

COPY



**Planning &
Infrastructure**

Contact: Jan Raffoul
Information Officer
Phone: (02) 9228 6333
Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

Jennie Buchanan
JBA Planning
Level 7, 77 Berry Street
North Sydney NSW 2060

Our ref: Information Centre

3 June 2011

Dear Jennie,

Re: Request to Modify 3 x Major Projects Applications
MP07_0163 26 Broadway Chippendale
MP07_0120 26 Broadway Chippendale
MP06_0171 26 Broadway Chippendale

I write acknowledging receipt of the above applications on 3 June 2011, with a cheque totalling \$2,250.00, cheque number 1878, being payment of processing fees.

An official (tax receipt) will be issued to you shortly at which time you will be advised of the contact officer for this application.

Yours sincerely,

Jan Raffoul
Information Centre
Department of Planning & Infrastructure

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Modification No. _____

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister.

If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

Frasers Broadway Pty Ltd

ABN

50 122 575 286

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Michael

Family name

Goldrick

Position

Project Director

STREET ADDRESS

Unit/street no.

11/488

Street name

Kent Street

Suburb or town

Sydney

State

NSW

Postcode

2000

POSTAL ADDRESS (or mark 'as above')

As above

Suburb or town

State

Postcode

Daytime telephone

8823 8800

Fax

8823-8801

Mobile

Email

michael.goldrick@frasersproperty.com.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

26

Street or property name

Broadway

Suburb, town or locality

Chippendale

Postcode

Local government area(s)

City of Sydney

State Electorate(s)

REAL PROPERTY DESCRIPTION

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

Remediation and Transitional Works

What was the original project application no.?

MP07_0163

What was the date of the approval?

15 August 2008

What was the original application fee?

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

Section 75w Modification to insert a specified action into the lapsing condition (Part A - Table).

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$ nil

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction Jobs (FTE)

1.2

Operational Jobs (FTE)

1.2

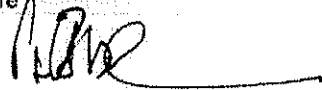
6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

26 Broadway, Chippendale

Signature



Name


PAUL BARBER

Date

2.6.2011

Land

Signature



Name

JERRY LEE

Date

3 June 2011

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

☐ Yes

☒ No

no political donations within the past 2 years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

Michael Goldrick

Date

3 June 2011

In what capacity are you signing if you are not the proponent

Project Director

Name, if you are not the proponent

11356
2 June 2011

Mark Brown
NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mark

**MODIFICATION TO MAJOR PROJECT APPROVAL MP07_0163
CENTRAL PARK, BROADWAY**

On behalf of Frasers Property Pty Ltd we write to request the Minister (or his delegate) modify Project Approval MP 07_0163 under Section 75W of the *Environmental Planning and Assessment Act 1979* as described below.

This modification application seeks an amendment to condition Part A – Table “Date the approval is liable to lapse” which will allow for the preservation of the Project Approval in perpetuity.

This submission identifies the existing Project Approval and describes the proposed modification. It is accompanied by the Application Form and fee.

1.0 BACKGROUND

On 15 August 2008 the Minister for Planning approved the Project Application (MP07_0163) which includes remediation and transitional works to the former Carlton United Breweries Site, now referred to as the Central Park Site.

Part A - Table of the consent stipulates that the Project Application approval lapses 5 years from the date of approval, i.e. 15 August 2013. Physical commencement has been undertaken on the Site in accordance with the Project Approval.

2.0 DESCRIPTION OF MODIFICATION

The proposed modification seeks to amend Part A-Table of the Project Application and in particular the date the approval is liable to lapse. Clause 75Y of the *Environmental Planning and Assessment Act (1979)* outlines the following with respect to the lapsing of Part 3A approvals.

Clause 75Y Lapsing of approvals

- (1) An approval under this Part may be subject to a condition that it lapses on a specified date unless specified action with respect to the approval has been taken (such as the commencement of work on the project or the submission of an application for approval to carry out a project for which concept approval has been given).*
- (2) Any such condition may be modified under this Part to extend the lapsing period. The Minister is to review the approval before extending the lapsing period and may make other modifications to the approval (whether or not requested by the proponent).'*

Whilst a condition of consent was imposed under the Project Application approval which limits the life of the approval for 5 years, the condition does not state a specified action which would prevent the consent from lapsing such as commencement of physical works. There is therefore no trigger in the condition to allow the consent to remain active in perpetuity.

In order to rectify this and maintain the Project Application in perpetuity the following amendment is proposed to Part A-Table. Additions to the text are shown in ***bold italics***.

