



**MODIFICATION REQUEST:**

**26 Broadway, Chippendale**

***MP 09\_0078 MOD 4 – Modification to hours of  
construction for east and west towers of Block 2***

Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

September 2012

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NSW Department of Planning & Infrastructure  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## 1. BACKGROUND

### 1.1 The site

Fraser's Broadway Pty Ltd ('the Proponent') has lodged an application (MP 09\_0078 MOD 4) to modify the approved Project Application MP 09\_0078 for the construction of a mixed use residential, commercial and retail building on Block 2, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* ('the Act').

The application seeks to modify the approval to extend construction hours from 7.00pm to 10.30pm on Monday to Friday. Works during the extended hours are restricted to internal works within the completed and constructed façade and, use of external hoists on the western elevation of the Block 2 towers.

The subject site, 26 Broadway, Chippendale, is the former Carlton & United Breweries site, located at the south-western end of the Sydney Central Business District. Block 2, known as 'One Central Park' is located in the northern part of the Central Park site. Block 2 has frontages to Broadway to the north, Blocks 5A and 5B to the south, and Carlton Street (previously referred to as Kent Road) to the east (Figure 1).

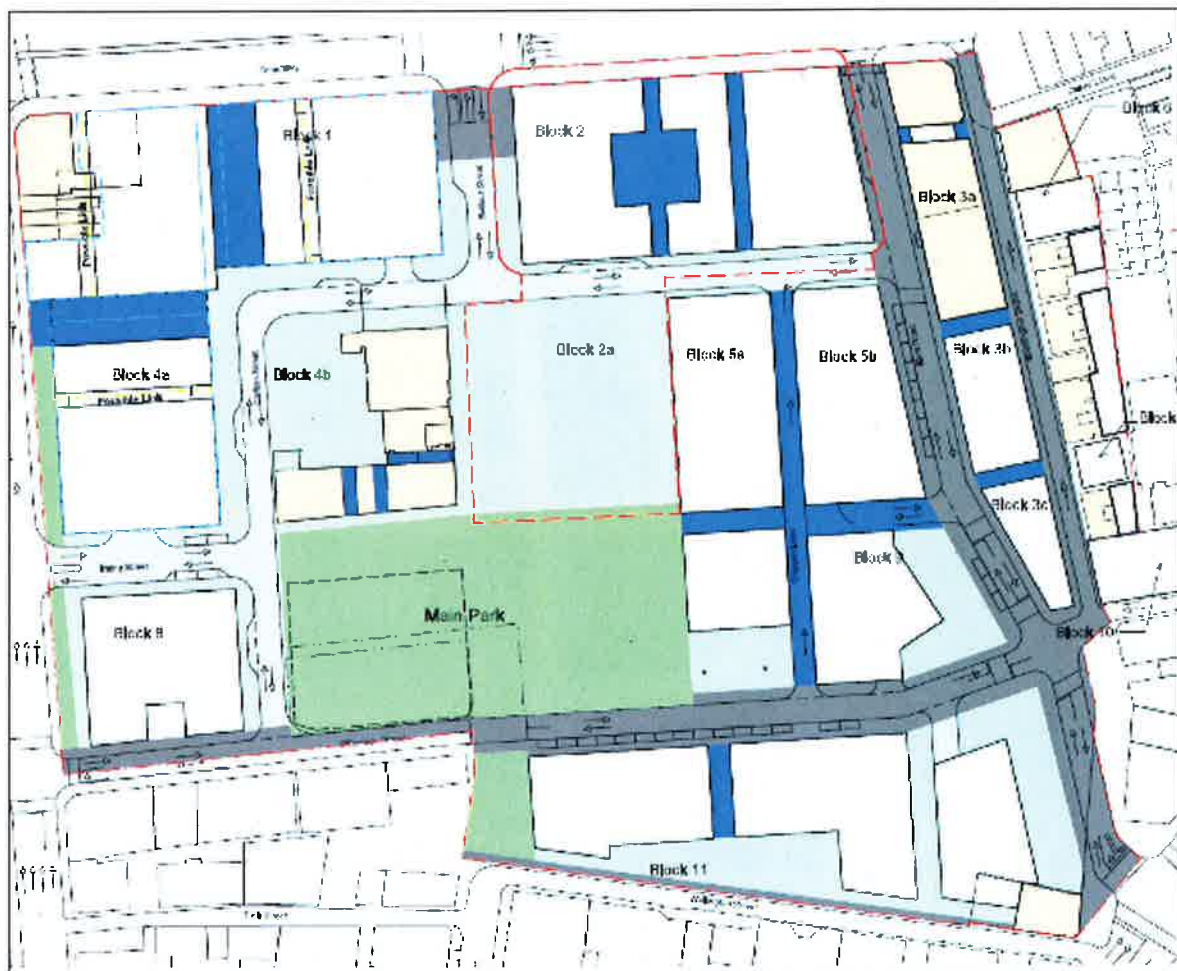


Figure 1: Blocks 2 (outlined in red).

### 1.2 Previous Approvals

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. The Concept Plan was subsequently amended on 18 July 2007, 8 February 2009, 16 May 2010, 20 August 2011 and 24 July 2012.

On 18 June 2010, the Planning Assessment Commission (PAC) granted approval to a Project Application (MP 09\_0078) for a mixed use residential (593 units), retail, commercial development on Block 2 consisting of two towers (east tower measuring 133m above AHD and the west tower measuring 79.5 metres AHD), located above a podium.

The approval has been modified as follows:

- On 25 March 2011, the Executive Director, Major Projects Assessment approved MP09\_0078 MOD 1 to increase the number of residential dwellings to 623, delete the approved commercial floor space and to add a gymnasium.
- On 17 October 2011, the A / Director General approved MP 09\_0078 MOD 2 to modify a number of approval conditions to enable staged Construction Certificates.
- On 31 July 2012, the Deputy Director General approved modifications to the Energy Rating Conditions.

