

ASSESSMENT REPORT

Block 11 - Central Park, Chippendale (Former Carlton United and Brewery Site) SSD 6376 MOD 1

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval for a mixed use building known as Block 11 at Central Park, Chippendale in the Sydney local government area.

The application has been lodged by Frasers Broadway Pty Ltd (the applicant) pursuant to section 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to delete Conditions B7, B8 and B9, which relate to reducing wind impacts and to install vertical screens to the ground floor retail units.

2. SUBJECT SITE

The Central Park site (previously known as the Carlton & United Breweries Site) is located in the south-western edge of the Sydney CBD (refer to **Figure 1**). The site has a total area of approximately 5.8 hectares and is bound by Abercrombie Street to the west, Regent Street to the east, Broadway to the north and Wellington Street to the south.

The Central Park site comprises a number of high density mixed use and residential buildings, which are occupied, and a number of construction sites (refer to **Figure 1**)

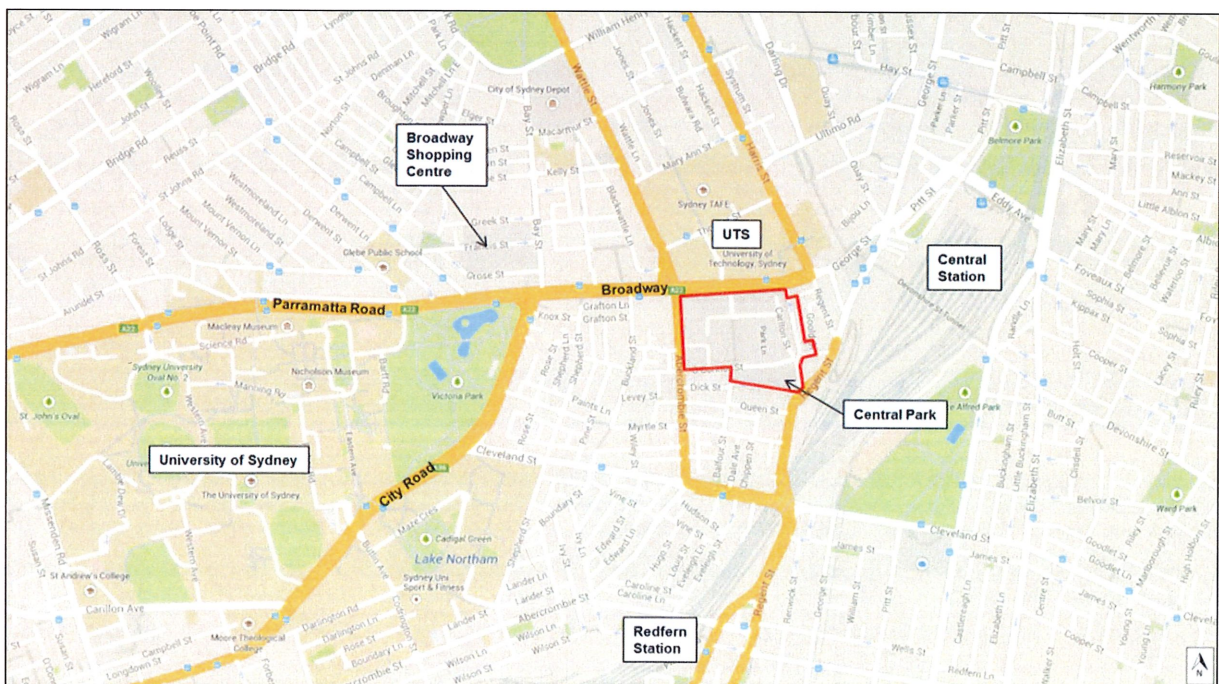


Figure 1: Site location (Base image source: Nearthmap)

Block 11 has a site area of 7,280 square metres (m²) and is located at the south-eastern corner of the Central Park site. The site is bounded by O'Connor Street to the north, Kensington and Regent Streets to the east, Wellington Street to the south and Balfour Park and Balfour Street to the west (refer to **Figure 2**).

