

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the modification of the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney 19 Feb 2015

SCHEDULE 1

Project Application No.: MP 08_0253

Proponent: Frasers Broadway Pty Ltd

Approval Authority: Minister for Planning

Land: 26 Broadway, Chippendale

For the following:

- a) Construction of a new 10 – 15 storey commercial building accommodating:
 - 5 levels of basement car parking;
 - installation of central thermal plant (CTP);
 - retail floor space;
 - childcare centre;
- b) The excavation of the basement under Blocks 1 and 4 and the brewery yard;
- c) Demolition of the rear ground floor bar of the Australian hotel;
- d) Demolition of the rear one storey bathroom and additions of the heritage terrace group known as 8-12 Abercrombie Street; and
- e) Construction of the surrounding public domain.

Modification:

MP 08_0253 MOD 6: modification includes installation of a second tri-generation gas engine within the CTP of the existing basement of Blocks 1 and 4N.

SCHEDULE 2

The Project Approval for MP 08_0253 is modified as follows:

- 1) *In Part A amend Condition A2 by the deletion of the ~~struck-out~~ words/numbers and the insertion of **bold and underlined** words/numbers as follows:*

A2 Development in Accordance with Plans and Documents

The development will be undertaken in accordance with MP No. 08_253 and the Environmental Assessment dated 17 July 2009 prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report and additional information to the Preferred Project Report, the following drawings and as amended by the Section 75W application dated 2 May 2011 by JBA Planning and the following documents:

- i) Construction Environmental Management Plan prepared by Frasers Broadway Pty Ltd, dated 15 September 2011;
- ii) Air quality assessment for the Frasers Broadway Central Thermal Plant, prepared by Cermak, Peterka, Petersen, dated October 2011;
- iii) Heritage Impact Statement, prepared by Urbis, dated April 2011;
- iv) Drawings by PTW Architects and Tzannes Associates on behalf of Frasers Broadway Pty Ltd.; and
- v) Revised Statement of Commitments, prepared by JBA Planning, dated June 2011.

As amended by the Section 75W application dated 21 December 2012 by Frasers Broadway Pty Ltd, except where amended by the Response to Submissions dated May 2013 and the following documents:

- i) Central Park Thermal Plant Engineering Services PA Report prepared by WSP Buildings Pty Ltd, dated January 2012; and
- ii) Drawings by PTW Architects and Tzannes on behalf of Frasers Broadway Pty Ltd.

As amended by the Section 75W application dated 21 December 2012 by Frasers Broadway Pty Ltd, except where amended by the Response to Submissions dated May 2013 and the following documents:

- i) Drawings by PTW Architects and Tzannes on behalf of Frasers Broadway Pty Ltd; and
- ii) Revised Statement of Commitments, prepared by JBA Planning, dated May 2013.

As amended by the Section 75W application dated 18 December 2014 by JBA Urban Planning Pty Ltd on behalf of Frasers Broadway Pty Ltd and the following documents:

- i) Drawings by PTW Architects on behalf of Frasers Broadway Pty Ltd**

Architectural Plans prepared for the EA and PPR by Foster and Partners			
Revision	Number	Name of Plan	Date
08	PA-A-1010	Technical Sheet – Drawing List	22/05/13
04	PA-A-1011	Technical Sheet – Symbols and Notes	19/12/12
09	PA-A-1013	Technical Sheet – Area Schedule	19/12/12
04	PA-A-1032	Block 1 & 4 Section and Elevation Set Out Plan	19/05/09
06	PA-A-1299	Block 1 & 4 Contextual Site Plan	09/07/09
10	PA-A-1500	Block 1 & 4 Landscaping	19/12/12
10	PA-A-1600	Block 1 & 4 Public Domain Plan	19/12/12
08	PA-A-1755	Block 1 & 4 Level B4 – Basement, FFL -1.85	19/12/12
08	PA-A-1756	Block 1 & 4 Level B3 – Basement, FFL +0.95	19/12/12
09 08	PA-A-1757	Block 1 & 4 Level B2	19/12/12 19/12/14
09	PA-A-1758	Block 1 & 4 Level B1 – Basement, FFL +6.80	19/12/12