Part A- Table

Date the approval is liable to lapse:	5 years from the date of determination <i>unless the development has been physically commenced.</i>
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3.0 JUSTIFICATION

The following section of this environmental assessment provides justification for the proposed modification.

3.1 Precedent of imposition of the condition of the “lapsing of consent conditions” on other concept plan approvals

The modification of this approval would be consistent with other Project Approvals that have been issued on the Site. These Project Applications have been submitted to allow for the development in accordance with the approved Concept Plan (as amended). All of the examples include a potential for the consent to operate in perpetuity once “physically commenced”.

Block 2, Frasers Broadway

MP09_0078 – 18 June 2010 (Part A – Table)

Date approval is liable to lapse	5 years from the date of determination unless the development has been physically commenced.
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Block s 1 and 4, Frasers Broadway

MP08_0253 – 27 May 2010 (Part A – Table)

Date approval is liable to lapse	5 years from the date of determination unless the development has been physically commenced.
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Block s 2, 5, 9 and the Kensington Precinct, Frasers Broadway

MP09_0042 – 26 May 2010 (Part A – Table)

Date approval is liable to lapse	5 years from the date of determination unless the development has been physically commenced.
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The minor modification of the approved Project Application as proposed would be consistent with the above precedents.

3.2 Public Benefit

There is a public benefit to be gained in ensuring remaining development blocks which have not yet been remediated are remediated in accordance with the Project Approval. In some instances this may occur after the 5 year lapsing period.

3.3 Community Expectation

The minor amendment to the wording of the Project Approval will ensure remediation and transitions works can be conducted in accordance with the project approval. The application was publicly exhibited and there is a community expectation that the Site will be remediated in accordance with the approval.

3.4 Environmental Impact


The proposed modification involves the inclusion of wording to Part A – Table does not result in any additional environmental impacts compared to that of the approved development.

4.0 CONCLUSION

The modification proposed in this Section 75W application relates to the lapsing of the Major Project Approval (Part A - Table) and proposes the insertion of a specified action so as to retain the consent in perpetuity. The proposed modification 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 MP07_0163 on 15 August 2008.

Should you have any queries about this matter, please do not hesitate to contact me on 99566962 or jbuchanan@jbaplanning.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JB' with a large loop at the bottom.

Jennie Buchanan
Principle Planner

11356
2 June 2011

Mark Brown
NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mark

**MODIFICATION TO CONCEPT PLAN MP06_0171
CENTRAL PARK, BROADWAY**

On behalf of Frasers Property Pty Ltd we write to request the Minister (or his delegate) modify Concept Plan Approval MP 06_0171 under Section 75W of the *Environmental Planning and Assessment Act 1979* as described below.

This modification application seeks an amendment to condition A2 "Date the approval will lapse" which will allow for the preservation of the Concept Approval in perpetuity.

This submission identifies the existing Concept Plan Approval consent and describes the proposed modification. It is accompanied by the Application Form and fee.

1.0 BACKGROUND

On 9 February 2007 the Minister for Planning approved a Concept Plan (MP06_0171) which provides a mixed use precinct to the former Carlton United Breweries Site, now referred to as the Central Park Site. The Concept Plan approval was modified on 5 February 2009 and comprises of the following:

- 11 development blocks;
- A maximum Gross Floor Area (GFA) of 255,500m² 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 of heritage items;
- Public domain works; and
- Contributions.

Condition A2 of the consent stipulates that the Concept Plan approval lapses 5 years from the date of approval, i.e. 9 February 2012.

The Concept Plan established the future parameters for development on the site but did not include any physical works on the site. Since the Concept Plan was approved a number of subsequent project applications have been lodged and approved in accordance with the Concept Plan. Table 1 provides a summary of these Project Approvals and the status of works on the site.

Table 1 – Summary and Status of Project Applications

Application Ref	Description	Comment
MP07_0120	Demolition of existing structures, associated stabilising works and recycling of demolition materials	Scope of works physically commenced and completed
MP07_0163	Remediation and Transitional Works	Scope of works physically commenced and completed
MP08_0210	Main Park and Associated Infrastructure	Scope of works physically commenced but not yet complete
MP09_0042	Excavation and construction of a combined basement under blocks 2, 5 & 9	Scope of works physically commenced but not yet complete
MP08_0253	Construction of a mixed use commercial and retail building (Blocks 1 & 4)	Works not yet physically commenced
MP09_0078	Construction of a mixed use residential retail building (Block 2)	Scope of works physically commenced but not yet complete
MP09_0041	Construction of two residential buildings with ancillary retail use (Blocks 5A/5B)	Works not yet physically commenced
MP09_0164	Stage 2 Site Infrastructure and Civil Works	Works not yet physically commenced
MP10_0217	Adaptive re-use and alterations to Brewery Yard	Environmental Assessment Report lodged for Test of Adequacy
MP10_0218	Construction of a residential building (Block 5C)	Environmental Assessment Report lodged for Test of Adequacy
MP08_0253 (Mod 1)	Modification seeks to define construction stages so as to allow for the expedited construction of the Central Thermal Plant	Environmental Assessment Report lodged for Test of Adequacy