## **2. PROPOSED MODIFICATION**

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This modification seeks to extend the hours of construction on Monday to Friday from 7.00pm to 10.30pm for the duration of construction works to enable:

- internal works within the east and west towers where the external façade of the building has been constructed and closed. Internal construction works on completed floors to include partitions, lining, joinery, internal works and finishing works including painting, electrical wiring, flooring and installation of electrical and lighting fittings. Teams will use power, hand tools and the like in the construction of these floors;
- simultaneous use of the external hoists on the western façade of the east and west towers to transport materials and contractors from the sub level basement to required floors;
- internal vehicular movement within basement levels only to move materials to and from hoists to the respective floors within the completed and constructed façade as required; and
- all site access (pedestrian) will be via the gate on Balfour Street directly onto Broadway.

No movement of personnel, vehicles or materials at ground level, other than to the respective floors within the completed and constructed façade of Block 2 is proposed.

The application also seeks to change the terms of the Project Approval through amending Condition D1 *Hours of Works and Noise CBD* and Statement of Commitment No.10 to reflect the extension in hours.

The proponent has indicated allowing construction activity to occur for an additional 3.5 hours on Monday to Friday, will entail a reduced construction period, achieve delivery of the building earlier and minimise disruption to adjoining residents.

## **3. STATUTORY CONTEXT**

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### **3.1 Continuing Operation of Part 3A to Modify the Project Approval**

In accordance with Clause 3 of Schedule 6A of the Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the Act.

### **3.2 Modification of the Minister's Approval**

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including *"revoking or varying a condition of the approval or imposing an additional condition of the approval"*.

The subject modification seeks to change the terms of the determination through amending the conditions of approval. On this basis, a modification is required.

### **3.3 Environmental Assessment Requirements (DGRs)**

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to the Department in order to consider the application. Further, the issues raised remain consistent with the key assessment requirements addressed in the original DGR's.

