing openings
- heritage interpretation areas including in the basement and level 1 to display salvaged equipment, artefacts and services of high significance.

The proposal however includes substantial work to fabric of exceptional and high significance as part of the adaptive reuse of the buildings, including the coal hoppers, glazed northern façade, malt silos, roof over Building 22 and 23 and external windows.

The Applicant provided a Heritage Impact Statement (HIS) which identifies and assesses the heritage impacts of the proposal. The HIS has also considered the Special Elements Conservation Plan (SECP) (Urbis 2009) which assessed the significance of elements in the retained Brewery Yard buildings and provides guidance and policies for conservation of fabric, adaptive reuse and interpretation.

The Department considers the key issues are the proposed removal of one coal hopper and the glazed northern façade. The Department has also considered the works to the malt silos, new roof addition, external fire stair and works to external windows in **Section 6.3.3**.

6.3.1 Coal hoppers

Building 30 currently contains three existing former coal hoppers (**Figure 12**), which were added in the mid 1950's when coal was used to create steam for the brewing process and for the generation of electricity. The coal hoppers have high significance as they demonstrate the industrial processes that occurred on the site.

The proposal includes the removal of the central hopper in Building 30 to provide two levels of additional commercial floorspace.



Figure 12 | View of the three existing coal hoppers in Building 30 (Source: RRF1 2 Attachment 1 - Hopper Removal Study)

Council raised concerns about impacts on the coal hoppers in its submissions to the EIS, RtS and the Applicants RRFI's. Although Council does not object to the proposal overall, it considers the removal of the central coal hopper (for additional floor space) has a detrimental impact, restricts views of the two remaining hoppers, and is inconsistent with general heritage practice. Council recommends the Applicant remove the additional floor space and retain all three hoppers.

The DIP acknowledges the removal of one coal hopper will reduce the capacity to demonstrate and appreciate the full scale of the industrial nature and operation of this part of Building 30. However, it considers the additional floor space at level 3 and the mezzanine are important components of the proposal and considers that the creation of a different form of adapted industrial space in Building 30 is an acceptable outcome. The DIP supports the proposal, subject to interpretation to celebrate the presence and role of the removed hopper.

In response to Council's concerns, and the advice of the DIP, the Applicant has amended the proposal including redistributing internal floors and additional interpretation of the coal hoppers (**Figure 13**). The Applicant contends the amended proposal provides views of the hoppers from the public domain, the new floor space allows a more intimate interaction with the hoppers through new interior views and interpretative opportunities, while also providing floor space to support the feasibility of the proposal.

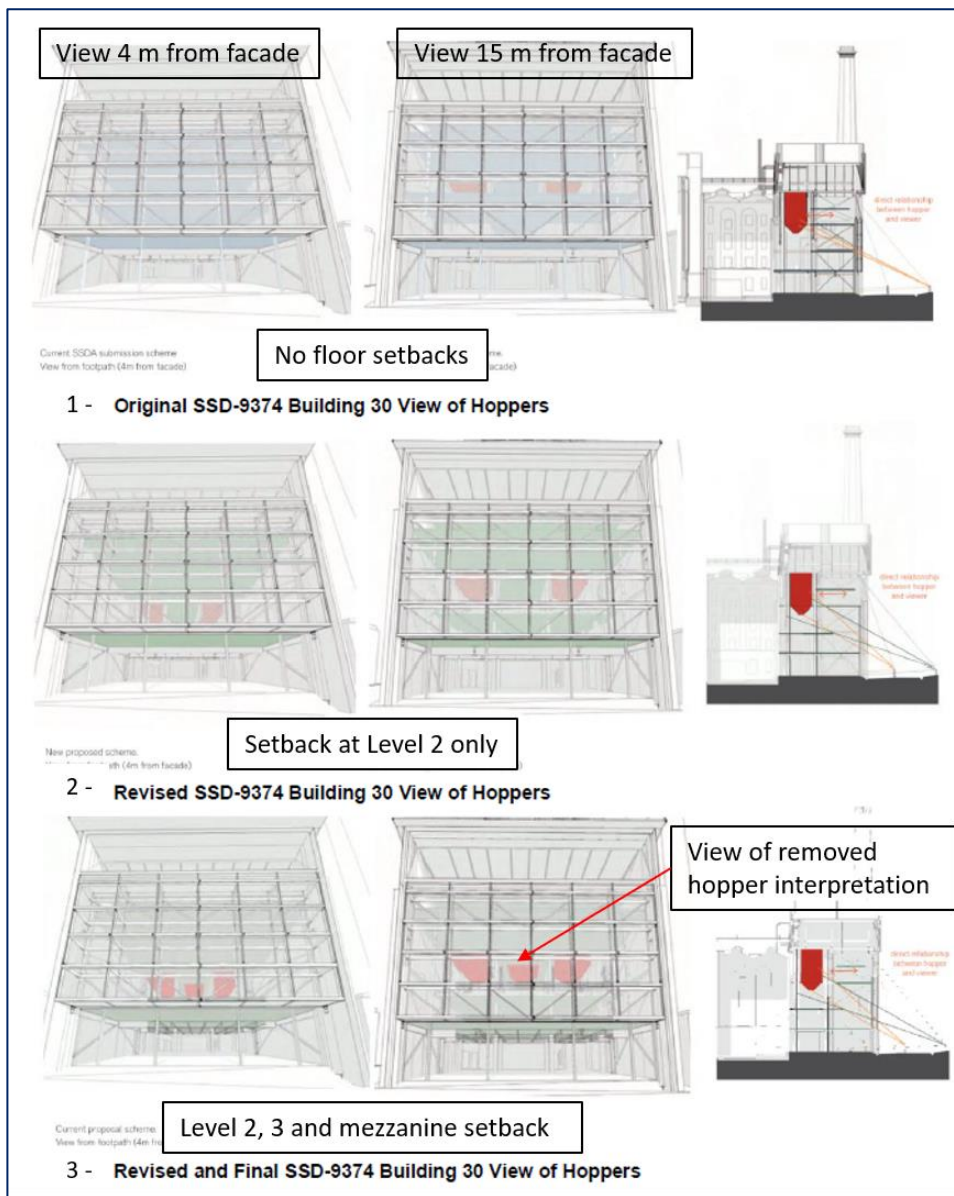


Figure 13 | View of coal hoppers from the public domain (Source: RRFI 4)

The Department has considered the amended proposal and the comments from Council and the DIP. The Department notes the significance of the coal hoppers and acknowledges that it would be desirable to retain all three hoppers. However, the Department also appreciates the Applicant's position that the floor space achieved by the removal of the central hopper and creation of additional floors is critical in achieving a viable development that facilitates the conservation of the buildings.

The Department supports the meaningful amendments the Applicant has made to the proposal, in consultation with the DIP and Council, including the positioning of Levels 2, 3 and the mezzanine with additional setbacks to improve the external view of the hoppers from the public domain (**Figure 14**).

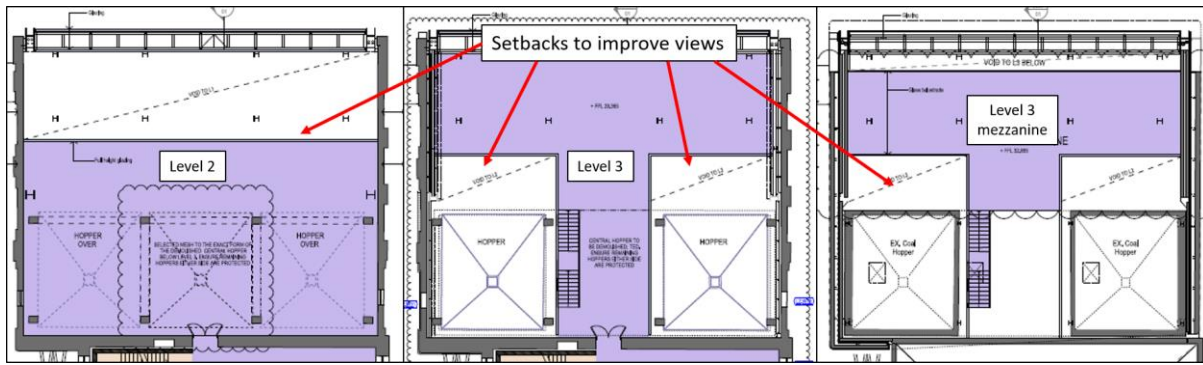


Figure 14 | Proposed internal floor layout and setbacks from retained coal hoppers at Level 2, 3 and mezzanine (Source: base source Architectural Plans)

The Department notes that Council maintains its position that the three hoppers should be retained, and the additional floors deleted. However, after careful consideration of the proposal and the recommendations of the DIP, the Department supports the proposal as:

- the significance and understanding of the industrial use of Building 30 is not adversely affected as the remaining two hoppers are retained in-situ and this will allow interpretation of these significant elements
- there will be closer internal views of the retained coal hoppers from levels 2, 3 and the mezzanine, which is only possible from these additional levels
- the retained coal hoppers will be visible from the public domain due to the revised layout of the internal floors and additional setbacks at level 2, level 3 and the mezzanine (**Figure 13** and **Figure 14**)
- meaningful interpretation of the removed hopper will occur through the re-interpretation of the bottom of the middle hopper and proposed images on the chimney stack.

6.3.2 Glazed northern facade

The proposal seeks to provide a full height glazed wall to the northern façade of Building 30, which is currently an open void as a result of earlier demolition.

The Applicant notes this glazed facade is similar to what was approved under MP 10_0217, but without the 'bird's mouth' feature at the top section of the glazing.