2.0 DESCRIPTION OF MODIFICATION

The proposed modification seeks to amend condition A2 of the Concept Plan (as amended) and in particular the date the approval will lapse. Clause 75Y of the *Environmental Planning and Assessment Act (1979)* outlines the following with respect to the lapsing of Part 3A approvals.

Clause 75Y Lapsing of approvals

- (1) *An approval under this Part may be subject to a condition that it lapses on a specified date unless specified action with respect to the approval has been taken (such as the commencement of work on the project or the submission of an application for approval to carry out a project for which concept approval has been given).*
- (2) *Any such condition may be modified under this Part to extend the lapsing period. The Minister is to review the approval before extending the lapsing period and may make other modifications to the approval (whether or not requested by the proponent).*

Whilst a condition of consent (condition A2) was imposed under the concept plan approval which limits the life of the approval for 5 years, the condition does not state a specified action which would prevent the consent from lapsing such as commencement of physical works or building works associated with any subsequent applications which have physically commenced. There is therefore no trigger in the condition to allow the consent to remain active in perpetuity.

In order to rectify this and maintain the Concept Plan in perpetuity the following amendment is proposed to condition A2. Additions to the text are shown in ***bold italics***.

A2 Table

Date the approval will lapse:	5 years from the date of determination <i>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.</i>
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3.0 JUSTIFICATION

The following section of this environmental assessment provides justification for the proposed modification.

3.1 Precedent of imposition of the condition of the “lapsing of consent conditions” on other concept plan approvals

We have reviewed several recent Concept Plan approvals that have been issued by the Department of Planning and Infrastructure (DoPI) in the past year. Most, if not all, have included specific conditions relating to the lapsing of approval and specified actions which would preserve the consent. The examples provided below indicate the variation in wording of these conditions; however all include a potential for the consent to operate in perpetuity once “physically commenced” or “action” has been taken.

Illawarra International Health Precinct Concept Plan Approval

MP08_0156 – 31 January 2010 (Part A – Table)

Date of approval is liable to lapse	5 years from the date of this approval unless the building works associated any subsequent applications have physically commenced.
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Calderwood Concept Plan Approval

MP09_0082– 8 December 2010 (Part A project)

Date approval will lapse	10 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act
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Warner Business Park Concept Plan Approval

MP07_0162 – 27 August 2010 (Part B 1.4)

(Condition)1.4	This Concept Plan approval shall lapse ten years after the date on which it is granted, unless an application is submitted to carry out a project or development for which concept approval has been given.
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The minor modification of the approved concept plan as proposed would be consistent with the above precedents.

3.2 Public Benefit

The approved Concept Plan delivers significant public benefit in the form of developer contributions towards affordable housing, provisions of infrastructure and public open space. The minor amendment to the approved concept plan would allow for the continued orderly development of the Site that has commenced and would ensure that future development is able to be delivered in a manner consistent with the approved Concept Plan.

3.3 Consistent Development

The Concept Plan was publicly exhibited and amended, with considerable input from the community and government sectors. As a result, the Concept Plan that was approved addresses the relevant concerns raised by those groups and provides a holistic and ordered approach to the redevelopment of the Central Park Site. As such, there is a community expectation that the site will be constructed in a manner consistent with the Concept Plan approval. The minor amendment of the wording of the approval will ensure this can occur and that project applications can be lodged for the remaining blocks that are not already subject to a project approval.

3.4 Environmental Impact

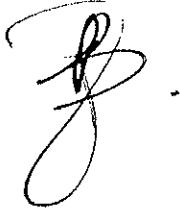
The proposed modification involves the inclusion of wording to condition A2 only and does not involve any physical works or amendments to the approved Concept Plan. This application has been submitted to allow the orderly development of the Central Park Site to continue in accordance with the Concept Plan. The proposed amendment does not result in any change to the environmental impact of the development.

4.0 CONCLUSION

The modifications proposed in this Section 75W application relates to the lapsing of the Concept Plan approval (condition A2) and proposes the insertion of a specified action so as to activate the consent and retain it in perpetuity. The proposed modification 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 (as amended).

Should you have any queries about this matter, please do not hesitate to contact me on 99566962 or jbuchanan@jbaplanning.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J. Buchanan', with a stylized flourish at the end.