### **3.4 Delegation**

The Minister has delegated his functions to determine Section 75W modification requests to the Deputy Director General, Development Assessment and Systems Performance where:

- the relevant Council has not made an objection;
- a political donation statement has been made but only in respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections.

The Deputy Director General is to note:

- City of Sydney Council (Council) does not object to the proposal;
- no public submissions were made on the application; and
- a reportable political donation has been made, but only in respect of the original project application (MP 09\_0078).

Accordingly, the application is able to be determined by the Deputy Director General of Development Assessment & Systems Performance, under delegation.

## **4. CONSULTATION AND EXHIBITION**

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Under Section 75X (2) (f) of the Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the Department's website and referred to City of Sydney Council for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

### **City of Sydney Council (Council)**

Council does not object to the proposal subject to the following:

- that all works operate within the acoustic criteria conditions imposed on the original consent;
- the Statement of Commitments and conditions of approval are updated to stipulate the limited scope of works to occur during the extended hours to enable adequate enforcement;
- written notification to affected residential and commercial properties to notify commencement dates and contact details of a community complaint hotline, prior to commencement. A copy of the notification letter is to be forwarded to Council; and
- imposition of a trial period on extended construction hours or alternatively, a mechanism whereby if complaints are substantiated, that the extended construction hours must cease and then revert to the standard (existing) construction hours.



The Department's detailed consideration of the issues raised and conditions recommended by Council is in Section 5.

## **5. CONSIDERATION OF PROPOSED MODIFICATIONS**

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The Department considers the key issues associated with the modification to extend construction hours to be:

- noise limits (external hoist and internal works);
- monitoring; and
- notification prior to commencement.

### **Noise limits**

Existing Condition D1 – *Hours of Work and Noise CBD* allows for an extension of working hours subject to compliance with the noise limits in the City of Sydney Code of Practice for Construction Hours / Noise 1992 (SCC Code).

In this regard, Council recommends consideration of the appropriateness of the proposed hours given the proximity to residential dwellings (namely those in Goodlet, Regent, O'Connor, Wattle and Abercrombie Streets). Council advised that the Department should be satisfied of the adequacy of the proposal (particularly use of the external hoist) and that all works and machinery operate within the acoustic criteria conditions imposed on the original approval.

The impact to surrounding residents has been considered within an *Extended Construction Hours Noise Assessment*, prepared by Acoustic Logic. The acoustic report concludes that combined noise levels (internal fit out works in conjunction with the external hoist operation) will comply with the City of Sydney Council noise emission criteria, if all works are conducted behind a closed façade. The acoustic report recommends ongoing compliance monitoring for the duration of the extended construction hours to ensure that the noise criteria set out by the SCC Code are met.

The Department agrees with Council's recommendation to incorporate additional information into the proposed list of construction works so that residents and authorities are fully informed of the builder's role and responsibilities during the extended construction hours. Council's amendments to the proposed list of works are therefore recommended as a condition of approval.

On balance, the Department is satisfied that the current request to modify Condition D1 and Statement of Commitment 10 is reasonable and within the context of acceptable noise limits, given the works will satisfy the SCC Code noise criteria. Further, the Department is satisfied that the existing condition (Condition D1 – Hours of Work and Noise CBD) and accompanying Statement of Commitments remain appropriate, in relation to noise limits and mitigation measures, to protect the amenity of the surrounding area during extended construction hours, subject to the amendments recommended.

### **Complaints monitoring hotline**

Council recommend a complaints monitoring hotline be provided to receive and address complaints received during the extended construction hours. Further, Council advises that consideration be given to the imposition of a trial period for extended construction hours or alternatively a mechanism where if any complaints are substantiated, then the extended construction hours must cease and revert to the existing approved construction hours (7.00am to 7.00pm, Monday to Friday), which are consistent with Council's standard construction hours.