The Applicant advises the 'bird's mouth' (flatter angle of glazing) feature provided space for tri-generation plant services which were subsequently accommodated in the roof space, during the Stage 1 construction under MP 10_0217. The Applicant's proposed design does not include the 'bird's mouth' element at the upper section of the glazing, instead proposing a steeper angle (Error! Reference source not found. **Figure 15** and **16**).

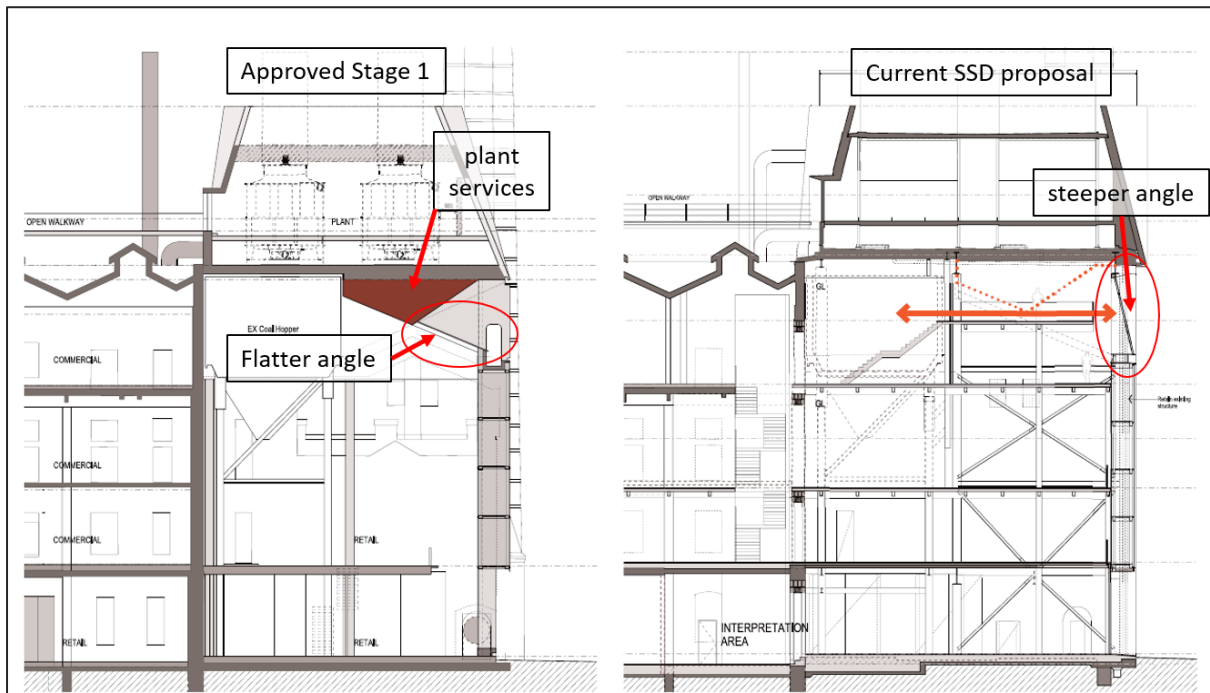


Figure 15 | Comparison of upper section of the glazed northern façade, 'bird's mouth' design (left) and current proposal (right) (Source: Applicant's RRFI 2 – Attachment 8)



Figure 16 | View of northern glazed façade, approved design with 'bird's mouth' (left) and proposed design with flatter upper glazing (right) (Source: Applicant's RRFI 2 – Attachment 8)

Although Council does not object to the proposal overall, it does not support the Applicant's design for the northern facade and considers it compromises the design integrity of the building as:

- the 'bird's mouth' provides articulation between the old building and the new cooling tower on top and was a key heritage and design justification for the approval of the contemporary cooling tower form
- the angle of the 'bird's mouth' was to match that of the original roof that was demolished for the cooling towers and matches the angle of the surviving east brick and stone parapet
- even if space for services are no longer required, the bird's mouth recess is an important interpretation of the original structure
- the top mezzanine is inserted at the expense of the design integrity of the exterior.

The DIP supports the design of the glazed northern facade and considers the proposed steeper inwards angle on the upper section is a superior outcome than the current flatter slope, irrespective of the internal outcome for the building.

In response to Council's concerns, the Applicant has provided further justification for the design of the glazed northern facade and contends the design does not dilute the quality of architecture of the existing roof form or the northern facade as the previous 'bird's mouth' design is not visible from the public domain and the design aligns to the parapet line of the existing adjacent brickwork (Figure 17).

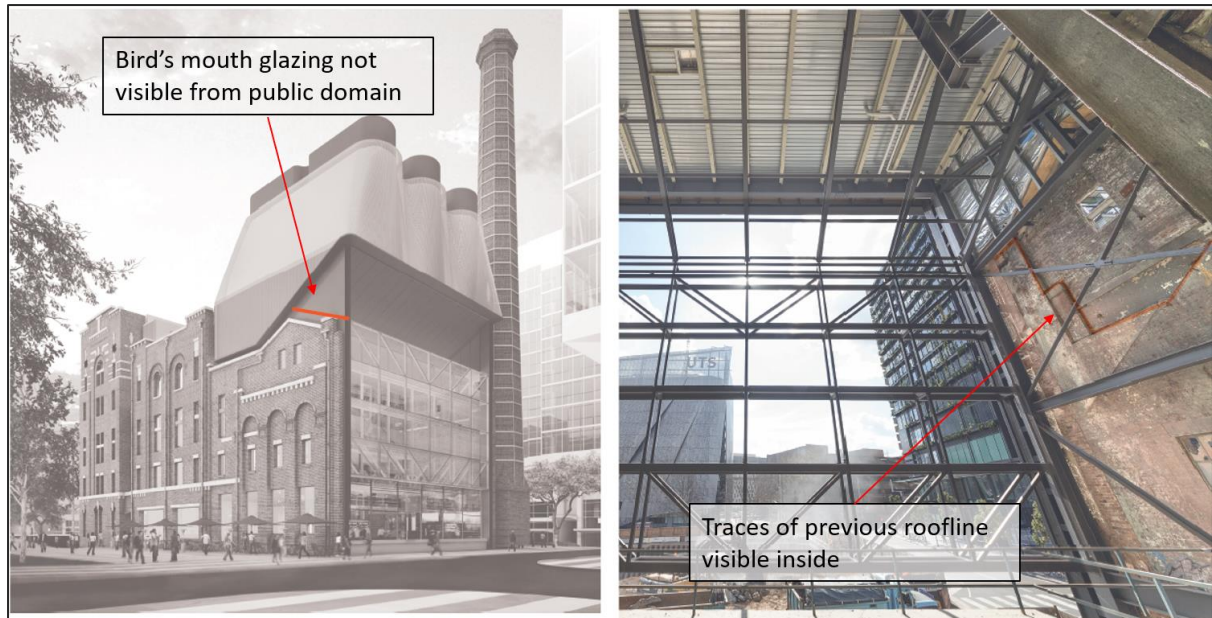


Figure 17 | View of northern glazed facade and rooflines (Source: Applicant's RRFI 2 – Attachment 8)

The Department has considered the design of the glazed northern facade, Council's comments and the advice of the DIP. The Department notes the 'birds mouth' was a design feature of the original approval, and in part developed as a solution to the required tri-generation plant services. The current proposal is unconstrained by services and provides the opportunity for additional commercial floor space.

The Department has considered the design of the glazed northern facade on its merits and concludes that it provides an appropriate design response to Building 30 as:

- the facade retains the variation in the lower, central and upper elements and overall integrity of the previously approved scheme (Figure 16)
- the glazed facade continues to provide a contemporary response to the tri-generation cooling towers above and connects to and activates the facade within the surrounding urban environment (Figure 16)
- the glazed facade retains views of Building 30's interior including of significant building fabric including the coal hoppers
- the flatter angle of glazing is not visible from the public domain however, traces of previous rooflines are visible inside Building 30 and will allow for interpretation of the history of the structure (Figure 17)
- the design improves internal views of the upper level of the hoppers due to the reduced angle of the upper level glazing
- the design requires less maintenance than the previously approved 'bird's mouth'.

6.3.3 Other works

The Department has also considered other works proposed to elements of high significance in the Brewery Yard Building's including works to the malt silos, new roof addition, external fire stair and external windows in **Table 9**.

