

11316
28 May 2012

Alan Bright
Department of Planning
23 - 33 Bridge Street
SYDNEY NSW 2000

Attention: Caroline Owen

Dear Caroline

**CONCEPT PLAN MODIFICATION APPLICATION (MP06_0171_MOD 6)
CENTRAL PARK, CHIPPENDALE**

We write to you on behalf of Frasers Broadway Pty Ltd in relation to the Central Park Concept Plan (MP06_0171). It has come to our attention that the legal description of the site that the Concept Plan applies to, as described in Schedule 1 Condition A2 of the original notice of determination (**Attachment A**) and Schedule 2 Condition A2 of the modified concept plan approval (Mod 2) (**Attachment B**), only relate to the small parcels existing on the site at the time of the original approval, and not all of the lots for which approval was sought (as described in the original EAR and supporting Appendices) .

We believe that the above error has derived from the Department of Planning and Infrastructure's (the Department of Planning) interpretation of the cadastral plan provided at **Attachment C**. This plan was submitted with the original environmental assessment report (EAR) to provide assistance in describing the site. As many of the lots were too small to write the legal description on the lot within the image, Cox included a schedule of small lots to the right of the image. However, it appears that the DPI at the time mistakenly took this schedule to be a complete list of the lots covering the whole of the Central Park site. Consequently the Notice of Determination now only refers to the small lots listed in that schedule and not the larger lots also existing on the site at the time of the original determination.

It is therefore requested that as part of the latest modification application (Mod 6) currently under assessment by the DPI that the description of the land be amended such that it includes the complete list of land parcels as existing at the time of determination. The same schedule which was included in Appendix B of the original EAR is provided again at **Attachment D** of this letter to assist the DPI with this amendment.

It is also noted that as part of the Mod 2 application, 18-20 and 42-44 Kensington Street were added to the list of properties that the Concept Plan applies to (refer to Section 3.2 of the JBA EAR dated July 2008) as Frasers Broadway Pty Ltd had purchased these sites following the determination of the original concept plan. However, these lots were also not added to the legal description of the site. The following two lots should also be added to Schedule 2 Condition A2:

- Lot 2 DP 33953 (18-20 Kensington Street)
- Lot 1 DP 185787 (42-44 Kensington Street)

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4944 or jbuchanan@jbaplanning.com.au.

Yours faithfully



Jennie Buchanan
Principal Planner

CC. Michael Goldrick – Frasers Broadway Pty Ltd

Attachment A – Original Concept Plan Notice of Determination, dated February 2007

Attachment B – Modified Concept Plan Notice of Determination (Mod 2), dated February 2009

Attachment C – Cadastral Plan of the Central Park site as submitted with the original concept plan
Environmental Assessment Report

Attachment D – Full list of land titles existing at the time of the original determination of the
Concept Plan application (same list as that included in Appendix B of the original
EAR)