In response, the proponent advised that the revised Construction Management Plan includes noise management and complaints handling procedures, including the site contact (hotline)

continuing during the extended construction hours (i.e. between 7.00pm and 10.30pm Monday to Friday), to be managed by a suitable member of the construction team.

The Department is satisfied that construction and operation related impacts from noise/vibration on residential amenity during the extended construction hours can be effectively minimised by responsible management and a complaints handling system, as agreed to by both Council and the proponent. A condition of approval is therefore recommended.

The proposed extended construction hours will have the benefits of a reduced overall construction period by allowing construction activity to occur for an additional 3.5 hours on Monday to Friday. This will result in an earlier delivery of the building and shortened period of disruption to adjoining residents.

Council has however, recommended that a mechanism be required to enable adequate enforcement should a noise complaint be substantiated, to revert to the standard (existing) construction hours of 7.00am to 7.00pm Monday to Friday. In this regard, the Department considers it is reasonable to require any complaints reported via the complaints monitoring hotline to be forwarded to Council for investigation. Council will forward details of any complaints considered substantiated for consideration by the Department. Upon the Department's concurrence of a breach of conditions, construction hours will be required to revert back to the originally approved hours. This proposed arrangement is consistent with Council's submission.

Given the above proposed noise and disruption management measure, Council's recommended trial period for the extended construction hours is considered unnecessary.

#### **Notification prior to commencement**

Council recommended that prior to commencement of any approved extended construction hours, neighbouring residential and commercial properties be notified, to which the proponent agrees. In this regard, Council has provided a list of properties within an appropriate notification area.

The Department concurs with the Council's recommendation to undertake notification, so that residents, businesses and authorities are fully informed of what activities are permissible during the extended construction hours. In this regard, the Department recommends neighbouring properties be notified 14 days prior to commencement, as per the list of adjoining properties provided by Council.

The letter of notification is to include contact details of the operational community complaint hotline managed by a suitable member of the construction team during the extended construction hours. A copy of the notification letter is to be made available to Council prior to commencement of the extended construction hours.

On balance, the Department is satisfied that there are adequate measures available through this review to appropriately mitigate, manage and monitor noise and related issues associated with the extended construction hours, to protect the amenity of the surrounding area. Further, the Department agrees with Council that notification of adjoining properties take place in the lead up to the extended construction hours starting. The Department supports the extended construction hours within the context of appropriate conditions to ensure responsible management of a limited number of construction activities, to ensure the amenity of the area is reasonably protected.

## 6. CONCLUSION AND RECOMMENDATION

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The Department has assessed the application on its merits and the proposed modification is considered to be reasonable and, as conditioned, will not result in any significant impact to the residential amenity of adjoining development as approved.

The Department is satisfied the proposal can be operated to ensure acceptable amenity of neighbouring properties subject to conditions.

The modified proposal remains consistent with the overall original design intent and terms of approval and is considered to be acceptable. It is therefore recommended that the application be approved, subject to the modified conditions.

It is recommended that the **Deputy Director General of Development Assessment & Systems Performance, as delegate for the Minister for Planning and Infrastructure:**

- (a) **consider** the findings and recommendations of this report; and
- (b) **approve** the modifications under delegated authority, under section 75W of the Environmental Planning and Assessment Act, 1979; and
- (c) **sign** the attached Instrument of Modification Approval for MP 09\_0078 (MOD 4).

Prepared by: Pilar Aberasturi  
Senior Planner,  
Metropolitan & Regional Projects South

  
Mark Schofield  
A / Director  
Metropolitan & Regional Projects South

 11.9.12  
Chris Wilson  
Executive Director  
Major Projects Assessment

 19/9/12  
Richard Pearson  
Deputy Director General  
Development Assessment &  
Systems Performance



## **APPENDIX A      MODIFICATION REQUEST**

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[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5392](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5392)

# 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](http://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

ABN

FRASERS BROADWAY PT. LTD

80 122 575 286

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Family name

MICHAEL

GOLDZICK

Position

DIRECTOR PROJECT MANAGER

STREET ADDRESS

Unit/street no.