The site is vacant except for the Castle Connell Hotel, which is located on the south eastern corner of the site, fronting Kensington and Wellington Streets. Residential and commercial buildings are located to the south and west of the site on the opposite side of Wellington and Balfour Street. To the north of the site, within the Central Park Precinct, the neighbouring blocks are comprised of high density mixed use residential developments at Block 5a (9 storeys) and 5c (27 storeys), and the Chippendale Green publicly accessible open space.

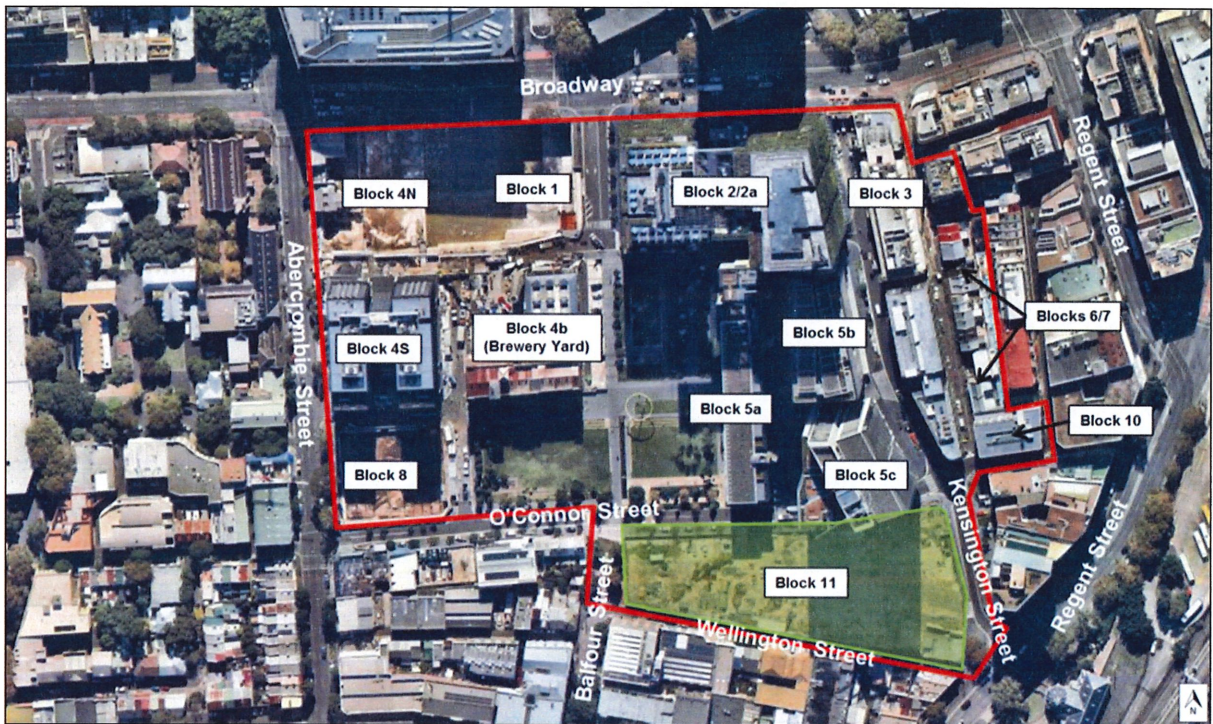


Figure 2: Concept approval site boundary (outlined in red) and the location of Block 11 (highlighted green) within the site (Base map source: Nearmap)

3. APPROVAL HISTORY

On 9 February 2007, the then Minister for Planning approved a concept plan (MP 06_0171) for redevelopment of the site for a mix of residential, commercial, retail uses and public open space development (concept approval). Key aspects of the concept approval include:

- maximum 255,550 m² GFA (including a maximum 195,985 m² of residential and minimum 59,515 m² of non-residential);
- a new park (6,000 m²) and open space areas;
- a contribution of \$32 million for the provision of affordable housing within the locality; and
- retention of 33 heritage items associated with the former brewery and its adaptive reuse of existing buildings.

The concept approval established the framework for the assessment of subsequent detailed applications within the Central Park precinct and has been modified on eleven occasions. Block 11 is the final development block within the Central Park precinct.