Table 9 | Summary of other heritage works

Element	Proposed works	External comments	DPIE comment
Malt Silos Building (Building 23)	<ul style="list-style-type: none"> Demolish the internal structure for useable floor space Rebuild two concrete silos on level 1 Retain fabric where it engages with existing brick external walls and reconstruct remaining elements (where possible/ viable) Rebuild five pyramid funnel forms (base of silo) at ground floor A heritage display area at the new silo structure and a heritage interpretation area in the basement (remnant equipment visible through a glass walkway at ground level). 	<ul style="list-style-type: none"> Council and the DIP raise no objection to the removal of the silos and the proposed reconstruction/ interpretation. 	<p>The Department supports the proposed works to the malt silos as:</p> <ul style="list-style-type: none"> The silos concrete structure is in poor condition the ability to interpret the retained silos is limited as they externally present as a concrete wall the proposed demolition, reconstruction and interpretation will enable a continuing appreciation for the historical processes that occurred at the site. <p>The Department recommends the heritage interpretation plan includes details of the malt silos reconstruction and interpretation.</p>
New roof addition - Buildings 22 and 23	<ul style="list-style-type: none"> Removal of the original gabled truss roof New roof addition above building 22/ 23 containing two floors. 	<ul style="list-style-type: none"> DIP consider the removal of the roof justified to achieve the additional floor space DIP recommend a hipped eastern end to achieve a more elegant design Council raise no objections to the amended roof form. 	<p>The Department supports the new roof addition as</p> <ul style="list-style-type: none"> it will result in minimal visual impacts as it will be partly obscured behind the parapet, not visible from Chippendale Green the roof has been designed to address the DIP advice providing an elegant form which integrates with the eastern stair tower (Building 25) the proposed materials (metal and glazing) are distinct from the original brickwork to identify old and new fabric, respond to the CTP materials and complement the industrial character of site the removal of the existing gabled roof truss is mitigated by retention and conservation of the gabled truss roof at Building 26.
External fire stair	<ul style="list-style-type: none"> Aa new external fire stair on the northern façade of Building 23 	<ul style="list-style-type: none"> Council notes the visual impact is high but acceptable subject to use of zinc mesh cladding 	<p>The Department supports the external fire stair as:</p> <ul style="list-style-type: none"> the stair will be constructed of zinc mesh

Element	Proposed works	External comments	DPIE comment
	<ul style="list-style-type: none"> Existing window openings on the northern façade will be enlarged to connect the fire stair to the building. 	<ul style="list-style-type: none"> The DIP supports the external fire stair tower, noting that enlarging the existing window openings is a satisfactory conservation response, subject to detailed architectural drawings. 	<p>cladding, which is semi-transparent and retains the prominence of the building's masonry façade</p> <ul style="list-style-type: none"> locating the fire stair externally allows for more internal conservation and interpretation of heritage fabric the stair is offset from the building and the linking component is narrower to maintain views to the original façade. <p>A condition is recommended requiring detailed drawings of the enlarged windows and lining, prepared in consultation with the Heritage consultant prior to issue of a construction certificate.</p>
External windows	<ul style="list-style-type: none"> Remove and replace original steel windows Reinstate existing bricked up windows to match existing windows Two original windows are proposed to be refurbished on the southern façade. 	<p>Council recommends:</p> <ul style="list-style-type: none"> some original windows be retained in their position and restored final detail drawings of replaced/ restored windows be submitted to Council prior to construction. <p>The DIP notes:</p> <ul style="list-style-type: none"> the complex variety of window detailing should be retained accept the proposed treatment of each window individually for the best outcome and rectify damaged windows with new sympathetic window framing and glazing materials to best match the surviving condition. 	<p>The Department supports the proposed works to external windows as:</p> <ul style="list-style-type: none"> over 95% of the windows are damaged, contain hazardous material and are unable to be refurbished two original windows on the southern facade will be refurbished and all other damaged windows will be replaced with bespoke aluminium frames with high performance glazing <p>The Department recommends a condition for final detail drawings to be submitted to Council prior to the issue of the construction certificate.</p>

6.3.4 Conclusion

The Department's assessment concludes the proposal will have acceptable heritage impacts and that the Applicant's design response to the coal hoppers and northern façade is appropriate as it balances the retention of significant fabric in situ against the need for a viable project which will provide for the conservation, restoration and interpretation of the history of the Brewery Yard.

The Department also recommends conditions requiring a detailed schedule of conservation works, a heritage interpretation plan and archival recording be carried out to ensure the potential heritage impacts are appropriately mitigated and managed.

6.4 Loading and servicing

The loading and servicing arrangements for the site include an on-street loading zone on the western side of Central Avenue, opposite the site, and use of the Brewery Yard forecourt for overflow loading outside of business hours (Figure 18Error! Reference source not found.). The proposal also includes new pedestrian kerb ramps north of the loading zone and a new vehicle crossover on the site's northern boundary to access the forecourt.



Figure 18 | Proposed loading and servicing works (Source: Applicant's RRFI 1 July 2020)

The Applicant anticipates up to 10 deliveries and/ or waste collection per day, comprising:

- up to six deliveries a day for food and beverage retail use, usually in the morning prior to, or at store opening
- two or three deliveries a day for the commercial use, during business hours
- waste collection three times a week, outside business hours.

The Department has considered the proposed on-street and forecourt loading area below.

6.4.1 On-street loading zone

The Applicant intends to use an existing indented parking bay on the opposite side of Central Park Avenue as a loading zone during business hours.

Council's Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) has approved the conversion of two parking spaces (13 m) within this existing parking bay (20 m) to a loading zone, which provides capacity for two B99 vehicles (vans and utilities) or a single larger truck. Vans would be permitted to stay 15 minutes and trucks 30 minutes.

Notwithstanding, Council raised the following concerns with the on-street loading zone:

- its location on the western side of Central Park Avenue is not ideal and will not be convenient to serve the site
- the proposed additional pedestrian ramp crossings are unacceptable if they are only required to provide private access across public land.

In response to Council's concerns, the Applicant has advised the kerb ramps can be deleted.

The Department notes that the site is highly constrained and cannot accommodate further indented bays or on-site loading due to the existing buildings and CTP equipment located under forecourt, its location on the bend of Central Park Avenue and frontages on all sides to public domain.

The Department therefore supports the use of the loading zone on the western side of Central Park Avenue as part of the loading and servicing strategy as:

- the proposed commercial use does not generate a high volume or frequency of deliveries
- it is directly opposite the site, approximately 16 m from the waste room entry.

The Department recommends a condition that the kerb ramps are deleted from the plans, noting that Council does not support the ramps and no evidence has been provided they would assist pedestrians to safely cross Central Park Avenue.

6.4.2 Brewery Yard forecourt loading area

The Applicant proposes to use the Brewery Yard forecourt for loading after business hours only, for waste collection and removal and deliveries of large furniture and appliances (Error! Reference source not found.Figure 19).

Council has raised concerns with the use of the forecourt for loading, specifically:

- pedestrian and traffic safety, as a truck must reverse into the loading area at a bend in Central Park Avenue, opposite an existing car park entrance and on a busy road (Error! Reference source not found.Figure 19)
- use of the forecourt for loading creates obstructions and is not consistent with the objectives of the Central Park concept approval to provide public open space.

Council suggested the Applicant consider a turntable within the forecourt to allow forward in and out movements.

In response to the concerns raised, the Applicant notes there are adequate sight lines for vehicles/ pedestrians to observe a reversing truck. Further, the forecourt is currently used for service and maintenance vehicles associated with the CTP.

The Applicant proposes to implement operational measures to manage the forecourt loading area including:

- ensuring loading activities occur outside of business hours during set times of the day (as developed with Council) when pedestrian and traffic activity is low
- vehicles must reverse in so they can exit in a forward direction and removable bollards to restrict vehicle access to the forecourt at all other times.

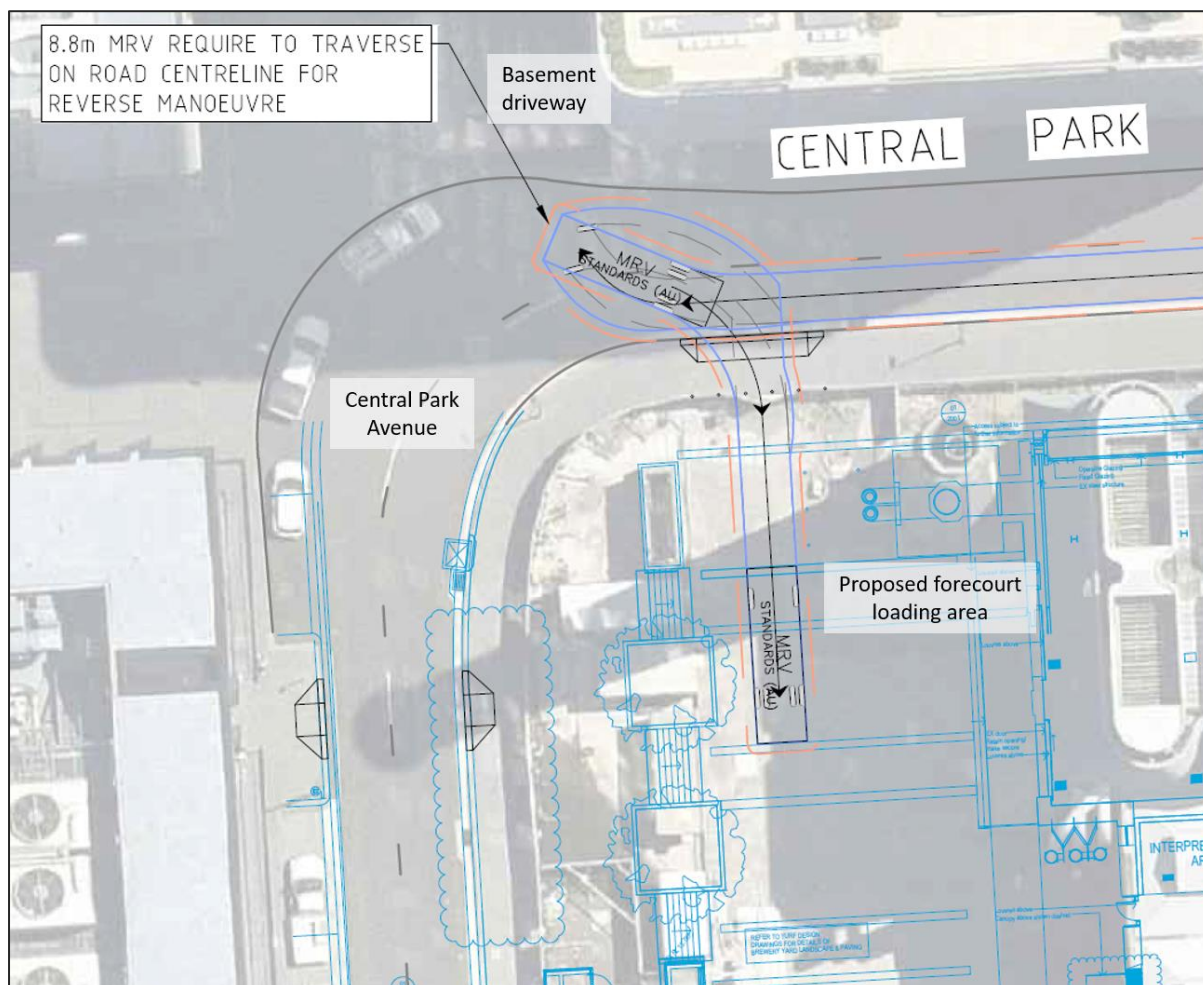


Figure 19 | Proposed swept path to access forecourt loading area (Source: Applicant's RRFI 2 – 5 August 2020)

