

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) determines to approve the modification of the Concept Plan application referred to in Schedule 1, subject to the conditions in Schedule 2.

### MEMBER OF THE COMMISSION

Sydney

2013

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#### SCHEDULE 1

**Concept Approval:**

**MP 06\_0171** granted by the Minister for Planning on 5 February 2009.

**For the following:**

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

- 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.

**Proposed Modification:**

**MP 06\_0171 MOD 8** modification includes:

- modifying the gross floor area distribution and land use mix across the site;
- modify the building envelope to delete the connection between Block 4N and 4S; and
- modify other components of the public domain, car parking restrictions and revised Statement of Commitments.

## SCHEDULE 2

### CONDITIONS

The Concept Plan Approval for MP 06\_0171 is modified as follows:

- (a) Amend the description of the development in Schedule 1 by the deletion of the ~~struck-out words~~ and insertion of the **bold and underlined** words as follows:

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

- development blocks;
- a maximum Gross Floor Area (GFA) of 255,500 sqm of which a minimum of 30% **59,515m<sup>2</sup>** must be ~~commercial~~ **non-residential** floor space;
- combined basement car parks, providing car parking for Blocks 1, 4 and 8 **1 and 4N** 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.

- (b) Amend Condition A4 of Schedule 2 by the deletion of the ~~struck-out words~~ and insertion of the **bold and underlined** words as follows:

#### **A4 Development in Accordance with Plans and Documentation**

1. The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
  - (a) Volume 1 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan prepared by JBA Urban Planning dated October 2006.
  - (b) Appendices - Volume 2 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan prepared by JBA Urban Planning dated October 2006.
  - (c) Appendices - Volume 3: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan prepared by JBA Urban Planning dated October 2006.
  - (d) Appendices - Volume 4: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan prepared by JBA Urban Planning dated October 2006.

#### **Except as modified by**

- (e) Concept Plan Modification - Frasers Broadway 26 Broadway, Chippendale NSW 2008 prepared by JBA Urban Planning Consultants + TCW Consulting Dated July 2008 (08084).
2. The following Preferred Project Report and revised Statements of Commitment are approved and shall be complied with:
  - (a) Preferred Project Report prepared by JBA Urban Planning Consultants dated 21 December 2006;

- (b) *Preferred Project Drawings* prepared by COX/ATA dated October 2006.
  - (i) Rev CP\_04\_A-01-02\_07
  - (ii) Rev CP\_04\_A-05-01\_07
  - (iii) Rev CP\_04\_A-09-01\_06
  - (iv) Rev CP\_04\_A-10-01\_06
  - (v) Rev CP\_04\_A-11-06\_06
  - (vi) Rev CP\_04\_A-11-07\_06
  - (vii) Rev CP\_04\_A-11-14\_07
  - (viii) Rev CP\_04\_A-11-15\_06
  - (ix) Rev CP\_05\_A-07-05\_01A
  - (x) Rev CP\_07\_A-07-01A
  - (xi) Rev CP\_04\_A-05-01\_08
- (c) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants dated 21 December 2006.

**Except as Modified by**

- (d) *Preferred Project Report Modification to Concept Plan - Frasers Broadway* prepared by JBA Urban Planning Consultants + TCW Consulting dated October 2008 (08084) and drawings prepared by Fosters + Partners:
  - (i) ~~Project No. 1645, No. A-1200, Revision 05, dated 15 Oct 2008 — Indicative Staging Plan, CUB Heritage Map~~
  - (ii) ~~Project No. 1645, No. A-1251, Revision 09, dated 04 Dec 2008 — Site Plan — contextual~~
  - (iii) ~~Project No. 1645, No. A-1254, Revision 09, dated 16 Oct 2008 — Public Domain~~
  - (iv) ~~Project No. 1645, No. A-1256, Revision 08, dated 16 Oct 2008 — Traffic, Pedestrian and Cycle Routes~~
  - (v) ~~Project No. 1645, No. A-1257, Revision 07, dated 15 Oct 2008 — Traffic Access, Parking~~
  - (vi) ~~Project No. 1645, No. A-1258, Revision 08, dated 16 Oct 2008 — Road Width~~
  - (vii) ~~Project No. 1645, No. A-1259, Revision 08, dated 04 Dec 2008 — Awnings, Balconies~~
  - (viii) ~~Project No. 1645, No. A-1261, Revision 07, dated 04 Dec 2008 — Height Map — Sheet 2~~
  - (ix) ~~Project No. 1645, No. A-1269, Revision 08, dated 16 Oct 2008 — Typical Basement Level~~
  - (x) ~~Project No. 1645, No. A-1274, Revision 09, dated 04 Dec 2008 — Indicative Land Use Typical floor (Generally Level 04)~~
  - (xi) ~~Project No. 1645, No. A-1290, Revision 10, dated 04 Dec 2008 — Residential Flat Design Code Distances between Buildings~~
  - (xii) ~~Project No. 1645, No. A-1400, Revision 08, dated 04 Dec 2008 — North Elevation~~
  - (xiii) Project No. 1645, No. A-1401, Revision 06, dated 15 Oct 2008 — East Elevation
  - (xiv) ~~Project No. 1645, No. A-1403, Revision 08, dated 04 Dec 2008 — West Elevation~~
  - (xv) Project No. 1645, No. A-1404, Revision 01, dated 15 Oct 2008 — Kensington St - East Elevation
  - (xvi) ~~Project No. 1645, No. A-1451, Revision 09, dated 04 Dec 2008 — Section 1~~
  - (xvii) ~~Project No. 1645, No. A-1452, Revision 09, dated 04 Dec 2008 — Section 2~~
  - (xviii) Project No. 1645, No. A-1453, Revision 09, dated 16 Oct 2008 — Section 3