Street name

L12/101

BATHURST STREET

Suburb or town

State

Postcode

SYDNEY

N.S.W.

2000

POSTAL ADDRESS (or mark 'as above')

AS ABOVE

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

9263-8820

Email

michael.goldzick@frasersproperty.com.au

### 3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

26

Street or property name

Broxton

Suburb, town or locality

CHIPPENDALE

Postcode

Local government area(s)

CITY OF SUDBURY

State Electorate(s)

REAL PROPERTY DESCRIPTION

LOT 3 DP 1142053

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

Construction of a mixed use development containing a retail podium and 623 residential apartments

What was the original project application no.?

MP09-0078

What was the date of the approval?

18/6/2010

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

Hours of Construction

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).

\$ 0

### 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)

0

Operational jobs (FTE)

0

## 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 Broadhurst

Signature



Name

GUY PAMOR

Date

20/7/2012

Land

26 Broadhurst

Signature



Name

JERRY LEE

Date

20/7/2012

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

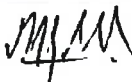
Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

## 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

M. J. COLONICK

Date

20/6/12

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

Name, if you are not the proponent

# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

Office use only:

Date received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Planning application no. \_\_\_\_

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning and Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

## Explanatory information

### Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any person with a *financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

### How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation is made.

### What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

**Warning:** A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

The maximum penalty for any such offence is the maximum penalty under Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.

Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.



## Glossary of terms (under section 147 of the *Environmental Planning and Assessment Act 1979*)

**gift** means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

**gift** means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

**local councillor** means a councillor (including the mayor) of the council of a local government area.

**relevant planning application** means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
  - f) an application for (or for the modification of) a complying development certificate, or
  - g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
  - h) any other application or request that is excluded from this definition by the regulations.

**relevant period** is the period commencing 2 years before the application or submission is made and ending when the application is determined.

**relevant public submission** means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

**reportable political donation** means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 86 of the *Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

### 86 Meaning of "reportable political donation"

- (1) For the purposes of this Act, a reportable political donation is:
  - (a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
  - (b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
    - (i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
    - (ii) made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

**a person has a financial interest** in a relevant planning application if:

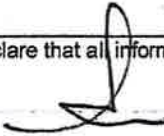
- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

**persons are associated with each other** if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details				
Name of person making this disclosure <b>JERRY LEE</b>		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) <b>MP 09 - 0078</b>		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT <input checked="" type="radio"/> YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO				
Reportable political donations made by person making this declaration or by other relevant persons				
<p>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).</p> <p>* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</p> <p>* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</p>				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
M.L	Not Applicable (NA)	M.A.	NA	NA
M.L	Not Applicable (NA)	M.A.	NA	NA
M.L	Not Applicable (NA)	M.A.	NA	NA
M.L	Not Applicable (NA)	M.A.	NA	NA
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date 				
Name(s) <b>JERRY LEE</b>				

## **APPENDIX B     MODIFYING INSTRUMENT**

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## **APPENDIX C    COUNCIL RESPONSE**

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**City of Sydney**

ABN 22 636 550 790  
GPO Box 1591 Sydney NSW 2001 Australia  
Town Hall House 456 Kent Street Sydney NSW 2000 Australia  
Phone +61 2 9265 9333 Fax +61 2 9265 9222  
council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



10 August 2012

Our Ref : 2012/248720-01  
Your Ref: MP09\_0078 MOD 4



Mr Alan Bright  
A/Director Metropolitan & Regional Projects South  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

**Attention: Ms Pilar Aberaturi – Senior Planner**  
Email: pilar.aberasturi@planning.nsw.gov.au



Dear Mr Bright,

**RE: Section 75W modification to Project Approval (MP09\_0078)  
Block 2, 26 Broadway, Chippendale (former Carlton United Brewery site).**

I refer to your correspondence, dated 26 July 2012, advising of the Section 75W modification application lodged with the Department of Planning and Infrastructure by Frasers Broadway Pty Ltd for the abovementioned Project Application.