The Department has considered the concerns and comments raised by Council, however it supports the use of the forecourt for loading outside of business hours for the following reasons:

- it will allow for the safe and efficient collection of waste and recycling and the removal and deliveries of furniture/ appliances which require direct access to the building
- loading will be restricted to after business hours, at periods of low pedestrian activity (in consultation with Council), to ensure loading does not affect pedestrian and traffic safety. At all other times the forecourt will continue to be used as public open space
- the forecourt has been designed for its primary use as public open space, which includes feature planting and a brick paving finish
- limiting the vehicle size to a maximum of 8.8 m medium rigid vehicle (MRV), to ensure a vehicle can reverse into the forecourt
- removable bollards are proposed to prevent vehicle access while not impeding pedestrian movements through the space
- a spotter will accompany truck manoeuvring to/ from the forecourt to manage and control pedestrians, but not traffic.

The Department also recommends a Loading Management Plan be prepared to ensure the use of the forecourt loading area is used in a safe and efficient manner as per the above management measures. Subject to this, the Department considers the forecourt loading area is suitable for servicing the building, outside normal business hours.

6.4.3 Shared Central Park loading dock

The Department notes there may be times when the on-street loading zone is occupied and access to the forecourt is not permitted (during business hours).

Council recommends the Applicant arrange with surrounding building owners to use shared basement loading spaces if there is no on street loading available. TfNSW also recommended the Applicant investigate use of the underground dock currently servicing the Central Park Precinct for shared servicing of the site.

The Department notes approvals for other sites within Central Park have made provision for the Brewery Yard to use servicing facilities in the basement beneath Blocks 1 and 4 (SSD 6554). These shared loading facilities are not directly accessible to the building and would not be suitable for waste collection or large deliveries, due to the distance, however they may be appropriate for smaller deliveries during business hours and would provide a suitable secondary option in the event that the on-street loading spaces are already occupied.

The Department therefore recommends conditions to require the Applicant to make arrangements to use the shared Central Park loading dock for servicing during business hours, and that the Loading Management Plan document how the shared loading dock will be utilised in situations when the on-street loading zone is unavailable.

6.4.4 Conclusion

The Department concludes the proposed use of the on-street loading zone and the shared Central Park loading zone during business hours combined with the use of the forecourt loading area for waste and deliveries out of hours is appropriate given the constraints of the site. The Department is satisfied the loading and servicing arrangements for the site can be satisfactorily managed subject to recommended conditions of consent, including a Loading Management Plan.

6.5 Other issues

The Department's consideration of other issues is provided in **Table 10**.

Table 10 | Other issues

Issue	Findings	Recommended condition
Waste management	<ul style="list-style-type: none">The Applicant has prepared an operational Waste Management Plan (WMP) which identifies that waste will be stored in a designated room in the basement level 1, with adequate space for waste generated by the development and a waste compactor.Bins are to be collected by a private waste collector directly from the waste storage room from the forecourt area. Collection will occur at a time agreed with Council (refer to Section 6.4.2).Council advised the WMP has insufficient detail as floor plans to support the proposed WMP have not been provided. The Applicant has provided an updated WMP (dated August 2020) to include this detail.The Department is satisfied adequate detail has been provided to manage operational waste and recommends the final operational WMP be submitted to Council for approval, to finalise waste collection times.	The Department recommends conditions requiring the Applicant submit the updated WMP to Council for their approval and prepare a WMP for the demolition and construction phases of the development, in accordance with Council's Waste Policy – Local Approvals Policy for Managing Waste in Public Places (2017).

	<ul style="list-style-type: none"> • Council also advises the WMP has not addressed demolition and construction waste management. The Department acknowledges Council's concerns and has recommended conditions requiring a waste management plan for the demolition and construction phases. 	
Green Star	<ul style="list-style-type: none"> • Future Assessment Requirement B12 (ESD and sustainable design) of the concept approval requires future project applications for commercial and retail development (including adaptive re-use of heritage buildings) to achieve a minimum design and as built 5 star Green Star rating. • The Applicant has confirmed the proposal will seek a 5 star Green Star rating. • The Department recommends a condition requiring evidence the building achieves a minimum design and as built 5 star Green Star rating. 	A condition is recommended requiring the building achieve a minimum design and as built 5 star Green Star rating.
NABERS energy rating	<ul style="list-style-type: none"> • The Applicant proposes a 5 star NABERS rating to align with Council standards for an existing refurbishment • The Department considers this appropriate noting the heritage constraints which limits the ability for renewable technology on the site. • The Department also supports the proposed use of the on-site Central Thermal Plant, for low energy electricity, heating and cooling and the measures within the Applicant's sustainability report. 	Conditions are recommended requiring the development achieve the 5 star NABERS Energy rating and implement sustainability measures.
Public open space	<ul style="list-style-type: none"> • Commitment no.13 of the concept approval requires a privately owned but publicly accessible square be provided as part of the development of Block 4 in accordance with sites 7 and 8 as shown on public domain plan A-1254. • The Department considers that the proposal is consistent with this commitment as it provides the Brewery Yard forecourt and through site link as publicly accessible areas. The landscape plan provides for landscaping structures and planting consistent with this use. • The through site link is proposed to allow pedestrian movements during the day and restricted movement in the evening, which is considered appropriate for safety. • Conditions are recommended ensuring public accessibility for the Brewery Yard forecourt and through site link. 	A condition is recommended requiring a covenant be registered that ensures public accessibility for the Brewery Yard forecourt and through site link.
Forecourt landscaping	<ul style="list-style-type: none"> • The landscape design for the forecourt includes planters and two new trees (<i>Ficus Benjamina</i> (weeping fig)) • Council recommended tree selection be reconsidered as the nominated tree was too large for the pot size • The Applicant has advised the <i>Ficus Benjamina</i> has been selected for its resilient nature and hardiness and given the soil volume would grow up to 5 m, providing the forecourt with human scale greenery. • The Department is satisfied the tree selection will contribute positively to the courtyard and provide shade all year round. 	No additional conditions or amendments are necessary.
Public Art	<ul style="list-style-type: none"> • Public art is to be installed within the Brewery Yard forecourt area in memory of AIDS victims. • Council supports the public art and has provided recommendations about its location and maintenance. • The Department notes the art has been commissioned by the site owner in accordance with the public art strategy for Central Park and recommends appropriate conditions. 	Conditions are recommended requiring the revised location be confirmed with the curator and artist and ownership and maintenance details to be forwarded to Council.

<p>Solar Access</p>	<ul style="list-style-type: none"> • The Central Park concept plan establishes a sun access plane to maintain solar access to the Chippendale Green. • All proposed building structures are located below the sun access plane and there is no additional overshadowing of the Chippendale Green on June 21. • On the December 21 and March 21 there is some minor additional shadow cast by the external fire stair tower, but this falls on Central Park Avenue. • The Department is satisfied the proposal maintains solar access to Chippendale Green in accordance with the concept plan. 	<p>No additional conditions or amendments are necessary.</p>
<p>Construction Pedestrian and Traffic Management Plan (CPTMP)</p>	<ul style="list-style-type: none"> • TfNSW recommends a condition requiring the preparation of a CPTMP in consultation with Sydney Coordination Office, TfNSW and Council. • The Department supports this requirement and has recommended an appropriate condition. 	<p>A condition is recommended requiring the preparation of a CPTMP.</p>
<p>Green Travel Plan and Transport Access Guide</p>	<ul style="list-style-type: none"> • Council recommends a Green Travel Plan and Transport Access Guide be submitted for their approval prior to issue of a construction certificate. • The Department supports the requirement for a Green Travel Plan and Transport Access Guide to encourage more sustainable travel for the journey to the office and recommends appropriate conditions. 	<p>Conditions are recommended for the preparation of a Green Travel Plan and Travel Access Guide.</p>
<p>Bicycle parking</p>	<ul style="list-style-type: none"> • The proposal includes parking for 65 bicycle spaces, located on the ground floor and end of trip facilities at the basement level. • Council supports the proposed 65 bicycle spaces and has provided a recommended condition requiring 40 staff spaces and 25 visitor spaces. • The Department supports the provision of bicycle parking and recommends an appropriate condition. 	<p>Conditions are recommended requiring the provision of 65 bike spaces (40 staff and 25 visitor) as well as end of trip facilities.</p>
<p>EPA comments</p>	<ul style="list-style-type: none"> • The EPA provided comments about risk to human health and amenity to the building occupants, associated with the emissions of air pollutants and odour from the Central Thermal Plant (CTP). It also advised the operation of the CTP is licenced (Environment Protection Licence (EPL) no.20768) which includes two air emissions and monitoring points, emission limits and air quality safeguards given surrounding sensitive residential receptors. • The EPA has identified possible mitigation measures for the site, including minimising or eliminating ventilation openings in the building in the vicinity of the CTP and ensuring mechanical ventilation inlets are not located in the vicinity of the CTP. • The proposal includes a Services Design brief which indicates the building will be mechanically ventilated. • The Department notes it has previously assessed the operation, management, emissions and air quality of the CTP, which was found to be acceptable subject to conditions including an emission monitoring system and an environment protection licence (MP08_0253). • However to adequately safeguard sensitive uses in the Brewery Yard buildings from emissions produced by the CTP, the Department recommends a condition that the building is designed so there are no adverse health impacts (from the CTP emissions) to the human health of the Brewery Yard buildings occupants, by incorporating the mitigation measures identified by the EPA. 	<p>Conditions are recommended that the building is designed so there are no adverse health impacts (from the CTP emissions) to the human health of the Brewery Yard buildings occupants.</p>

**Surrender MP
10_0217**

- The Department notes stage 2 of MP 10_0217 provides approval for commercial and retail uses within the Brewery Yard buildings.
- The Department notes works under Stage 1 have been carried out (the CTP) and completed, surrendering the consent will not impact Stage 1.
- As SSD 9374 seeks the same uses for the site, it is recommended MP 10_0217 be surrendered so the approved works are clear and there are no inconsistencies.