- (xix) ~~Project No. 1645, No. A-1454, Revision 09, dated 04 Dec 2008 – Section 4~~
- (xx) ~~Project No. 1645, No. A-1455, Revision 11, dated 04 Dec 2008 – Section 5~~
- (xxi) Project No. 1645, No. A-1456, Revision 10, dated 04 Dec 2008 – Section 6
- (xxii) Project No. 1645, No. A-1457, Revision 08, dated 04 Dec 2008 – Section 7
- (xxiii) ~~Project No. 1645, No. A-1460, Revision 01, dated 15 Oct 2008 – Section 18~~
- (e) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants + TCW Consulting dated October 2008.
- (f) The *Section 75W EAR* prepared by JBA Planning Consultants, dated May 2012; and
  - (i) ~~Project No. 1645, No. A-1260, Revision 12, dated 29 June 2012 – Height Map – Sheet 1~~
  - (ii) ~~Project No. 1645, No. A-1262, Revision 12, dated 29 June 2012 – Roof Plan, Maximum Building Height (AHD)~~
  - (iii) ~~Project No. 1645, No. A-1270, Revision 10, dated 29 June 2012 – Indicative Land Use Ground floor~~
  - (iv) ~~Project No. 1645, No. A-1402, Revision 10, dated 29 June 2012 – South Elevation~~
  - (v) Project No. 1645, No. A-1405, Revision 02, dated 29 June 2012 – Kensington St - West Elevation

**Except as Modified by**

- (g) Section 75W EAR prepared by JBA dated October 2012; and
  - (i) ~~Project No. A-1002, Revision 12, dated October 2012~~
  - (ii) ~~Project No. A-1253, Revision 17, dated October 2012~~

**Except as Modified by**

- (h) **Section 75W EAR prepared by JBA dated December 2012 and Response to Submissions dated May 2013 (as amended); and**
  - (i) **Project No. 1645, No. A-1002, Revision 19, dated 18/09/13 – Concept Plan Areas;**
  - (ii) **Project No. 1645, No. A-1200, Revision 06, dated 19/12/12 – Indicative Staging Plan, CUB Heritage Map;**
  - (iii) **Project No. 1645, No. A-1251, Revision 11, dated 19/11/11 – Site Plan – contextual;**
  - (iv) **Project No. 1645, No. A-1253, Revision 25, dated 18/09/13 – Blocks and max. GFA;**
  - (v) **Project No. 1645, No. A-1254, Revision 13, dated 19/12/12 – Public Domain;**
  - (vi) **Project No. 1645, No. A-1256, Revision 10, dated 22/05/13 – Traffic, Pedestrian and Cycle Routes;**
  - (vii) **Project No. 1645, No. A-1257, Revision 13, dated 23/05/13 – Traffic Access, Parking;**
  - (viii) **Project No. 1645, No. A-1258, Revision 11, dated 24/01/13 – Road Width;**
  - (ix) **Project No. 1645, No. A-1259, Revision 09, dated 19/12/12 – Awnings, Balconies;**
  - (x) **Project No. 1645, No. A-1260, Revision 13, dated 19/12/12 – Height Map - Sheet 1;**
  - (xi) **Project No. 1645, No. A-1261, Revision 08, dated 19/12/12 – Height Map - Sheet 2;**

