

Modification of Concept Approval

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

As delegate of the Minister for Planning, I modify the consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Ritchie
Acting Executive Director
Compliance, Industry and Key Sites

Sydney *28 AUGUST* 2019

SCHEDULE 1

Application Number: MP 06_0171

Proponent: Frasers Broadway Pty Ltd

The Authority: Minister for Planning

The Land: 26 Broadway, Chippendale (former Carlton United Breweries site)

Project Approval: Mixed use development granted on 9 February 2007 by the Minister for Planning

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 ~~255,624~~ **255,687** sq.m of which a minimum of ~~59,545~~ **59,901**sq.m must be non-residential floor space;
- combined basement car parks, providing car parking for Blocks 1 and 4N and Blocks 2, 5, 9 and the Kensington Precinct;
- a new public park and public domain works;
- tri-generation and re-cycled water treatment plants;
- retention and heritage items; and
- contributions.

Modification: **MP 06_0171 MOD 15:** the modification seeks approved for an increase GFA of 66m² to remove minor inconsistencies between the completed development and the Concept approval.

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

**SCHEDULE 2
PART A – ADMINISTRATIVE CONDITIONS**

- (a) Schedule 2 Part A – Administrative Condition A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck-out**~~ words/numbers 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 Statement 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;
 - (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;

- (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 Project No.1645, No. A-1405, Revision 02, dated 29 June 2012, Kensington St - West Elevation;
- (g) Section 75W EAR prepared by JBA dated October 2012;
- (h) Section 75W EAR prepared by JBA dated December 2012 and Response to Submissions dated May 2013 (as amended);
- (i) Section 75W EAR prepared by JBA dated January 2014 and Response to Submissions dated June 2014 (as amended);
- (j) Section 75W EAR prepared by JBA dated November 2014 (as amended) and Response to Submissions / Preferred Project dated March 2015;
- (k) Section 75W EAR prepared by JBA dated December 2014 and Response to Submissions / Preferred Project dated July 2015 (as amended); **and**
- (l) Section 75W Modification Application – Central Park concept Plan – MOD 12 prepared by JBA Urban Planning Consultants Pty Ltd dated 15 February/ Response to submissions 18 April and 10 May 2016
- (m) Section 75W Modification Application (MP 06_0171 MOD 14) prepared by Planning Lab dated 17 October 2017 as amended by email dated 28 January 2018
- (n) Section 75W Modification Application (MP 06 0171 MOD 15) prepared by Ethos Urban dated 11 July 2019**

(no) the following drawings:

Architectural (or Design) Drawings prepared by Foster + Partners			
Drawing No.	Revision	Name of Plan	Date
171123b <u>A-1002</u>	A <u>29</u>	Concept Plan <u>Areas</u>	Nov-2017 <u>18/06/19</u>
A-1030	07	Master Plan Site Set Out Plan	12/08/15
A-1200	08	Indicative Staging Plan, CUB Heritage Map	10/11/14
A-1250	05	Contextual Plan	23/01/14
A-1251	15	Site Plan – contextual	12/08/15
A-1252	06	Site Identification and Ownership	23/01/14
171123a <u>A-1253</u>	A <u>34</u>	Concept Plan <u>Blocks</u> and max. GFA	Nov-2017 <u>18/06/19</u>
A-1254	19	Public Domain	06/04/16
A-1256	14	Traffic, Pedestrian and Cycle Routes	12/08/15
A-1257	17	Traffic Access, Parking	12/08/15
A-1258	15	Road Width	12/08/15
A-1259	13	Awnings, Balconies	12/08/15
A-1260	18	Height Map - Sheet 1	10/11/15
A-1261	11	Height Map - Sheet 2	24/11/14
A-1262	18	Roof Plan, Maximum Building Height (AHD)	10/11/15
A-1269	12	Typical Basement Level	03/12/14
A-1270	16	Indicative Land Use – Groundfloor	12/08/15

A-1274	15	Indicative Land Use Typical floor (Generally Level 04)	12/08/15
A-1290	18	Residential Flat Design Code Distances between Buildings	12/08/15
A-1400	13	North Elevation	10/11/14
A-1401	09	East Elevation	03/12/14
A-1402	13	South Elevation	10/11/14
A-1403	14	West Elevation	28/11/14
A-1404	04	Kensington St – East Elevation	28/11/14
A-1451	13	Section 1	10/11/14
A-1452	13	Section 2	10/11/14
A-1453	12	Section 3	28/11/14
A-1454	16	Section 4	10/11/14
A-1455	15	Section 5	10/11/14
A-1456	12	Section 6	10/11/14
A-1457	11	Section 7	03/12/14
A-1458	07	Street Sections	10/11/14
A-1459	09	Street Sections 2	03/12/14
A-1460	08	Section 18	03/12/14

**SCHEDULE 2
PART A – MODIFICATIONS**

- (b) Schedule 2 Part A – Modifications, condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers 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 Subject Site is ~~255,624~~ **255, 678** square metres
- (b) The GFA for residential land uses on the site shall not exceed ~~495,985~~ **195,786**m² of the total GFA.
- (c) The GFA for non - residential land uses on the site shall not be less than ~~59,545~~ **59,901**m² of the total GFA.
- (d) The maximum GFA for the development parcels approved as part of the Concept Plan are described below:

Block	Total max GFA (sq metres)
Block 1	24,231 24, 202
Block 4N	26,591 26, 304
Block 4S	22,258 22, 525
Block 4B (Brewery Yard)	3,898 4, 000
Block 2	67,626 67, 785
Block 3	11,164
Block 5A	11,516 11, 544
Block 5B	16,800 16, 799
Block 6	2,000
Block 7	1,000 969

Block 8	14,875	14, 596
Block 9		26,598
Block 10		1,844
Block 11	25,220	25, 357
Site Total	255,621	255, 687

- (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.
- (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 (~~255,621~~ **255,687**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.

End of Modification