A condition is recommended requiring approval MP 10_0217 be surrendered prior to occupation of the site.

7 Evaluation

The Department has reviewed the s75W Report, EIS, RtS and RRFI's and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly assessed.

The proposal is consistent with the objects of the EP&A Act and is consistent with the State's strategic planning objectives as set out in the Greater Sydney Region Plan and Eastern City District Plan, as it will restore the Brewery Yard buildings, provide commercial floor space in the Eastern Economic Corridor and provide additional jobs in the Harbour CBD.

The adaptive reuse of the Brewery Yard buildings is the final block to be completed in the Central Park Precinct and is consistent with the redevelopment of Central Park as approved under the concept approval. The proposal retains and interprets the Brewery Yard buildings, which are the largest surviving group of early twentieth century brewery structures on site.

The Department has considered the merits of the proposal and considers it acceptable as:

- the proposed increase in building height and GFA are minor and will facilitate the adaptive reuse of the Brewery Yard buildings. Additionally, the increase in GFA is accommodated within roof additions and internally within the building and would not result in any significant visual, amenity or heritage impacts
- the proposal exhibits design excellence as:
 - it is consistent with the design excellence strategy (DES) adopted within the Concept Approval including being designed by Tzannes Architects and peer reviewed by a Design Integrity Panel
 - it achieves a high standard of architectural design which respects the heritage significance of the building
 - it has been designed to achieve a 5-star Green Star rating
- the proposal has acceptable heritage impacts as:
 - it will provide for the conservation, restoration and interpretation of the history of the Brewery Yard buildings
 - it balances the conservation of significant heritage fabric with new elements to facilitate the commercial use of the building
 - the design of the glazed northern façade and removal of central coal hopper is appropriate as it allows internal and external views of the remaining two hoppers without significant adverse impacts on the significance and understanding of the industrial use of Building 30
 - heritage interpretation is proposed, including conservation and reconstruction of significant building fabric and conditions are recommended for a schedule of conservation works, heritage interpretation plan and archival recording
- loading and servicing can be satisfactorily managed to be safe and efficient, subject to a Loading Management Plan.

The Department considers the proposal would be in the public interest as it will restore the Brewery Yard buildings significant heritage fabric, create an estimated 750 construction and operational jobs and provide additional public open space.

The impacts of the proposal have been addressed in the EIS, RtS and RRFI's. The Department concludes the application is in the public interest and is approvable, subject to the recommended conditions (**Appendix E**).

8 Recommendation

It is recommended that the Executive Director, Regions, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies** the consent MP06_0171 for modifications to the Central Park Concept Plan
- **grants consent** for the application for the adaptive reuse of the Brewery Yard building (Block 4B) (SSD 9374) subject to the conditions in the attached development consent
- **signs** the attached approval of the modification (MP06_0171 MOD 16) (**Appendix E**)
- **signs** the attached development consent (SSD 9374) and recommended conditions of consent (**Appendix E**).

Prepared by: Emily Dickson
Senior Planning Officer

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

9 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in blue ink that reads "Sargeant". The signature is written in a cursive style with a large initial 'S'.

20/10/2020

Anthea Sargeant
Executive Director
Key Sites and Regional

Appendices

Appendix A – List of documents

Appendix B – Mandatory matters for consideration

Appendix C – Concept approval

Appendix D – Consideration of issues raised in submissions

Appendix E – Recommended Instrument of Consent/Approval

Appendix A – List of documents

List of key documents relied on by the Department in its assessment:

- Section 75w Modification – Environmental Assessment Report, Central Park Concept Plan MP06_0171, dated 23 September 2019, prepared by Ethos Urban
- Environmental Impact Statement - Brewery Yard Building (Block 4B) Central Park Alterations and Adaptive reuse of the Brewery Building, dated 13 August 2019, prepared by Ethos Urban
- Response to Submissions, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171), dated 20 December 2019, prepared by Ethos Urban
- Response to Rejection of Response to Submissions, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171), dated 5 February 2020, prepared by Ethos Urban
- Response to Submissions Requirements – Design Integrity Panel, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171), dated 23 April 2020, prepared by Ethos Urban
- Response to Submission requirements, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171), dated 17 July 2020, prepared by Ethos Urban
- Response to Rejection of Response to Submissions, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171), dated 5 August 2020, prepared by Ethos Urban
- August 2020 RFI Response, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171), dated 15 September 2020, prepared by Ethos Urban

- Submissions

These documents and information can be found on the Department's website:

- Modification of concept approval:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10078
- SSD application:
<https://www.planningportal.nsw.gov.au/major-projects/project/11296>

Appendix B – Mandatory matters for consideration

Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 11**.

Table 11 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD.
(a)(iii)(a) any planning agreement	The VPA under the concept approval that is between Frasers Broadway and the Department has been executed.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulations relating to EIS.
(a)(v) any coastal zone management plan	No coastal zone management plan applies to the site.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as discussed at Sections 5 and 6 of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of that Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are

set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 12**.

Table 12 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources	<p>The proposal provides for the adaptive reuse of the Brewery Yard buildings within the Central Park precinct. The proposal will provide social, cultural and economic benefits to the community.</p> <p>The site is within an existing urban area and its adaptive reuse would not negatively impact the economic welfare of the community or the natural environment.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal includes measures to deliver ESD as discussed below.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal would be an orderly and economic use and development of land as it provides for the adaptive reuse of the Brewery Yard buildings for commercial uses and the conservation and interpretation of the significant buildings.</p> <p>The development of the site will also provide economic benefits through job creation and infrastructure investment during construction stage. The merits of the proposal are considered in Section 6.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The proposal is for a commercial development and will not result in the loss of any existing affordable housing in the locality.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The project involves the adaptive reuse of an existing urban site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.</p> <p>The application has been granted a BDAR waiver.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The Department has considered the heritage impacts of the proposal in detail in Section 6 and concludes the proposal has acceptable heritage impacts.</p>
(g) to promote good design and amenity of the built environment,	<p>The proposal achieves a high standard of design and amenity as discussed in Section 6 and is considered to exhibit design excellence.</p>

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Applicant has demonstrated the proposal is capable of meeting relevant construction standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department provided opportunities for community participation in the assessment process, which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period. The Department has considered the issues raised in submissions in Section 6 .

Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*, section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The SSD proposal includes the following ESD features:

- design to 5-star NABERS Energy rating and 5-star Green star rating
- use of on-site Central Thermal Plant, for low energy electricity, heating and cooling
- efficient lighting, including LEDs and daylight and motion sensors for lighting
- water efficient fixtures and fittings and use of central recycled water for toilets and irrigation
- natural cross ventilation through installation of operable louvres
- material selection will focus on reducing volatile organic compound levels and minimise formaldehyde impacts
- a target of 90% of construction and demolition waste will be diverted from landfill
- windows will be replaced with high performance façade elements.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development.

To ensure the ESD measures are achieved, the Department has recommended a condition requiring the development achieve the 5-star NABERS Energy rating, 5-star Green Star rating and implement the sustainability measures. Subject to this condition, the Department concludes the proposal would be consistent with ESD principles in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - Remediation of Land and Draft Remediation of Land SEPP
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Local Environmental Plan 2005

State Environmental Planning Policy (State and Regional Development) 2011

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 13**.

Table 13 | SRD SEPP compliance table

Relevant Sections	Department's consideration	Compliance
<p>3 Aims of Policy</p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	<p>The proposed development is identified as SSD.</p>	<p>Yes</p>
<p>8 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development is permissible with development consent. The development is identified as SSD under Schedule 2 of the SRD SEPP.</p>	<p>Yes</p>

<p>Schedule 2 State significant development — identified sites (Clause 2(c))</p> <p>2 Development on specified sites</p> <p>Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map—</p> <p>(c) Broadway (CUB) Site,</p>	<p>The proposal is within the identified Broadway (CUB) site and has a CIV of more than \$10 million.</p>	<p>Yes</p>
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State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal does not trigger consideration under the Infrastructure SEPP. Notwithstanding, the Department has consulted and considered the comments from relevant public agencies (**Sections 5 and 6**). The Department has recommended conditions to manage and/or mitigate the impacts of the development (Appendix E – Recommended Instrument of Modification and Instrument of Consent).