- (xii) Project No. 1645, No. A-1262, Revision 13, dated 19/12/12 – Roof Plan, Maximum Building Height (AHD);
- (xiii) Project No. 1645, No. A-1269, Revision 09, dated 19/12/12 – Typical Basement Level;
- (xiv) Project No. 1645, No. A-1270, Revision 12, dated 24/01/13 – Indicative Land Use – Groundfloor;
- (xv) Project No. 1645, No. A-1274, Revision 11, dated 24/01/13 – Indicative Land Use Typical floor (Generally Level 04);
- (xvi) Project No. 1645, No. A-1290, Revision 14, dated 23/05/13 – Residential Flat Design Code Distances between Buildings;
- (xvii) Project No. 1645, No. A-1400, Revision 11, dated 24/01/13 – North Elevation;
- (xviii) Project No. 1645, No. A-1402, Revision 11, dated 19/12/12 – South Elevation;
- (xix) Project No. 1645, No. A-1403, Revision 11, dated 24/01/13 – West Elevation;
- (xx) Project No. 1645, No. A-1451, Revision 11, dated 24/01/13 – Section 1;
- (xxi) Project No. 1645, No. A-1452, Revision 11, dated 24/01/13 – Section 2;
- (xxii) Project No. 1645, No. A-1454, Revision 14, dated 23/05/13 – Section 4;
- (xxiii) Project No. 1645, No. A-1455, Revision 13, dated 24/01/13 – Section 5;
- (xxiv) Project No. 1645, No. A-1458, Revision 05, dated 19/12/12 – Street Sections;
- (xxv) Project No. 1645, No. A-1459, Revision 06, dated 19/12/12 – Street Sections 2; and
- (xxvi) Project No. 1645, No. A-1460, Revision 05, dated 23/05/13 – Section 18.

- (c) Amend Modification A1 of Schedule 3 by the deletion of the ~~struck out words~~ and the insertion of the **bold and underlined** words as follows:

#### **A1 Gross Floor Area Controls**

The Concept Plan is modified with regards to GFA as described by the provisions below:

- (a) The Maximum GFA available for development across the site is 255,500sq.m.
- (b) The GFA for residential land uses on the site shall not exceed 70% **195,985m<sup>2</sup>** of the total GFA.
- (c) The GFA for non - residential land uses on the site shall not be less than 30% **59,515m<sup>2</sup>** of the total GFA.
- (d) The maximum GFA for the development parcels approved as part of the Concept Plan are described below:

<b>Block</b>	<b>Total max GFA (sq metres)</b>
Block 1 + 4	77,000
<b><u>Block 1 + 4N</u></b>	<b><u>50,702</u></b>
<b><u>Block 4S</u></b>	<b><u>24,500</u></b>
<b><u>Block 4B (Brewery Yard)</u></b>	<b><u>4,258</u></b>
Block 2	<b><u>67,626</u></b> 68,000
Block 3	<b><u>11,043</u></b> 11,100
Block 5A	<b><u>11,516</u></b> 11,000
Block 5B	<b><u>16,800</u></b> 16,000

Block 6	2,000
Block 7	<u>1,000</u> 1,100
Block 8	<u>11,500</u> 14,500
Block 9	<u>26,598</u> 27,000
Block 10	<u>1,844</u> 2,070
Block 11	<u>26,113</u> 26,730
Site Total	255,500

- (e) Notwithstanding the above, any GFA that occurs from the development for the purposes of community facilities within Main Park that Council will own and operate shall not be calculated towards the maximum GFA referred to in (a) above.
- (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 (255,500sq.m) 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.
- (d) Amend Future Assessment Requirement B1 by the deletion of the ~~struck-out words~~ and the insertion of the **bold and underlined** words as follows:

## **B1 Urban Design**

Design issues to be resolved during future project applications on the subject site include:

- (1) **BLOCK 1, 4 & 8 4N and 8** - Detailed resolution of the form and bulk of the commercial buildings along Abercrombie Street (Blocks ~~1, 4 and 8~~ **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 appearance.
- (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.
- (6) **Street Sections** - Detailed resolution of all street sections shall be determined as a part of future project applications.
- (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.**
- (8) **BLOCK 1 and 4N – Detailed resolution of the form and bulk of the buildings fronting Broadway shall be determined at future application stage.**

- (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.
- (e) Amend Future Assessment Requirement B4 by the deletion of the ~~struck-out words~~ and the insertion of the **bold and underlined** words as follows:

**B4 Publically Accessible Land**

All land marked on the Public Domain Plan (A-1254 Rev-09 Dated-14/03/08 **A-1254 Rev 13 dated 19/12/12**) 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).

**End of Modifications to MP 06\_0171 MOD 8**