On 2 March 2016, the Planning Assessment Commission (Commission) granted SSD approval for the development of a mixed use building (Block 11) (SSD 6376) including:

- construction of a 10 to 13 storey building (maximum height RL 64.17) over two basement levels;

- total GFA of 25,220 m² comprising 296 residential apartments, 758 m² GFA retail, and a 655 m² childcare facility (90 child capacity);
- retention, refurbishment and alteration of the Castle Connell Hotel (external only);
- 174 on-site car parking spaces (including 10 car share spaces) and two service vehicle spaces, six regular and three short term on-street car parking spaces and 448 bicycle parking spaces;
- 3,300 m² of open spaces, public domain works and landscaping;
- subdivision and strata subdivision; and
- signage zones.

4. PROPOSED MODIFICATION

On 8 August 2016, the applicant lodged the modification application (SSD 6376 MOD 1), subject to this assessment, seeking approval to:

- install vertical screens with climbing plants to the ground floor retail units; and
- delete Conditions B7, B8 and B9 related to wind mitigation, which are quoted below:

Wind

B7 *Prior to the issue of any Construction Certificate, an updated wind assessment shall be submitted for the Secretary's approval. The wind assessment shall demonstrate what additional methods/treatments will be included so as to reduce wind impacts to ensure that the area outside the retail units fronting the O'Connor Street park would be comfortable for pedestrian sitting, and that the O'Connor Street park is comfortable for pedestrian sitting.*

B8 *Prior to the issue of any Construction Certificate details are to be provided and approved by the Secretary that demonstrate the measures that have been incorporated within the design in order to reduce the impacts of wind such as;*

- Additional large mature trees along O'Connor and Kensington Street;*
- External permanent or temporary fins perpendicular to the façade;*
- Planter boxes parallel to the façade; and*
- Additional trees within park areas.*

B9 *Prior to the issue of any Construction Certificate, an updated wind assessment shall be submitted for the Secretary's approval. The wind assessment shall demonstrate what additional methods/treatments will be included to reduce wind impacts to ensure that the outdoor play area for the child care facility is classified as comfortable for pedestrian sitting.*

The modification is requested on the basis that the requirements of the conditions are not able to be met on the site without having other adverse amenity impacts, such as overshadowing (from tree planting), view loss, clutter of the ground plane and safety and security impacts.

5. STATUTORY CONSIDERATION

5.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

Table 1: Section 96(1A) matters for consideration

Section 96(1A) matters for consideration	Comment
That the proposed modification is of minimal environmental impact	Section 7 of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied the proposed modifications would have minimal and acceptable environmental impacts.
That the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	The proposed modification seeks approval for minor changes which have acceptable impacts on the surrounding area. The proposal would achieve an acceptable wind environment given the circumstances and constraints of the site. On this basis, the proposal

	would result in development that is substantially the same as the originally approved development.
The application has been notified in accordance with the regulations	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department of Planning and Environment (the Department) received one submission on the proposal from the City of Sydney Council. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments (EPIs)

The following EPIs are relevant to the application:

- *State Environmental Planning Policy (State & Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 - Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;* and
- *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development & accompanying Apartment Design Guide.*

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification is generally consistent with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Commission may determine the application under delegation as City of Sydney Council (Council) has objected to the proposal.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Council for comment. The Chippendale Residents Interest Group (CRIG) was notified in writing. Due to the minor nature of the proposed modification, it was not exhibited by any other means.

Council: Council objected to the deletion of Conditions B7, B8 and B9 stating that the modification results in an adverse pedestrian wind environment. Council also considered the application constituted a Section 96(2), rather than 96(1A), application.

On 16 September 2016, the applicant provided its response to submissions (RtS), which includes a response to Council's submission and additional clarifying information. The RtS does not include any amendments to the proposal.

Council considered the applicant's RtS and confirms that it maintains its original objection.

There were no **public** submissions received on the proposal.

7. ASSESSMENT

The Department considers the key issue associated with the proposed modification is the amenity impacts associated with the deletion of the wind conditions. All other issues are considered in **Table 2** below.

7.1 Amenity impacts arising from deletion of wind conditions

In its assessment of the original application, the Department considered that further investigation should be undertaken to determine whether wind impacts outside the retail units

and within the O'Connor Street Park could be reduced. The Department recommended a condition requiring an updated wind assessment and additional mitigation measures be put in place.