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

Site wide remediation and validation works were carried out in accordance with the Remedial Action Plan for Central Park approved on 15 August 2008 (MP07_0163). As a result of these works the site is suitable for the proposed development.

The Department is satisfied the proposal has addressed the requirements under SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, subject to conditions, the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No 64- Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The application seeks consent for a freestanding signage pylon (1.8 m high x 500 mm long x 300 mm wide) to provide future building identification signage. No signage content is sought as part of this consent and will be subject to a separate development application.

As such the provisions of SEPP 64 will be addressed in the future development application.

Sydney Local Environmental Plan 2005

The SLEP 2005 continues to apply to the Frasers Broadway, the former Carlton and United Breweries site. The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the SLEP and the matters raised in Council's submissions. (**Sections 5 and 6**).

The Department notes as per clause 3B, Schedule 2 of the Savings, Transitional and Other Regulation, the provisions of any EPI or any DCP do not have effect if they are inconsistent with the terms of the concept plan.

The Department concludes the development is consistent with the relevant provisions of the SLEP. Consideration of the relevant clauses of the SLEP is provided in **Table 14**.

Table 14 | Consideration of the SLEP 2005

Clause	Control	Department's consideration	Complies
Clause 38 Objectives of the City Edge zone	<p>The objectives of the City Edge zone are—</p> <p>(a) to encourage a mixed-use, medium density area which will provide a physical transition between the City Centre zone and nearby lower density, mixed-use and residential areas, and</p> <p>(b) to encourage an increase in the permanent residential population through new residential development or the conversion of existing buildings and to ensure the maintenance of a range of housing choice, and</p> <p>(c) to recognise the development potential of certain major sites within the zone and to encourage development of them which is consistent with other zone objectives,</p> <p>(d) to enhance the amenity of parks and community places by protection of sun access, and</p> <p>(e) to ensure wind levels are consistent with pedestrian comfort and the amenity of the public domain,</p> <p>(f) to ensure adequate levels of daylight to streets, and</p> <p>(g) to recognise and enhance the character of Special Areas, and</p> <p>(h) to facilitate the conservation of items and areas of heritage</p>	<p>The proposal is consistent with the objectives of the zone as:</p> <ul style="list-style-type: none"> it is for commercial use it supports the redevelopment of the former Carlton and United Breweries site it complies with the sun access plane established under the concept approval it maintains existing wind levels adequate daylight to streets is provided the adaptive reuse of the Brewery Yard building is proposed which includes conservation of historic fabric and interpretation it does not impact any existing clinics, refuges, crisis centres or other welfare facilities. 	Yes

	<p>significance, and</p> <p>(i) to ensure that the number and location of clinics, refuges, crisis centres and other welfare facilities within parts of this zone are compatible with the achievement of other zone objectives.</p>		
<p>Clause 39 Development within the City Edge zone</p>	<p>(1) Development may be carried out without consent within the City Edge zone if it is exempt development.</p> <p>(2) Within the City Edge zone, other development (including use of land for the purpose of advertisements and advertising structures and temporary uses) may be carried out, but only with development consent.</p> <p>(3) Development for the purpose of amusement centres is prohibited on land in the Oxford Street area shown shaded on Map 1 in Schedule 1.</p> <p>(4) Development for the purpose of brothels is prohibited in the City Edge zone.</p>	<p>The proposed development is permissible with consent.</p>	<p>Yes</p>
<p>Clause 26 Design Excellence</p>	<p>(1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.</p> <p>(2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,</p> <p>(c) whether the new development detrimentally impacts on view corridors identified in the relevant development control plan.</p> <p>(3) – (6) not relevant to proposal.</p>	<p>The Department concludes the proposal exhibits design excellence as outlined in Section 6 and meets the requirements of Clause 26(2) as:</p> <p>(a) the proposal has been designed by Tzannes Architects, in accordance with the concept approval Statement of Commitments, the design has been overseen by a Design Integrity Panel, who support the proposal and advise it exhibits design excellence</p> <p>(b) the form and external appearance of the building will improve the quality and amenity of the public domain and maintains important views of the southern elevation</p> <p>(c) no view corridors are affected by the proposal.</p>	<p>Yes</p>

Part 5 Car Parking	<p>Clause 64 Objectives for car parking controls</p> <p>Clause 65 Tenant car parking provisions</p> <p>Clause 66 Public car parking restrictions</p>	<p>The development will use 30 car spaces approved and constructed under separate development consents and is consistent with these clauses.</p>	Yes
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Appendix C – Concept approval

An assessment of the proposal against the concept approval requirements is provided in **Table 15**.

Table 15 | Consistency with the concept approval

Concept approval Condition	Department's assessment																																
Schedule 1 - Part A - Approval																																	
<p>A1 Operation and Commencement of Approval linked to VPAs</p> <p>1. The Modified Affordable Housing Planning Agreement between the Redfern-Waterloo Authority and Frasers Broadway Pty Limited entered into on 28 November 2008 in connection with the application for modification of the Concept Plan approval dated 9 February 2007, is to be performed by Frasers Broadway Pty Limited (its successors or assigns) in connection with the carrying out of the project to which the modified Concept Plan approval relates.</p> <p>2. The planning agreement with the Minister for Planning must be executed within 6 months of the issuing of any Project Approval for works related to new buildings (other than development the subject of Project Application MP 09_0042).</p>	<p>1. The VPA between the Redfern-Waterloo Authority and Frasers Broadway has been executed.</p> <p>2. The VPA between Frasers Broadway and the Department has been executed.</p>																																
Schedule 2 – Part A DPIE Modifications																																	
<p>A1 Gross Floor Area Controls</p> <p>The Concept Plan is modified with regards to GFA as described by the provisions below</p> <p>(a) The Maximum GFA available for development across the Subject Site is 257,953 square metres</p> <p>(b) The GFA for residential land uses on the site shall not exceed 195,786 m² of the total GFA.</p> <p>(c) The GFA for non - residential land uses on the site shall not be less than 62,167 m² of the total GFA.</p> <p>(d) The maximum GFA for the development parcels approved as part of the Concept Plan are described below:</p> <table border="1"> <thead> <tr> <th>Block</th> <th>Total max GFA (sq metres)</th> </tr> </thead> <tbody> <tr><td>Block 1</td><td>24,402</td></tr> <tr><td>Block 4N</td><td>26,304</td></tr> <tr><td>Block 4S</td><td>22,525</td></tr> <tr><td>Block 4B (Brewery Yard)</td><td>6,266</td></tr> <tr><td>Block 2</td><td>67,785</td></tr> <tr><td>Block 3</td><td>11,164</td></tr> <tr><td>Block 5A</td><td>11,544</td></tr> <tr><td>Block 5B</td><td>16,799</td></tr> <tr><td>Block 6</td><td>2,000</td></tr> <tr><td>Block 7</td><td>969</td></tr> <tr><td>Block 8</td><td>14,596</td></tr> <tr><td>Block 9</td><td>26,598</td></tr> <tr><td>Block 10</td><td>1,844</td></tr> <tr><td>Block 11</td><td>23,357</td></tr> <tr><td>Site Total</td><td>257,953</td></tr> </tbody> </table> <p>(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.</p>	Block	Total max GFA (sq metres)	Block 1	24,402	Block 4N	26,304	Block 4S	22,525	Block 4B (Brewery Yard)	6,266	Block 2	67,785	Block 3	11,164	Block 5A	11,544	Block 5B	16,799	Block 6	2,000	Block 7	969	Block 8	14,596	Block 9	26,598	Block 10	1,844	Block 11	23,357	Site Total	257,953	<p>The SSD proposes a GFA of 6,266 m² which is consistent with the GFA for Block 4B as concurrently modified under modification 16 to the concept approval.</p> <p>The GFA is also consistent with the maximum GFA across the Central Park precinct and the GFA for the residential and non-residential land uses.</p>
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- (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 (257,953 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.

A2 Gross Floor Area Calculations

The Proponent is to provide surveyor endorsed A3 drawings with each future application that provide the following detailed information:

- (a) Show and number the included and excluded floor area for each level
- (b) Show the breakdown and cumulative total for each level of gross floor areas, and
- (c) Demonstrate the project is contained within the approved building envelopes, and
- (d) Demonstrate that the design does not exceed the maximum GFA permitted for each development parcel.

Sufficient information has been provided on the plans submitted with the application.

A3 Design excellence

- (1) Design excellence shall be in accordance with the design excellence provisions outlined in the Concept Plan Modification documentation prepared by JBA Urban Planning Consultants + TCW Consulting Dated July 2008 (08084).
- (2) If in the event the design excellence process identified in (1) above is not followed, the Proponent shall hold a design excellence competition for:
 - (a) any development comprising the erection of a building exceeding 55 metres in height,
 - (b) any development of land exceeding 1,500 square metres in area,
 - (c) for each "block" where this is not covered by (a) or (b) above, or
 - (d) building(s) not counted by (a) to (c) where considered critical for the precinct.
- (3) The design competition brief(s) shall be approved by the Director-General or his delegate.
- (4) The Director-General shall establish a design review panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and

The Design excellence provisions have been documented in the Statement of Commitments.

Commitment no.2 (Schedule 4) of the concept approval provides a list of architects agreed to be appointed for each of the nominated blocks on the site. In accordance with this commitment, Tzannes Architects are the appointed architects for Block 4B.

Commitment no.3 requires a Design Integrity Panel (DIP) to be appointed to oversee the development proposal for Block 4B. A DIP has been appointed and met on 20 March 2020. The DIP considers the proposal exhibits design excellence.