Jennie Buchanan
Principle Planner

11356
2 June 2011

Mark Brown
NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Mark

**MODIFICATION TO MAJOR PROJECT APPROVAL MP07_0120
CENTRAL PARK, BROADWAY**

On behalf of Frasers Property Pty Ltd we write to request the Minister (or his delegate) modify Project Approval MP 07_0120 under Section 75W of the *Environmental Planning and Assessment Act 1979* as described below.

This modification application seeks an amendment to condition Part A – Table “Date the approval is liable to lapse” which will allow for the preservation of the Project Approval in perpetuity.

This submission identifies the existing Project Approval and describes the proposed modification. It is accompanied by the Application Form and fee.

1.0 BACKGROUND

On 12 March 2008 the Minister for Planning approved the Project Application (MP07_0120) which includes the demolition of existing structures, associated stabilising works and recycling of demolition materials for the former Carlton United Breweries Site, now referred to as the Central Park Site.

Part A - Table of the consent stipulates that the Project Application approval lapses 5 years from the date of approval, i.e. 12 March 2013. Physical commencement has been undertaken on the Site in accordance with the Project Approval.

2.0 DESCRIPTION OF MODIFICATION

The proposed modification seeks to amend Part A-Table of the Project Application and in particular the date the approval is liable to lapse. Clause 75Y of the *Environmental Planning and Assessment Act (1979)* outlines the following with respect to the lapsing of Part 3A approvals.

Clause 75Y Lapsing of approvals

- (1) *An approval under this Part may be subject to a condition that it lapses on a specified date unless specified action with respect to the approval has been taken (such as the commencement of work on the project or the submission of an application for approval to carry out a project for which concept approval has been given).*
- (2) *Any such condition may be modified under this Part to extend the lapsing period. The Minister is to review the approval before extending the lapsing period and may make other modifications to the approval (whether or not requested by the proponent).*

Whilst a condition of consent was imposed under the Project Application approval which limits the life of the approval for 5 years, the condition does not state a specified action which would prevent

the consent from lapsing such as commencement of physical works. There is therefore no trigger in the condition to allow the consent to remain active in perpetuity.

In order to rectify this and maintain the Project Application in perpetuity the following amendment is proposed to Part A-Table. Additions to the text are shown in ***bold italics***.

Part A- Table

Date the approval is liable to lapse:	5 years from the date of determination <i>unless development has been physically commenced</i>
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3.0 JUSTIFICATION

The following section of this environmental assessment provides justification for the proposed modification.

3.1 Precedent of imposition of the condition of the “lapsing of consent conditions” on other concept plan approvals

The modification of this approval would be consistent with other Project Applications that have been issued on the Site. These Project Applications have been submitted to allow for the development in accordance with the approved Concept Plan (as amended). All include a potential for the consent to operate in perpetuity once “physically commenced”.

Block 2, Frasers Broadway

MP09_0078 – 18 June 2010 (Part A – Table)

Date approval is liable to lapse	5 years from the date of determination unless the development has been physically commenced.
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Block s 1 and 4, Frasers Broadway

MP08_0253 – 27 May 2010 (Part A – Table)

Date approval is liable to lapse	5 years from the date of determination unless the development has been physically commenced.
----------------------------------	--

Block s 2, 5, 9 and the Kensington Precinct, Frasers Broadway

MP09_0042 – 26 May 2010 (Part A – Table)

Date approval is liable to lapse	5 years from the date of determination unless the development has been physically commenced.
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The minor modification of the approved Project Application as proposed would be consistent with the above precedents.

3.2 Public Benefit

There is public benefit to be gained by ensuring that all demolition work on the site can be carried out in accordance with the Project Approval.

3.3 Consistent Development

The Project Application and Approval have been publicly exhibited. As such, there is a community expectation that Site preparation works are undertaken in accordance with the Project Approval.

3.4 Environmental Impact

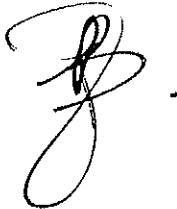
The proposed modification involves the inclusion of wording to Part A – Table does not result in any additional environmental impacts compared to that of the approved development.

4.0 CONCLUSION

The modification proposed in this Section 75W application relates to the lapsing of the Major Project Approval (Part A - Table) and proposes the insertion of a specified action so as to retain the consent in perpetuity. The proposed modification 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 MP07_0120 on 12 March 2008.

Should you have any queries about this matter, please do not hesitate to contact me on 99566962 or jbuchanan@jbaplanning.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JB' with a large loop and a dot at the end.

Jennie Buchanan
Principle Planner