The Commission, in determining the application, agreed with the Department. However, it recommended additional requirements be imposed including tree planting, installation of external fins to the building facade and installation of planter boxes. The Commission also recommended that the outdoor space associated with the childcare centre should be suitable for children to sit in.

The applicant proposes to delete all of the wind conditions (Conditions B7, B8 and B9) and has submitted a Wind Report to support the application.

Council has objected to the deletion of the wind conditions stating that the amendment would have an adverse impact on pedestrian amenity.

7.1.1 O'Connor Street Park

The applicant asserts that:

- it is not able to meet the wind requirements of condition B7 ('pedestrian sitting' comfort level) given the site constraints;
- the planting of a significant number of trees within the park would have a negligible impact on wind reduction and would form a visual barrier;
- planting would reduce solar access and security within the park; and
- wind impacts within the park are similar to other nearby inner city parks.

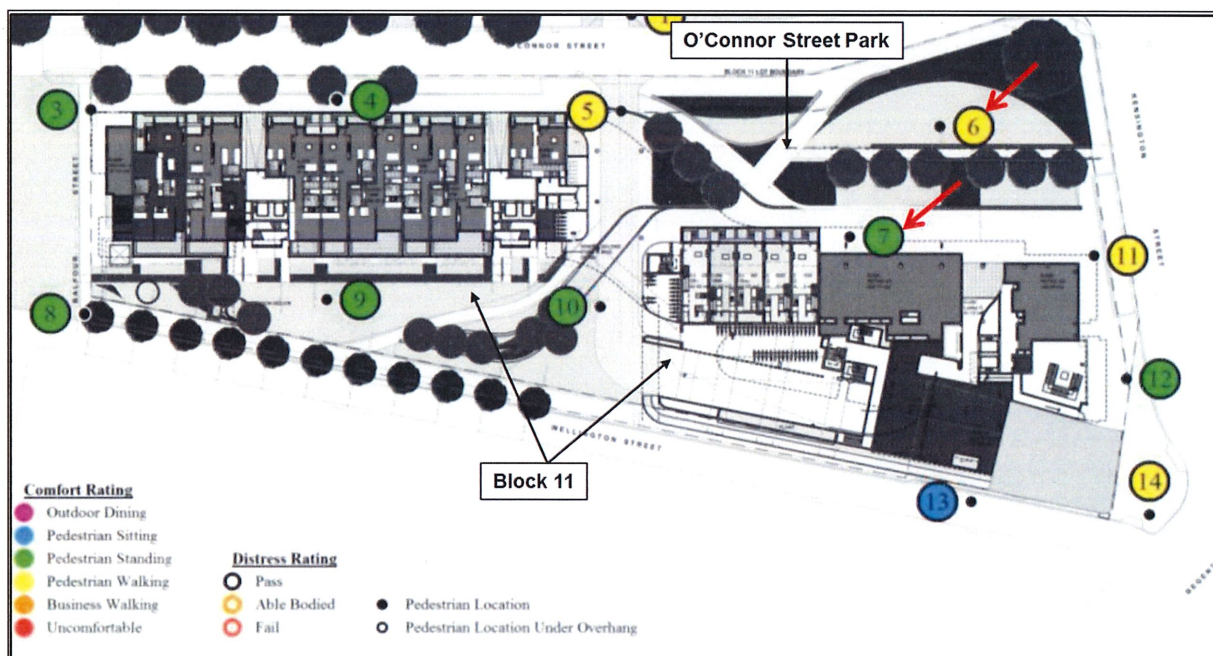


Figure 3: Wind measurement locations at O'Connor Street Park and the retail units (Base image source: Modification application)

As proposed, the planting within O'Connor Street Park, achieves a wind environment providing a 'pedestrian walking' comfort level, similar to a number of other inner city parks, such as Tumbalong Park. The Department notes the Wind Report states that to meet a 'pedestrian sitting' comfort level within the park as required by the condition, mature trees would need to essentially cover the full extent of O'Connor Street Park. This would result in other adverse amenity impacts, such as loss of solar access, which would also reduce the utility of the park for passive recreation.