<p>acoustic privacy, safety and security and resource, energy and water efficiency,</p> <p>(5) The design review panel shall also be utilised for any significant changes to the concept plan and be involved through construction to ensure design integrity is maintained.</p> <p>(6) Approval of future applications may not be granted until such time as the relevant authority has obtain and taken into consideration the advice of the design review panel concerning the design quality of development on the site.</p>	
<p>A4 Site Servicing</p> <p>Emergency and service vehicles must have adequate access to and within the site and into proposed basement car parking areas.</p>	<p>No changes are proposed to the existing emergency vehicle access to the site.</p> <p>Service vehicle access is discussed in Section 6.2 and is considered satisfactory subject to recommended conditions.</p>
<p>A5 Street Activation</p> <p>(1) The Concept Plan is modified to require that street activation is maximised along the following roads:</p> <ul style="list-style-type: none"> (a) Broadway, (b) Balfour Street, (c) Carlton, (d) Irving, (e) Kensington, (f) Tooth Avenue adjacent to Block 4 & Block 5 (g) Kent Road, <p>(2) For the purposes of maximising street activation, this shall involve</p> <ul style="list-style-type: none"> (a) providing access into retail shops directly from the pedestrian footpaths, (b) locating services and fire exits such that they are located predominantly on streets other than those nominated in (1) above to the extent possible in meeting BCA requirements, (c) commercial offices, entry lobbies to commercial offices or residential apartments only where they are not the predominant use along the frontage of a building or buildings contained within each Block facing the nominated street, and (d) minimising the number of driveways and their widths and providing basement car access and servicing, (e) in the case of heritage buildings, providing uses that assist in casual surveillance of the street and positively contribute to the retail character of the nominated street. 	<p>The proposal is for a commercial development and will contribute to the activation of the Central Park precinct as it includes multiple access paths and ground floor frontages. The proposal will also deliver the Brewery Yard forecourt which will be activated by the main entrance to the building and a through site link.</p>
<p>A6 Publicly accessible land</p> <p>(1) The Concept Plan is modified such that it provides for the dedication of roads to Council, at no cost.</p> <p>(2) The Concept Plan permits a public authority to decline to accept land for dedication that, in its opinion, it considers to be through site links or ancillary spaces of a building</p>	<p>Not applicable.</p>
<p>A7 Additional public benefits</p> <p>The Concept Plan is modified to make clear that the Proponent is responsible for providing additional public benefits limited to the following:</p>	<p>All required road works have been delivered.</p>

<ul style="list-style-type: none"> (a) the construction of a roadway as part of Carlton Street and which is owned by Council, (b) the construction of all internal roads including kerbs and guttering, pavement treatments, light, power and other utilities, planting and street furniture, (c) the creation of part of the site for widening Wellington Street to construct a footpath (d) external footpaths and ancillary road works (including the upgrade of O'Conner Street and Kensington Street). 	
<p>A8 Public Car Park</p> <p>The Concept Plan is modified so that no approval is granted for public car parks and shall not be included in any subsequent future project application or development application.</p>	<p>No public car parking is proposed as part of the application.</p>
<p>A9 Heritage significance of Australia Hotel and adjoining terraces</p> <p>The Concept Plan is modified to provide for an appropriate elevation to Broadway and Abercrombie Street in order to protect the heritage significance of the Australia Hotel and the adjoining terraces. This could include a greater setback above the hotel, increased separation between new works and the hotel and appropriate details and design cues with the hotel. Details are to be submitted to the satisfaction of the Director General prior to the lodgement of the first project application for a building. Any reduction in floor space to comply with this requirement can not be accommodated elsewhere if it alters the approved envelope or does not comply with other requirements.</p>	<p>Not applicable, the proposal relates to the Brewery Yard buildings.</p>
<p>Part B - Future Assessment Requirements</p>	
<p>B1 Urban Design</p> <p>Design issues to be resolved during future project applications on the subject site include:</p> <ul style="list-style-type: none"> (1) BLOCK 4N and 8 - Detailed resolution of the form and bulk of the buildings along Abercrombie Street (Block 4N and 8) shall be determined at future Project Application stages to ensure compatibility with the scale of buildings in the area and to maintain visual links into and outside the site particularly to heritage items. A minimum separation of 14.5 metres is to be provided between Block 4N and 4S. (2) BLOCK 2A - Detailed resolution of the cantilevered platforms and public domain shall be determined as a part of a future Project Application to create a cohesive public domain and to ensure amenity, security and public access is satisfactory. No habitable floor space shall be provided on the platforms, above roads. (3) BLOCK 2 - Resolution of the solar reflector cantilevered out of Block 2 shall be determined as a part of a future Project Application to ensure it achieves its design objective of illuminating overshadowed areas of the public domain. (4) BLOCK 2 - Detailed resolution of planting systems on Block 2 shall be determined as a part of a future Project Application as the 'green walls' are a critical component of the design of Block 2. The manner in which the plantings on the building are managed after completion of the project will critical to the building's future 	<p>(1) to (8) not applicable</p> <p>(9) The proposal is for the commercial use of the Brewery Yard building and does not seek any residential floor space.</p>

<p>appearance.</p> <p>(5) BLOCK 7 - Detailed resolution of setbacks and building separation of Block 7 shall be determined as a part of a future Project Application to ensure an appropriate level of residential amenity is maintained to neighbouring properties.</p> <p>(6) Street Sections - Detailed resolution of all street sections shall be determined as a part of future project applications.</p> <p>(7) Block 1 – Detailed resolution of setbacks and building separation of Block 1 to Blocks 2 and 4N shall be determined at future application stage.</p> <p>(8) Block 1 and 4N – Detailed resolution of the form and bulk of the buildings fronting Broadway shall be determined at future application stage.</p> <p>(9) Brewery Yard – Detailed resolution of apartment layouts shall be determined as part of a future Project Application to ensure an appropriate level of residential amenity is provided.</p>	
<p>B2 Main Park</p> <p>(1) This provision applies to applications involving:</p> <ol style="list-style-type: none"> (a) the design of Main Park, (b) the design layout for roads, (c) the design for a building occupying Block 8 <p>(2) The Proponent shall demonstrate with the application that</p> <ol style="list-style-type: none"> (d) urban design and traffic measures will contribute to attracting residents west of the CUB Site to the Main Park, and (e) the street and open space network will provide opportunities for access by residents south and east of the CUB Site into the Main Park. 	<p>Not applicable.</p>
<p>B3 Landscaping</p> <p>Detailed landscape plan(s) are to be submitted with subsequent Project Applications, informed by principles set out in the Amended Landscape Masterplan and Landscape Concept Design Character dated 12 May 2008 prepared by Jeppe Aagaard Anderson + Turf Design Studio.</p>	<p>Landscape plans submitted with the EIS, RtS and RRFs include landscaping structures and planting for the forecourt area consistent with the use of this area as a public space. Additional landscaping is not considered suitable due to the extent of basement plant beneath the forecourt.</p> <p>It is noted significant open space is available at Chippendale Green.</p>
<p>B4 Publicly accessible land</p> <p>All land marked on the Public Domain Plan (A-1254 Rev 19 Dated 06/04/16) other than private land (marked white on plan) shall be subject of Right of Ways and Easements on title to ensure public access is provided and maintained for these areas. Details are to be provided with the future Project Application(s).</p>	<p>Commitment no.13 requires as part of the development of Block 4 a privately owned but publicly accessible square provided in accordance with sites 7 and 8 as shown on public domain plan A-1254.</p> <p>The Brewery yard forecourt and thought site link are provided as publicly accessible areas.</p> <p>A condition of consent is recommended requiring a covenant be registered that ensures public accessibility for the Brewery Yard forecourt and through site link.</p>
<p>B5 Parking Rates</p> <p>The Proponent shall demonstrate with each application that the proposed development provides on-site parking consistent with Part 5, Chapter 2 of Sydney Local Environmental Plan 2005, or car parking for the proposal shall not exceed a maximum of 2000 car parking spaces across the site, whichever is the lesser.</p>	<p>The development will use 30 car spaces approved and constructed under separate development consents comprising:</p> <ul style="list-style-type: none"> • 10 spaces in the basement of Block 1 • 20 car spaces in basement of Block 2.

	<ul style="list-style-type: none"> Two of the car spaces will be used to provide 3 motorcycle parking spaces.
<p>B6 Basement Car parks</p> <p>No approval is granted for the basement car parking envelopes proposed. Details of basement car parking shall be provided with project applications for associated aboveground development.</p>	Not applicable.
<p>B7 Car Share</p> <p>Details of future car share arrangements are to be submitted with future project applications, so that car share services are provided to residents.</p>	Not applicable.
<p>B8 Infrastructure – Road</p> <p>Future applications lodged by the Proponent for development on the Subject Site shall, where relevant:</p> <ol style="list-style-type: none"> demonstrate that the geometry of all internal streets comply with Council requirements; demonstrate that the design of roads shall include signalised intersections at the following locations: <ol style="list-style-type: none"> Intersection of Broadway with Balfour Street with the provision of a right turning lane from Broadway into Balfour Street, and the closure of Jones Street; Intersection of Kent Road (or Kensington St if not closed) with Regent Street together with the banning of the right turning movement from Regent Street to Kent Road (Kensington Street); and Intersection of Abercrombie Street and O'Connor Street with pedestrian facilities. identify whether satisfactory arrangements will be or have been made with the RTA in regards to the funding of signalised intersections. provide a safety audit for the intersection at Regent Street / Kensington Street given road safety concerns. demonstrate that the access route and service facilities for vehicles comply with Council's requirements. demonstrate that only large rigid trucks with a maximum length of 12.5 metres shall service the proposed Supermarket loading dock and prohibit the use of large articulated vehicles. demonstrate that the road design is capable of accommodating a bicycle route identified in Council's current existing or draft strategy. Restrict Blackfriars Street to left turns only and Irving Street to right turns only. These restrictions shall be reinforced with raised concrete islands or other forms of acceptable barriers. The traffic signals at the intersection of Abercrombie Street and O'Connor Street and Broadway and Balfour Street are to be constructed prior to the commencement of works related to new buildings to provide safe access for construction vehicles and maintain road network efficiency during construction. The proposed traffic signals and civil works are to be designed to meet RTA's requirements and endorsed by a suitably qualified Chartered Engineer. The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the 	<p>The proposal does not include any road infrastructure works. It is noted that development under the Concept Plan has generally been completed.</p> <p>e) The Applicant has provided sufficient information demonstrating the access route and service vehicles can comply with Council's requirements. Refer to Section 6.5 for more detail.</p>

