


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 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the amended Statement of Commitments in Schedule 3.



Executive Director
Major Projects Assessment
DEPARTMENT OF PLANNING

Sydney *25 March* 2011

SCHEDULE 1

PART A — TABLE

Application made by:	Frasers Broadway Pty Ltd.
Application made to:	Minister for Planning
Major Project Application:	MP No. 09_0078
On land comprising:	Lot 1 DP 1131320, 26 Broadway, Chippendale
Local Government Area	City of Sydney Council
For the carrying out of:	<ul style="list-style-type: none">• Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 79.5m AHD) located above a podium, accommodating:<ul style="list-style-type: none">○ Residential floor space comprising up to 593 residential apartments○ Retail floor space comprising a food court, speciality retail and a supermarket○ Commercial floor space• Construction of terraces (landscaped platforms) which rise from the plaza to podium level 2 of the new building on Block 2• Installation of a heliostat (consisting of mirrors which are orientated to focus sunlight onto the landscaped platforms)• Construction of the surrounding public domain• Stratum subdivision of the proposal
Capital Investment Value	\$269,246,606
Type of development:	Major Project under Part 3A of the Act.
Determination made on:	18 June 2010
Date approval is liable to lapse:	5 years from the date of determination unless the development has been physically commenced.

PART B—NOTES RELATING TO THE APPROVAL OF MP No. 09_0078

Responsibility for other approvals / agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

PART C—DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means City of Sydney Council.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department or his nominee.

Environmental Assessment (EA) means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2009.

Minister means the Minister for Planning.

MP No. 09_0078 means the Major Project described in the Proponent's Preferred Project Report.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Preferred Project Report (PPR) means the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd and dated February 2010.

Proponent means Frasers Broadway Pty Ltd or any party acting upon this approval.

Regulation means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

End of Section

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

a) Schedule 1, Part A – Table is amended by inserting the following:

Application made by:	Frasers Broadway Pty Ltd.
Application made to:	Minister for Planning
Major Project Application:	MP No. 09_0078
On land comprising:	Lot 1 DP 1131320, 26 Broadway, Chippendale
Local Government Area	City of Sydney Council
For the carrying out of:	<ul style="list-style-type: none"> Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 79.5m AHD) located above a podium, accommodating: <ul style="list-style-type: none"> Residential floor space comprising up to 593 623 residential apartments Retail floor space comprising a food court, speciality retail, and a supermarket, and a gymnasium Commercial floor space Construction of terraces (landscaped platforms) which rise from the plaza to podium level 2 of the new building on Block 2 Installation of a heliostat (consisting of mirrors which are orientated to focus sunlight onto the landscaped platforms) Construction of the surrounding public domain Stratum subdivision of the proposal
Capital Investment Value	\$269,246,606
Type of development:	Major Project under Part 3A of the Act.
Determination made on:	18 June 2010
Date approval is liable to lapse:	5 years from the date of determination unless the development has been physically commenced.

b) Condition A1 is amended by inserting the following:

A1 Development Description

Development approval is granted only to carrying out the development described in detail below:

- Construction of a new mixed use retail, commercial and residential building with ancillary retail uses consisting of two towers (east tower maximum 133.0m AHD and west tower maximum 79.5m AHD) located above a podium, accommodating:
 - Residential floor space comprising up to ~~593~~ **623** residential apartments; **and**
 - Retail floor space comprising a food court, speciality retail, ~~and a supermarket~~ **and a gymnasium;** and
 - ~~Commercial floor space;~~
- Construction of terraces (landscaped platforms) which rise from the plaza to podium level 2 of the new building on Block 2;

- Installation of a heliostat (consisting of mirrors which are orientated to focus sunlight onto the landscaped platforms);
- Construction of the surrounding public domain; and
- Stratum subdivision of the proposal.

c) Condition A2 is amended by inserting the following

A2 Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 09_0078 and the Environmental Assessment dated September 2009, prepared by JBA Urban Planning Consultants Pty Ltd, except where amended by the Preferred Project Report dated February 2010, prepared by JBA Urban Planning Consultants Pty Ltd **and the Section 75W Modification dated November 2010 (as amended)**, and the following drawings:

Architectural Drawings prepared for the Environmental Assessment / Preferred Project Report by Ateliers Jean Nouvel and Johnson Pilton Walker			
Drawing No.	Revision	Name of Plan	Date
PA-A-1001	11	Situation Plan CUB Site	30/07/09
PA-A-1002	11	Contextual Plan	30/07/09
PA-A-1003	11	Masterplan Block 2	30/07/09
PA-A-1004	11	Survey Plan	30/07/09
PA-A-2001	12	Lower Ground Floor Plan	09/09/09
PA-A-2002	12	Ground Floor Plan	09/09/09
PA-A-2003	11	Level 1 Floor Plan	30/07/09
PA-A-2004	11	Level 2 Floor Plan	30/07/09
PA-A-2005	12	Level 3 Floor Plan	09/09/09
PA-A-2006	12	Level 4 Floor Plan	09/09/09
PA-A-2007	12	East and West Towers Level 5 Floor Plan	09/09/09
PA-A-2008	12	East and West Towers Level 6 Floor Plan	09/09/09
PA-A-2009	12	East and West Towers Level 7 Floor Plan	09/09/09
PA-A-2010	12	East and West Towers Level 8 Floor Plan	09/09/09
PA-A-2011	12	East and West Towers Level 9 Floor Plan	09/09/09
PA-A-2012	12	East and West Towers Level 10 Floor Plan	09/09/09
PA-A-2013	12	East and West Towers Level 11 Floor Plan	09/09/09
PA-A-2014	12	East and West Towers Level 12 Floor Plan	09/09/09
PA-A-2015	12	East and West Towers Level 13 Floor Plan	09/09/09
PA-A-2016	11	East and West Towers Level 14 Floor Plan	30/07/09
PA-A-2017	11	East and West Towers Level 15 Floor Plan	30/07/09
PA-A-2018	11	East and West Towers Level 16 Floor Plan	30/07/09
PA-A-2019	11	East and West Towers Level 17 Floor Plan	30/07/09
PA-A-2020	11	East and West Towers Level 18 Floor Plan	30/07/09
PA-A-2021	11	East and West Towers Level 19 Floor Plan	30/07/09

PA-A-2022	11	East Tower Level 20 Floor Plan	30/07/09
PA-A-2023	11	East Tower Level 21 Floor Plan	30/07/09
PA-A-2024	11	East Tower Level 22 Floor Plan	30/07/09
PA-A-2025	11	East Tower Level 23 Floor Plan	30/07/09
PA-A-2026	11	East Tower Level 24 Floor Plan	30/07/09
PA-A-2027	11	East Tower Level 25 Floor Plan	30/07/09
PA-A-2028	11	East Tower Level 26 Floor Plan	30/07/09
PA-A-2029	11	East Tower Level 27 Floor Plan	30/07/09
PA-A-2030	11	East Tower Level 28 Floor Plan	30/07/09
PA-A-2031	11	East Tower Level 29 Floor Plan	30/07/09
PA-A-2032	11	East Tower Level 30 Floor Plan	30/07/09
PA-A-2033	11	East Tower Level 31 Floor Plan	30/07/09
PA-A-2034	11	East Tower Level 32 Floor Plan	30/07/09
PA-A-2035	11	East Tower Level 33 Floor Plan	30/07/09
PA-A-2036	11	East Tower Level 34 Floor Plan	30/07/09
PA-A-2037	11	Roof Level (RT)	30/07/09
PA-A-3001	12	Longitudinal Section-AA	09/09/09
PA-A-3002	12	Transversal Section-BB	09/09/09
PA-A-3003	12	Longitudinal Section-FF	09/09/09
PA-A-3004	12	Unfolded Slot Elevation 1, 2,	09/09/09
PA-A-3005	11	Unfolded Slot Elevation 4 & 5	30/07/09
PA-A-4001	11	North Elevation	30/07/09
PA-A-4002	11	East Elevation	30/07/09
PA-A-4003	12	East Façade West Tower Section-CC	09/09/09
PA-A-4004	12	South Elevation	09/09/09
PA-A-4005	12	West Façade East Tower Section-DD	09/09/09
PA-A-4006	12	West Elevation	09/09/09
PA-A-4007	11	North Elevation	30/07/09
PA-A-4008	11	East Elevation	30/07/09
PA-A-4009	12	East Facade West Tower Section-CC	09/09/09
PA-A-4010	12	South Elevation	09/09/09
PA-A-4011	11	West Façade Residential Tower Section-DD	30/07/09
PA-A-4012	12	West Elevation	09/09/09
PA-A-4101	11	North/ East Façade Detail	30/07/09
PA-A-4102	11	North/ East Façade Detail	30/07/09
PA-A-4103	11	South/ West Façade Detail	30/07/09
PA-A-4104	11	South/ West Façade Detail	30/07/09
PA-A-4105	11	Slot Façade Detail	30/07/09

PA-A-4106	11	Slot Façade Detail	30/07/09
PA-A-4107	11	Heliostat System	30/07/09
PA-A-4109	11	North/ East Façade Detail	30/07/09
PA-A-4110	11	Detail Canopy North West Facade	30/07/09
PA-A-5001	11	Landscape Plan	30/07/09
PA-A-5002	11	Public Domain Plan	30/07/09
PA-A-5003	11	Garden/Terraces Ground Floor Plan/Section	30/07/09
PA-A-5004	11	Platforms Floor Plans	30/07/09
Subdivision Plans prepared for the Preferred Project Report by Denny Linker & Co, dated 23 February 2010			