The Department considers additional wind amelioration measures would not be practicable in this instance for the following reasons:

- the significant tree planting required to reduce wind impacts would reduce usable open space, solar access and safety and security within the park. Therefore, compliance with the condition would potentially result in a net loss of amenity;
- despite not having a suitable wind environment for pedestrian sitting, the park would still provide a pleasant place to sit on non-windy days, a suitable space for passive recreation, a pleasant pedestrian connection and landscaping which complements other nearby open space including the adjacent Chippendale Green;
- the wind environment is similar to many other open spaces within inner city locations where the urban form comprises high density development; and
- residents have access to other nearby open space, such as Chippendale Green, which achieve comfort ratings suitable for 'pedestrian sitting'.

The Department also notes that the original concept plan for Block 11 did not include a consolidated park at this location. While the proposal does not achieve the desired wind environment, the park would still provide additional green space within this inner city location for the benefit of the community. On this basis, the Department is satisfied the proposal is acceptable.

7.1.2 Retail units and childcare facility

To address wind impacts outside the retail units the modification includes the installation of vertical screens, with climbing plants, angled perpendicular to the ground floor retail unit frontages (refer to **Figure 4 and 5**). The Applicant has stated that subject to the installation of the screens, the areas between them would meet the 'pedestrians sitting' criterion without the need for additional shielding.

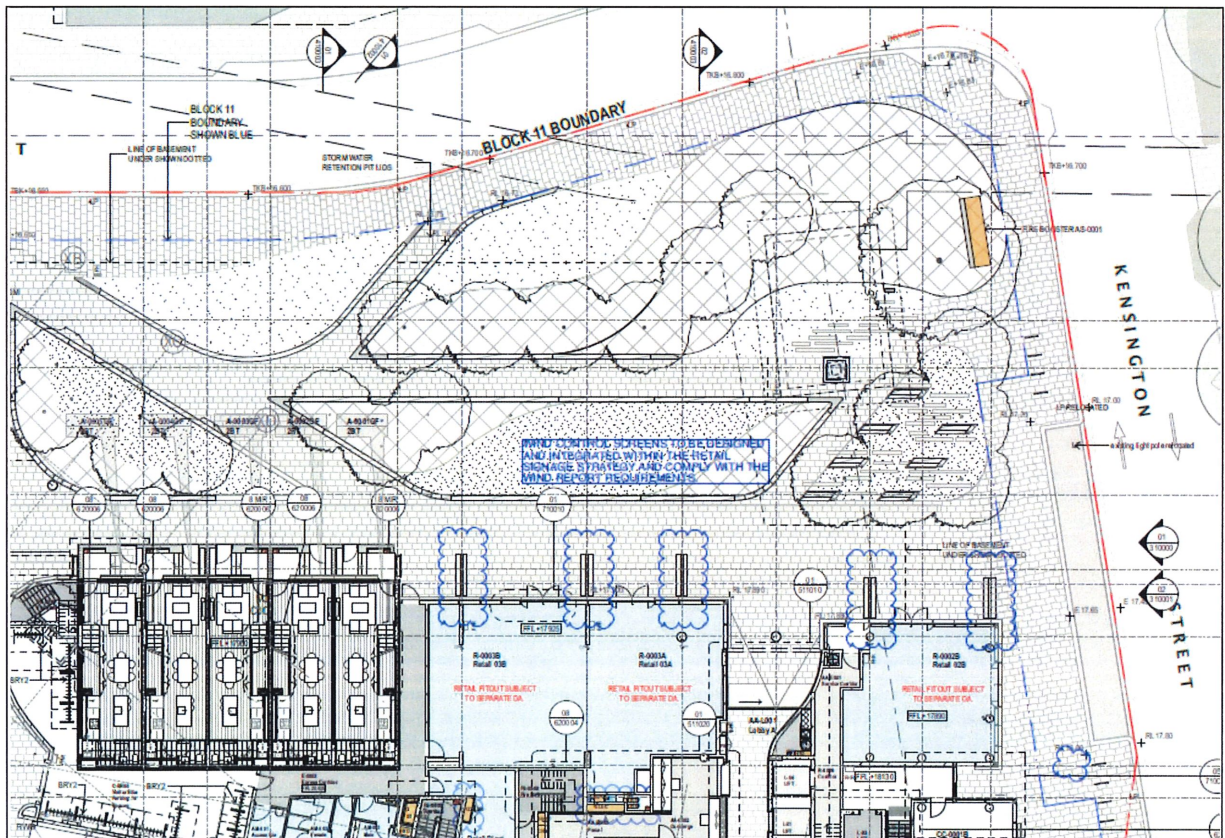


Figure 4: Location of vertical screens to retail units (Source: Modification application)

