



MODIFICATION REQUEST:

***The Former Carlton & United Breweries Site
26 Broadway, Chippendale***

***Proposed by JBA Consultants Pty Ltd
(on behalf of Frasers Broadway Pty Ltd)***

Modification MP 06_0171 MOD 4

Modification MP 07_0120 MOD 1

Modification MP 07_0163 MOD 4

Modification of Minister's Approval under Section 75W of the
Environmental Planning and Assessment Act 1979

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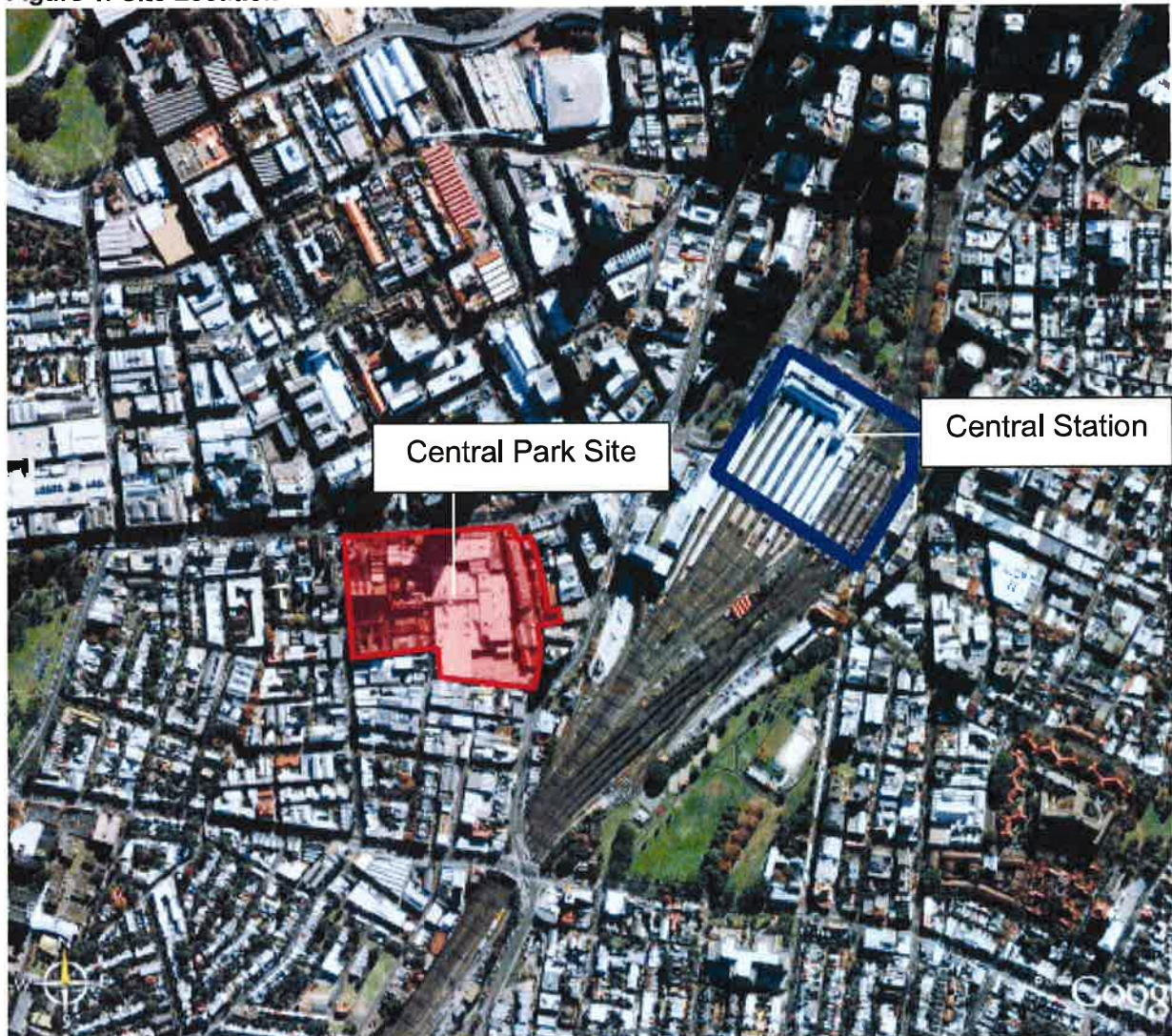
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1. THE SITE

The site is located within the City of Sydney Council LGA at 26 Broadway, Chippendale. It is traditionally known as the Carlton & United Breweries Site and has since been renamed Central Park. The Central Park Site is bounded by the University of Technology Sydney to the north; the University of Notre Dame to the west; a mixture of terrace housing in Kensington Street Precinct to the east; and O'Connor Street and Wellington Street to the south. Central Park is within close proximity to Central Station. The site location is illustrated in **Figure 1** below.

Figure 1: Site Location



The site was previously characterised by predominantly industrial type buildings. These buildings ranged in height from 9 metres to 54 metres above ground and related to the earlier brewery operations on the site. Central Park is currently undergoing comprehensive redevelopment to facilitate mixed uses and public open space.