09	PA-A-1759	Block 1 & 4 Level B0 – Basement, FFL +9.95	19/12/12
13	PA-A-1760	Ground Floor Plan – Retail/Office	15/05/13
10	PA-A-1761	Block 1 & 4 Level 01 – Office FFL + 16.50	19/12/12
09	PA-A-1762	Block 1 & 4 Level 02 – Office/Plant FFL + 20.50	19/12/12
09	PA-A-1763	Block 1 & 4 Level 03 – Office/Childcare - FFL + 24.70	19/12/12
08	PA-A-1764	Block 1 & 4 Level 04 – Office FFL + 30.00	19/12/12
08	PA-A-1765	Block 1 & 4 Level 05 – Office FFL + 34.00	19/12/12
06	PA-A-1766	Block 1 & 4 Level 06 – Office FFL + 38.00	19/12/12
06	PA-A-1767	Block 1 & 4 Level 07 – Office Typical Floor Plan - FFL + 42.00	19/12/12
06	PA-A-1768	Block 1 & 4 Level 08 – Office FFL + 46.00	19/12/12
06	PA-A-1769	Block 1 & 4 Level 09 – Office FFL + 50.00	19/12/12
06	PA-A-1770	Block 1 & 4 Level 10 – Office FFL + 54.00	19/12/12
06	PA-A-1771	Block 1 & 4 Level 11 – Office FFL + 58.00	19/12/12
06	PA-A-1772	Block 1 & 4 Level 12 – Office FFL + 62.00	19/12/12
09	PA-A-1773	Block 1 & 4 Level 13 – Office FFL + 66.00	19/12/12
10	PA-A-1774	Block 1 & 4 Level 14 – Office Special Function FFL + 70.00	19/12/12
09	PA-A-1775	Block 1 & 4 Level 15 – Plant/Roof FFL + 74.00	19/12/12
09	PA-A-1776	Block 1 & 4 Roof Plan	19/12/12
12	PA-A-2050	Block 1 & 4 Elevation 01 – Broadway	24/01/13
07	PA-A-2051	Block 1 & 4 Elevation 02 – Carlton St. East Façade	24/01/13
12	PA-A-2052	Block 1 & 4 Elevation 03 – Tooth Lane South Façade	24/01/13
11	PA-A-2053	Block 1 & 4 Elevation 04 – Abercrombie Street	22/05/13
10	PA-A-2055	Block 1 & 4 Elevation 06 – Balfour Street	24/01/13
09	PA-A-2250	Block 1 & 4 Section 01 Cross	24/01/13
09	PA-A-2252	Block 1 & 4 Section 03 Cross	24/01/13
11	PA-A-2253	Block 1 & 4 Section 04 – Longitudinal	24/01/13
01	PA-A-3500	Block 1 & 4 4N Detailed Elevation - Broadway North Façade	19/12/12
01	PA-A-3501	Block 1 & 4 4N Detailed Elevation - Carlton Street East Façade	19/12/12
01	PA-A-3502	Block 1 & 4 4N Detailed Elevation - Tooth Lane South Façade	19/12/12
01	PA-A-3503	Block 1 & 4 Detailed Elevation – Australian Hotel Courtyard West Façade	19/12/12
03	PA-A-3751	Block 1 & 4 External Wall System	19/12/12

		Podium –Generic Details Shop Front/	
02	PA-A-3771	Block 1 & 4 External Wall System – North Façade (EWS 02 / EWS 04) Generic Details Glazing	19/12/12
02	PA-A-3772	Block 1 & 4 External Wall System – West / East Façade (EWS 02) Generic Details Glazing	19/12/12
02	PA-A-3774	Block 1 & 4 External Wall System – South Façade (EWS 01) Generic Details Glazing	19/12/12

except for:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- (2) otherwise provided by the conditions of this approval.

2) Amend Condition A13 by the deletion of the ~~struck-out~~ words/numbers and the insertion of the **bold and underlined** words/numbers as follows:

A13. Staging

Stage 1 consists of all building work to the Central Thermal Plant and then the subsequent installation of all plant and equipment.

Details are to be provided to the Certifying Authority demonstrating compliance prior to issue of the relevant Construction Certificate.