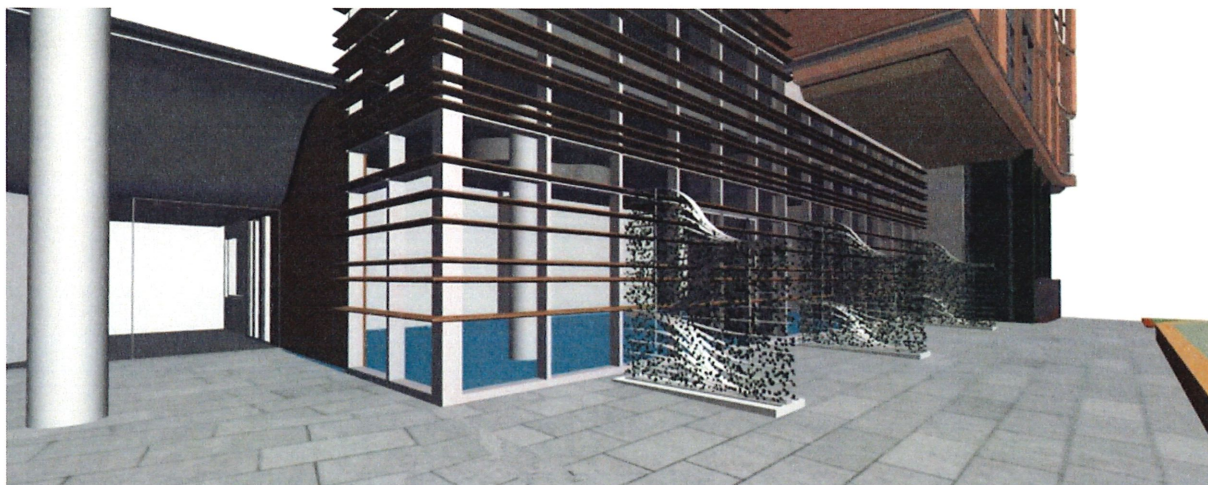


Figure 5: Perspective of proposed vertical screens with climbing plants (Source: Applicant's RtS)

The applicant has also confirmed the outdoor childcare space would achieve a 'pedestrian sitting' comfort level following changes to the geometry of the building and the inclusion of landscaping and perimeter balustrading.

The Department considers the treatments proposed for the retail units and childcare facility adequately ameliorate wind impacts to these spaces and address the aims of Conditions B8 and B9.

To ensure the proposed vertical screens to the retail units do not have an adverse security impact, the Department considers appropriate sightlines should be retained through the screens. The applicant has confirmed while planting is required to mitigate wind impacts, views could be retained through the screens subject to appropriate species selection. The Department has therefore recommended the inclusion of a condition requiring appropriate views be maintained through the screen.

7.1.3 Conclusion

The Department is satisfied the applicant has put in place all reasonable wind mitigation measures and has demonstrated the development would provide spaces that are as comfortable as can be achieved given the constraints of the site. The Department therefore recommends that Conditions B7, B8 and B9 be deleted as proposed.

7.2 Other Issues

Table 2: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Section 96(1A) application</i>	<ul style="list-style-type: none"> • Council has raised concern that the proposed deletion of conditions B7, B8 and B9 do not constitute a Section 96(1A) application. Council considers the application would be more appropriately classified as a Section 96(2) application. • As mentioned in Section 5.1, the Department is satisfied the application constitutes a Section 96(1A) application given the changes are minor in nature and have acceptable impacts. 	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the wind environment within O'Connor Street Park is as comfortable as can be achieved given its inner city location and the circumstances/constraints of the site;
- the inclusion of vertical screens to the retail tenancies and modifications to the design of the childcare centre outdoor space will ensure that these spaces are suitable for pedestrians sitting; and
- it constitutes a Section 96(1A) modification application.

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

9. RECOMMENDATION

It is RECOMMENDED that the Commission, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96 (1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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Modification Assessments



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