It is understood that the proponent seeks to modify Condition D1 (Hours of Work and Noise CBD) to allow extended hours of construction between the hours of 7.00pm and 10.30pm, Monday to Friday. It is understood that the works to be undertaken during these extended construction hours would be limited to internal fit-out works within the east and west towers and use of the external hoists to allow for distribution of materials to the floors above.

The City requests that the Department give consideration to the appropriateness of the proposed hours considering the close proximity of the site to residential dwellings (namely those in Goodlet, Regent, O'Connor, Wattle and Abercrombie Streets).

In the event that the Department is supportive of any modification of Condition D1, it is requested that the assessment consider the following matters and that the Department satisfy themselves of the adequacy of the proposal and conditions imposed:

- That the proposed works, particularly the use of the external hoist, will not result in adverse noise transmission to nearby residences and that all works and machinery can operate within the acoustic criteria conditions imposed on the original consent;
- That the Statement of Commitments and conditions of consent be updated to stipulate and limit all works that are permissible within these extended construction hours to allow adequate enforcement;

*city of villages*



- The establishment of a community complaint hotline to receive and address complaints received. Any hotline should be operational during the extended construction hours (i.e. between 7.00pm and 10.30pm, Monday to Friday) and is to be managed by a suitable member of the construction team;
- An appropriate notification area should be established and all properties, commercial and residential, should be notified in writing of the commencement of any approved extended construction hours. Details of the aforementioned complaint hotline should be included in the notification letter. A copy of the notification letter should be submitted to Council prior to the commencement of work during the extended construction hours.
- Works within these extended construction hours should be restricted to:
  - Internal fit-out works within the constructed and completed façade of the building;
  - No works on the façade of the building;
  - Use of external hoists located on the western façade of the east and west towers only;
  - No vehicle movement to be permitted on/off the site, except for vehicle movement within the basement level of Block 2;
  - Deliveries are not permitted outside of standard construction hours;
  - No use of cranes; and
  - No use of floodlights or additional lighting over and above current lighting levels required for safety and access.
- Consideration should be given to the imposition of a trial period on extended construction hours or alternatively a mechanism whereby complaints are substantiated, that the extended construction hours must cease and then revert to the standard (and existing) construction hours of 7.00am and 7.00pm, Mondays to Fridays, 7.00am and 5.00pm, Saturdays and no work must be carried out on Sundays or Public Holidays.

The City thanks you for the opportunity to provide input on the proposed modification. It would be appreciated that in the event that further modifications are made to this proposal, that the City be provided with a further opportunity to comment.

If you have any further enquiries on this matter, please contact **Peggy Wong** on ph. **9265 9685** or email **[pwong@cityofsydney.nsw.gov.au](mailto:pwong@cityofsydney.nsw.gov.au)**.

Yours sincerely



**BILL MACKAY**  
Manager Planning Assessments

## **APPENDIX D    PROPONENT RESPONSE**

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12440  
27 August 2012

Mr Sam Haddad  
Director-General  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Pilar Aberaturi (Senior Planner)

Dear Mr Haddad

**RESPONSE TO SUBMISSION - CITY OF SYDNEY  
26-60 BROADWAY, CHIPPENDALE (ONE CENTRAL PARK)**

We are writing on behalf of Watpac Pty Ltd, in response to the submission made by City of Sydney Council to S75W to MP09\_0078 to extend the hours of construction at One Central Park (Block 2). The letter and attached information seeks to address, and clarify the items raised by City of Sydney Council in their submission.

**1.0 PROXIMITY TO RESIDENTIAL DWELLINGS**

Council has requested consideration be given to the proximity of the surrounding dwellings to the site.