2. MAJOR PROJECT APPROVAL

Major Project Approval MP 06_0171

On 9 February 2007, the then Minister for Planning approved a Concept Plan (MP 06_0171) which provided a mixed use precinct in the Central Park Site. The concept approval was modified on 5 February 2009 and consisted of the following:

- 11 development blocks;
- a maximum Gross Floor Area (GFA) of 255,500 sqm of which a minimum of 30% must be commercial floor space;
- combined basement car parks, providing car parking for Blocks 1, 4 and 8 and Blocks 2, 5, 9 and the Kensington Precinct;
- a new public park;
- tri-generation and re-cycle water treatment plants;
- retention and heritage items;
- public domain works; and
- contributions.

Condition A2 of the approval stipulates that the Concept Plan approval lapses 5 years from the date of approval (9 February 2012).

Project Approval MP 07_0120

On the 12 March 2008, the then Minister for Planning approved the Project Application (MP 07_0120) which includes the demolition of existing structures, associated stabilising works and recycling of demolition materials from the Central Park Site.

This approval was granted subject to conditions including Part A – Table of the consent, which stipulates that the Project Approval lapses 5 years from the date of approval (12 March 2013). Physical works have commenced on the site in accordance with the Project Approval.

Project Approval MP 07_0163

On 15 August 2008, the then Minister for Planning approved a Project Application (MP 07_0163) which included the remediation and transitional works to the Central Park Site.

This approval was granted subject to conditions including Part A – Table of the consent, which stipulates that the Project Approval lapses 5 years from the date of approval (15 August 2013). Physical works have commenced on the site in accordance with the Project Approval.

Copies of the original approvals are attached in this report.

3. PROPOSED MODIFICATION

This application seeks to modify the three separate approvals by amending the wording of conditions relating to the lapse period of the approval as follows:

- **MD 06_0171** (Modification of requirement A2 that states “5 years from the date of determination” to read “5 years from the date of determination **unless a Project Application for approval to carry out all or part of the project the subject of this Concept Plan Approval has been submitted**”.)
- **MP 07_0120** (Modification of condition A1 that states “5 years from the date of determination” to read “5 years from the date of determination **unless the development has been physically commenced**”.)
- **MP 07_0163** (Modification of condition A1 that states “5 years from the date of determination” to read “5 years from the date of determination **unless the development has been physically commenced**”.)

4. STATUTORY CONTEXT

4.1 Modification of the Minister's Approval

The modification application has been lodged with the Director General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including “revoking or varying a condition of the approval or imposing an additional condition of the approval”.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to modify conditions imposed on the Project Application and Concept Plan approvals, and therefore, approval to modify the application is required.

4.2 Environmental Assessment Requirements (DGRs)

No additional environmental assessment requirements were issued with respect to the proposed modifications, as sufficient information has been provided to the Department in order to consider the application and the issues raised remain consistent with the key assessment requirements addressed in the original DGRs.

4.3 Delegation

On 28 May 2011, the Minister for Planning and Infrastructure delegated his powers and functions under Section 75W of the EP&A Act to the Planning Assessment Commission for:

- Applications which are not for major infrastructure development and the proponent is not a public authority (other than a local authority), and
- Applications where a statement has been made disclosing a reportable political donation in relation to the project, and
- Applications where a statement has been made disclosing a reportable political donation in connection with any previous Concept Plan or Project Application.

The project meets the above criteria as the Proponent has disclosed a reportable political donation in relation to previous Project Applications. The Planning Assessment Commission can therefore determine the modification request under delegated authority.

5. CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request to modify an approval does not require public exhibition. However, under Section s75X (2) (f) of the Act, the Director General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the application to modify the approval was made publicly available on the Department's website.

No submissions were received from the public.

The proposed modifications will not give rise to any additional environmental impacts, and the development as modified will be substantially the same as that which was approved under MP06_0171 on 9 February 2007, MP07_0120 on 12 March 2008, and MP07_0163 on 15 August 2008. Therefore, these modifications do not require consultation or exhibition.

6. CONSIDERATION OF PROPOSED MODIFICATIONS

The original requirements of the Concept Plan and Project Application approvals limit the life of the approval for 5 years. However, the Approvals do not specify an action which would prevent the approval from lapsing.

The intent of the modification is to provide a specified action, such as the commencement of physical works to allow the approval to remain in perpetuity.

The modified wording is in keeping with current Departmental practice for Major Project Applications and should it be approved, would ensure consistency in the Department's approvals.

The Department considers that the modifications are acceptable on the basis that they will now provide a specified action to ensure the approvals remain valid during construction while still satisfying the objectives of the original assessment. In particular, the proposed amendment to the Concept Plan will ensure that the redevelopment of the site continues through the various Project Applications in an orderly planned manner.

7. CONCLUSION

The Department has assessed the application on its merits and the proposed modification is considered reasonable and will not result in any significant changes to the development as approved.

The proposal seeks modifications regarding the requirements for the lapse date of the approvals for the Project Application and Concept Plan only. The proposed modification does not change the original assessment as to the site's suitability for this development.

8. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- (a) Consider the findings and recommendations of this report;
- (b) Approve the modifications under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*;
- (c) Sign the attached Instrument of Modification for MP 06_0171 (MOD 4);
- (d) Sign the attached Instrument of Modification for MP 07_0120 (MOD 1); and
- (e) Sign the attached Instrument of Modification for MP 07_0163 (MOD 4)

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