

# Notice of Modification

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

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



Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

Sydney 23 December 2016

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### SCHEDULE 1

**Development Approval:** MP 09\_0078 granted by the Planning Assessment Commission on 18 June 2010

**For the following:** Project Approval for the construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0 metres AHD and west tower maximum 79.5 metres AHD) located above a podium accommodating:

- floor space comprising 623 residential apartments;
- retail floor space comprising a food court, speciality retail, supermarket, and a gymnasium;
- construction of terraces (landscaped platforms), which rise from the plaza to the podium level 2 of the new building on Block 2;
- installation of a heliostat system (consisting of mirrors which are orientated to focus light onto the landscaped platforms);
- construction of the surrounding public domain; and
- stratum subdivision of the proposal.

**Proponent:** Frasers Property Australia

**Approval Authority:** Minister for Planning

**The Land:** 26 Broadway, Chippendale

**Modification:** MP 09\_0078 MOD 8: the modification includes amendments to Condition E2 to enable specific unsold / unused car parking spaces to be used by other owners or occupiers within the Central Park Precinct.

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## SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part E – Prior to Issue of Subdivision Certificate Condition E2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out words / numbers~~ as follows:

### ***E2 - Restriction on Use of Car and Storage Spaces***

The following conditions apply to car parking and storage where those spaces affect Strata Lots **301 (SP 88765), 302 (SP 89262) and 303 (87881)**:

- a) The on-site car parking and storage spaces within lots 301, 302, 303, 308, 310, 311 and 312 are not to be used other than by an owner or occupant of the subject lots
- b) The on-site car parking spaces within lot 305 ~~and 309~~ are not to be used other than by an owner or occupant of the subject lot.
- c) The on-site car parking and storage spaces within 306 are to be used by tenants, residents, owners and occupiers of Blocks 3, 6, 7 and 10. **On-site car parking spaces can also be used by owners or occupiers of lots 310, 311 and 312.**
- d) **Notwithstanding condition (a) or (c), any 'Unsold separate utility' spaces within Lot 301, 302, 303, 305, 306, 308, 310, 311 and 312 may be used by owners or occupiers within the Central Park Precinct, if not taken up by the owners or occupiers of the relevant lots within 24 months of the registration of the respective Strata Plan. This includes, but is not limited to:**
  - i. **Up to 30 spaces within Lot 306 to be used by tenants, residents, owners and occupiers of Block 11; and**
  - ii. **Up to 20 car parking spaces to be used by tenants, residents, owners and occupiers of the Brewery Yard.**
- e) The proponent is to include restrictions on use, created pursuant to section 88B of the Conveyancing Act 1919, to Council's satisfaction addressing Conditions E2 (a) to ~~(e)~~ **(d)** in either,
  - i. the initial deposited plan subdividing the site; or
  - ii. the appropriate strata plan/s subdividing a lot created by the plan referred to in **(d)(e)(i)**.
- f) **The allocation of any car parking in accordance with d) shall:**
  - I. **not result in any re-allocation of spaces between different land uses; and**
  - II. **not exceed the maximum permissible car parking rate for each land use within each building, in accordance Sydney LEP 2005.**
- g) **Prior to the reallocation of spaces in accordance with d) and e), evidence of compliance with f) must be submitted to and approved by Council.**

**End of Modification**