The impact to surrounding residents has been carefully considered within the Acoustic Report prepared by Acoustic Logic (**Attachment B** of the S75W). Taking a conservative approach to the noise levels, the report concludes that the works proposed during the extended construction hours will comply with the noise objectives of Council. 3D modelling has been included in the Acoustic Report which graphically displays the impact to residents, and identified that there will be no adverse impacts to these residential dwellings.

**2.0 EXTERNAL HOISTS AND NOISE**

The use of external hoists to the building have been considered within the Acoustic Report and have been addressed in the EAR. The Noise Impact Assessment includes the results of 'SoundPlan' noise modelling and hand calculations that assess the predicted noise levels from the operation of this hoists.

The results of these calculations show that the use of the hoist during the extended hours remains well below the maximum construction noise criteria, in accordance with the Councils noise controls. Furthermore, the calculations of the combined noise levels (i.e including the use of the hoist at the same time as internal works) also demonstrated compliance with the required construction noise criteria. Graphic modelling of the predicted noise impact and location of receivers is also provided within the acoustic report.

### 3.0 STATEMENT OF COMMITMENTS

An additional Statement of Commitment is already proposed (following Commitment 10) relating to the extended hours of construction and specifically limiting the type and location of construction activities. The additional commitment is to be inserted following the existing commitment No. 10 that addresses the matter raised by City of Sydney in their submission.

Key Issue	No.	Commitment	Timing
<b>Construction Management</b>	<b>10A</b>	<p><i>Additional work is permitted to be carried out between the hours of 7.00pm and 10.30pm on Mondays to Fridays. Works within these hours is restricted to the following:</i></p> <ul style="list-style-type: none"> <li><i>a) Internal fitout works within the constructed facade only, such as the installation of plaster board, services installation, painting and joinery and the like. All work is to be internal, within the completed facade of the building;</i></li> <li><i>b) Use of the external hoists to the western side of the block 2 towers;</i></li> <li><i>c) No vehicle movement is permitted on site (with the exception of internally within the basement);</i></li> <li><i>d) No deliveries to the site, or vehicles movement within or to and from the site;</i></li> <li><i>e) No use of cranes;</i></li> <li><i>f) No work outside of, and including, the building facade; and</i></li> <li><i>g) No floodlighting or additional lighting over and above current lighting levels required for safety and access, ie. no change from current lighting levels</i></li> </ul>	<i>Throughout the duration of construction works.</i>

### 4.0 COMMUNITY HOTLINE/CONSULTATION

In accordance with the request from the City of Sydney, the revised Construction Management Plan (**Attachment D** included with the EAR) includes noise management and complaints handling procedures (Construction Management Plan, Appendix H – Contact and Complaint Handling Procedure). The complaints handling procedures, including the site contact (hotline), will continue during the extended construction hours (i.e. between 7.00pm and 10.30pm, Monday to Friday) and will be managed by a suitable member of the construction team. Furthermore, throughout the duration of construction Watpac have demonstrated good management of the site and surrounds.

### 5.0 NOTIFICATION OF WORKS

Prior to commencement of the extended construction hours, Watpac will notify surrounding residents of the extended construction hours including the direct contact number. A copy of the notification letter will be submitted to Council prior to the commencement of extended construction hours.

### 6.0 RESTRICTION OF WORKS

The proposed works during the extended construction hours are to be restricted as per the recommended condition of consent within the EAR and the proposed commitment (Statement of Commitments - Construction Management 10A). The restriction on works is consistent with that recommended by Council in their submission.

## CONCLUSION

We trust that this letter responds to and clarifies the matters raised by City of Sydney Council's in their submission we consider that the documentation submitted adequately demonstrates that the additional works proposed can be managed appropriately and will not generate any adverse environmental impacts.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [sgouge@jbaplanning.com.au](mailto:sgouge@jbaplanning.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Gouge', written in a cursive style.

Stephen Gouge  
*Urban Planner*