Stage 1A Construction Certificate will include the installation of the second 1.1MW gas reciprocating engine and associated infrastructure.

Stage 2 will comprise the remainder of work to Blocks 1, 4 (north) and 4 (south including final details for installing tri generation equipment.

Details are to be provided to the Certifying Authority demonstrating compliance prior to the issue of the relevant Construction Certificate.

3) Amend Condition B42 by the deletion of the ~~struck-out~~ words/numbers and the insertion of the **bold and underlined** words/numbers as follows:

B42. Central Thermal Plant – Construction Certificate

The construction of Blocks 1 and 4 is to be staged. The Stage 1 Construction Certificate will encompass the excavation and installation of the Central Thermal Plant and associated infrastructure. Details are to be provided to the Certifying Authority demonstrating compliance prior to the issue of the relevant Construction Certificate. **Stage 1A Construction Certificate will include the installation of the second 1.1 MW gas reciprocating engine and associated infrastructure.** All other remaining works forming the Block 1 and 4 buildings is part of the Stage 2 works.

- 4) Amend Condition B44 by the deletion of the ~~struck-out~~ words/numbers and the insertion of the **bold and underlined** words/numbers as follows:

B44. Environment Protection Licence

The proposal for a ~~10MW~~ **two 1.1 MW** ~~co~~ **tri**-generation plant using a gas fired internal reciprocating combustion engine will require an Environment Protection Licence under Clause 17 of Schedule 1 of the Protection of the Environment Operations Act (1997). Details are to be provided by the Operator to the Environment Protection Authority and the Certifying Authority demonstrating compliance with the Interim OEH Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra, prior to the issue of the relevant Construction Certificate for installing such tri-generation equipment.

Advisory note: Further information on the above can be found at <http://www.environment.nsw.gov.au/air/cogeneration.htm>, particularly:

All new ~~co~~ **tri**-generation will:

- Demonstrate no adverse impact on human health or the environment in accordance with the requirements of the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales.
- Proposals in Sydney and the Illawarra should either be NOX neutral or required to achieve Best Available Technique (BAT) emission performance.

- 5) Amend Condition E21 by the deletion of the ~~struck-out~~ words/numbers and the insertion of the **bold and underlined** words/numbers as follows:

E21. Engine and Generator – Gas Fired Power Plant

The power generation system must comply with the following:

- a) Lean burn Low Nitrogen Oxide Engine **or equivalent emission reduction systems**

The generator engine shall incorporate lean burn, low Nitrogen Oxide design technology **or equivalent emission reduction systems** to generate Nitrogen Oxide emissions not exceeding 57mg m³ **per engine**.

The generator shall comply with the requirements of Australian Standard for Industrial and Commercial Gas-fired appliances AS38 14.2005.

- b) Certification

Certification shall be provided by a suitably qualified consultant certifying the engine and generator has been installed in accordance with the above requirements.

- c) Maintenance and Servicing

The generator engine shall be serviced and maintained in accordance with the above requirements.

- d) Records

Records of all servicing and maintenance to be carried out on the generator engine are to be kept and made available on request to the Department by the operator.

- 6) Amend Condition F8 by the deletion of the ~~struck-out~~ words/numbers and the insertion of the **bold and underlined** words/numbers as follows:

F8. Measurement and verification of the Tri ~~Co~~ Generation Systems

A measurement and verification report is to be submitted to the Department of Planning and Infrastructure measuring and verifying the actual operating performance of each of the ~~4.0 MW~~ **1.1 MW** ~~co~~ **tri**-generation plant by conducting an energy and mass balance and calculating the overall system efficiency of each of the ~~co~~ **tri**-generation systems. The measurement and verification report is to include the actual operating hours of each of the cogeneration systems, at least 12 months of operating data including all assumptions and engineering calculations and a drawing indicating the location of all meters and sub-meters (i.e. electricity, natural gas, water meters and temperature probes) for ~~co~~ **tri**-generation systems. The measurement and verification report is to be provided to the Department of Planning and Infrastructure following 12 months from the date of operation commencement.

Advisory Note: All commercially sensitive information provided by the proponent is to be kept confidential.

END OF MODIFICATIONS TO MP 08_0253 MOD 6