<p>civil/traffic signal design plans shall be submitted to the RTA for consideration and approval prior to the release of construction certificate by Council and commencement of road works.</p> <p>The RTA fees for administration, plan checking, civil and signal works inspections and project management shall be paid by the developer prior to the commencement of works.</p> <p>The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to the RTA's assessment of the detailed civil design plans.</p>	
<p>B9 Infrastructure - Rail</p> <p>Future applications lodged by the Proponent for development on the Subject Site shall:</p> <ol style="list-style-type: none"> demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for noise and vibration impacts, regardless of whether they are interim or draft; submit an electrolysis risk assessment prepared by a suitably qualified professional that identifies risk to the development from stray currents and measures that will be undertaken to control that risk; demonstrate that they have a Deed with RailCorp, or are in the process of seeking to enter into a Deed with RailCorp, concerning access to the rail corridor for any works, where relevant; and demonstrate that a suitable level of consultation with RailCorp has been undertaken. 	<p>The application was referred to Transport for NSW who raised no concerns with the Block 4 proposal.</p>
<p>B10 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>Future application lodged by the Proponent for development on the subject site shall be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p>	<p>Not applicable as the application is for commercial development.</p>
<p>B11 State Environmental Planning Policy No.55 – Remediation of Land</p> <p>Future applications lodged by the Proponent for development on the subject site shall demonstrate that the provisions of SEPP 55 have been met.</p>	<p>Remediation and validation works were carried out on the site in accordance with the Remedial Action Plan for Central Park approved on 15 August 2008 (MP07_0163).</p>
<p>B12 ESD and Sustainable Design</p> <ol style="list-style-type: none"> A tri-generation facility and other leading ESD and WSUD measures are required as outlined in the revised Statement of Commitments. Details shall be provided with the Project Applications relating to residential, commercial or retail development. Future Project Applications for multi-unit residential, commercial and retail development (including adaptable re-use of heritage buildings) shall achieve a minimum 'Design' and 'As Built' 5 Star Green Star rating utilising the 'Multi Unit Residential', 'Office' or 'Retail' tools. <p>Where buildings are not eligible for an official Green Star Rating, using the above standard tools, buildings shall be designed in accordance with the principles of a 5 Star Green Star building. Evidence of the project's ineligibility and its consistency with Green Star principles shall be provided with future relevant Project Applications.</p>	<p>The proposed development incorporates ESD initiatives and targets a 5 Star NABERS Energy rating.</p> <p>The proposal will use the Central Thermal Plant (CTP) for low energy electricity, heating and cooling and the central recycled water system for toilets and irrigation.</p> <p>A condition is recommended requiring the sustainability initiatives identified in the ESD report to be implemented.</p> <p>The Applicant has confirmed the development will achieve a 5 star Green star rating and a condition is recommended requiring this.</p>

<p>B13 Heritage and Archaeology</p> <p>(1) An Interpretation Plan is to be submitted with the first Project Application for above ground development and is to include original streets within the landscaping of the park to ensure heritage is understood in the overall design.</p> <p>(2) The City Datum line, is to be applied to all buildings across entire site to ensure an appropriate pedestrian / heritage scale is maintained at street level. Details are to be submitted at future project application stages.</p>	<p>Not applicable.</p> <p>The proposal is to adaptively reuse an existing building and the built form has an appropriate scale.</p>
<p>B14 Staging of Development</p> <p>The Proponent shall demonstrate with each application that the proposed development represents orderly and coordinated development in that:</p> <p>(a) It may be serviced by existing infrastructure or is capable of being serviced;</p> <p>(b) Access for vehicles and pedestrians is available and can be made available;</p> <p>(c) Adequate community benefits exist to serve future occupiers/residents of the Subject Site; and</p> <p>(d) Obligations for the provision of public benefits are provided.</p>	<p>The development of the site under the Concept Plan is generally complete. The proposed development of the Brewery Yard building represents orderly and coordinated development.</p>
<p>B15 Further approvals and the carrying out of works / activities</p> <p>(1) This Concept Plan Approval does not permit or allow the Proponent to carry out or commence any work or activity described in this schedule except as required by Modification (2) below.</p> <p>(2) The consent authority must only grant consent to future applications for development where it is generally consistent with the terms of approval of Concept Plan No. 06_0171 as described in Part A of Schedule 1 and subject to the modifications of approval set out in this schedule.</p> <p>(3) Notwithstanding (2) above, the relevant authority must, when determining a development application for the project or that stage of the project under Part 4 must be satisfied that it is generally consistent with the terms of the approval of the CUB Site.</p>	<p>This table demonstrates that SSD 9374 is consistent with the concept approval MP 06_0171, as concurrently modified.</p>
<p>B16 Child Care Centres</p> <p>Future applications for Blocks 4N and 11 are to demonstrate that the child care centres provided within the blocks provide the overall number of child care places as required for the Central Park development in accordance with the City of Sydney Child Care Centres DCP 2005.</p>	<p>Not applicable. The application does not include a childcare centre.</p>
<p>B17 Public Domain Plan</p> <p>The public domain plan approved as part of Modification 12 is to be updated to extend the publicly accessible through site link on Block 4B approved as part of Modification 12 to the southern curtilage to ensure it connects to publicly accessible land to operate as a link. This plan is to be updated prior to the submissions of any future project or development application for Block 4B.</p>	<p>Public Domain Plan A-1254, rev 22, dated 03.09.2020 submitted with modification 16 to MP 06_0171 shows the publicly accessible through site link on Block 4B extending to the main park.</p>

Appendix D – Consideration of issues raised in submissions

The Department’s reasons for the determination (decision) and consideration of how community views were considered during the assessment of the applications is provided at **Table 16**.

Table 16 | Department’s reasons for determination and consideration of community views

Issue	Consideration
Design must complement Central Park	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The adaptive reuse of the Brewery Yard buildings complies with the design excellence provisions in the concept approval Statement of Commitments as Tzannes Architects are the appointed architects and a Design Integrity Panel have overseen the proposal. The proposal exhibits design excellence as it achieves a high standard of architectural design, the proposed materials complement the building and it will improve the quality and amenity of the public domain. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions recommended.
External fire stair tower design	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The design of the external fire stair tower has been refined by the Applicant following consultation and review by Council and the Design Integrity Panel. The Department notes the fire stair utilises existing window openings to minimise works to the original building fabric and a zinc metal mesh is proposed to minimise visual impacts. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions recommended.
Bicycle storage and end of trip facilities	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has provided architectural plans which show the location of bicycle parking and end of trip facilities. The Department is satisfied these facilities are provided in accordance with Council’s requirements. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Bicycle parking and end of trip facilities to be provided in accordance with Council’s requirements.
Loading bay, storage of waste bins and waste management	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has removed the indented parking and loading bay and will convert an existing parking bay on Central Park Avenue, opposite the site, to a loading zone. It is also proposed to use the forecourt for waste collection and large furniture deliveries. The submitted Waste Management Plan specifies that no waste bins will be placed in public areas for collection. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Waste bins are not permitted to be placed on the public footpath.

- Compliance with the final approved Waste Management Plan.

Provision of amenities in the building

Assessment

- The Applicant has provided bicycle storage, end of trip facilities and fire stairs in the design of the building
- The Department notes the detailed fit out of the building is subject to separate approval and reliant on leasing and tenancy arrangements. Additional amenities including bathrooms and kitchens would be considered at that stage.

Recommended Conditions/Response

- No conditions recommended.

Public art

Assessment

- The Applicant has advised public art will be located in the forecourt with the final location to be determined between the curator and artist.
- The Department is satisfied the public art will be installed in an appropriate location in the forecourt.

Recommended Conditions/Response

- The public art location be confirmed with the curator and artist and ownership and maintenance details be forwarded to Council.

Motorcycle parking

Assessment

- The Applicant has advised it will convert two of the 30 car spaces allocated to the Brewery Yard building in the basement of Block 1 and 2 to provide 3 motorbike spaces.
- The Department is satisfied this provides sufficient car and motorbike parking for the development.

Recommended Conditions/Response

- Require 28 car spaces and 3 motorbike spaces in the basement of Block 1 and 2.

VPA obligations

Assessment

- The Planning Agreement with the Department to deliver public domain benefits has been executed.
- The requirement for the public domain areas 7 and 8 identified on the approved public domain concept plan to be publicly accessible will be secured through a covenant.

Recommended Conditions/Response

- A covenant be registered requiring sites 7 and 8 remain publicly accessible.

Appendix E – Recommended Instrument of Modification and Instrument of Consent

See the Department's website at:

- MP 06_0171 MOD 16:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10078
- SSD 9374:
<https://www.planningportal.nsw.gov.au/major-projects/project/11296>