Architectural Drawings prepared for the Section 75W Modification by Ateliers Jean Nouvel and PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A-PA-OA-011	E	Contextual Plan	10.11.10
A-PA-OA-012	E	Site Plan - Block 2 and 2A	10.11.10
A-PA-OA-046A	E	Basement 1 - Overall Floor Plan	10.11.10
A-PA-OA-047A	E	Basement 1 Mezzanine - Overall Floor Plan	10.11.10
A-PA-OA-049A	E	Ground Level - Overall Floor Plan	10.11.10
A-PA-OA-050	E	Ground Floor Mezzanine Level - Overall Floor Plan	10.11.10
A-PA-OA-051	E	Level 01 - Overall Floor Plan	10.11.10
A-PA-OA-052	E	Level 02 - Overall Floor Plan	10.11.10
A-PA-OA-053	E	Level 03 - Overall Floor Plan	10.11.10
A-PA-OA-054	F	Level 04 - Overall Floor Plan - East + West Towers & Podium	18.02.11
A-PA-OA-055	G	Level 05 - Overall Floor Plan - East + West Towers & Podium	21.02.11
A-PA-OA-056	F	Level 06 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-057	F	Level 07 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-058	F	Level 08 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-059	F	Level 09 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-060	F	Level 10 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-061	F	Level 11 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-062	F	Level 12 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-063	F	Level 13 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-064	F	Level 14 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-065	F	Level 15 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-066	F	Level 16 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-067	F	Level 17 - Overall Floor Plan - East + West Towers	18.02.11

A-PA-OA-068	F	Level 18 - Overall Floor Plan - East + West Towers	18.02.11
A-PA-OA-069	F	Level 19 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-070	F	Level 20 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-071	F	Level 21 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-072	F	Level 22 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-073	F	Level 23 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-074	F	Level 24 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-075	F	Level 25 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-076	F	Level 26 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-077	F	Level 27 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-078	F	Level 28 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-079	F	Level 29 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-080	F	Level 30 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-081	F	Level 31 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-082	F	Level 32 - Overall Floor Plan - East Tower	18.02.11
A-PA-OA-083	E	Level 33 - Overall Floor Plan - East Tower	10.11.10
A-PA-OA-084	E	Level 34 - Overall Floor Plan - East Tower	10.11.10
A-PA-OA-085	E	Roof - Overall Floor Plan - East Tower	10.11.10
A-PA-OA-800	E	Section A-A Overall	10.11.10
A-PA-OA-801	E	Section B-B Overall	10.11.10
A-PA-OA-708	E	Elevations - Tower Slot - East Tower Façade Slots	10.11.10
A-PA-OA-700	E	North Elevation	10.11.10
A-PA-OA-701	E	East Elevation	10.11.10
A-PA-OA-702	E	South Elevation	10.11.10
A-PA-OA-703	E	Internal Elevations - West Tower - East Elevation and East Tower - West Elevation	10.11.10
A-PA-OA-704	E	West Elevation	10.11.10
A-PA-P-981	E	Podium Awning Details Sheet	10.11.10
A-PA-OA-540	E	Façade Details - Façade Type A - Typical Large External Balcony With Privacy Screen	10.11.10
A-PA-OA-541	E	Façade Details - Façade Type B - Typical Small External Balcony With Privacy Screen	10.11.10
A-PA-OA-542	E	Façade Details - Façade Type C - Typical Balcony With Sliding / Stacking Doors to Slot Facade	10.11.10
A-PA-OA-543	E	Façade Details - Façade Type D - Typical East Tower Loggia	10.11.10
A-PA-OA-544	E	Façade Details - Façade Type E - Typical West Tower Studio / 1 Bed Loggia	10.11.10
A-PA-OA-545	E	Façade Details - Façade Type F - Typical Two Key Loggia	10.11.10

A-PA-OA-550	E	Tower Façade Sections - Façade and Apartment Interior - Overall Section Detail	10.11.10
A-PA-OA-555	E	Tower Façade Arrangement Detail	10.11.10
A-PA-OA-560	E	Tower Slot Façade Details - Façade Glazing Sheet 1 - Slot Façade	10.11.10
A-PA-OA-961	E	Tower Planter Box and Green Wall Details	10.11.10
A-PA-OA-962	E	Tower Planter Box Details	10.11.10
Subdivision Plans prepared for the Section 75W Application by Denny Linker & Co., dated 20 October 2010			

- d) Condition B1 is amended by inserting the following:

B1 Design Modifications

The design of the building shall be amended as follows:

- (a) The detailed design resolution of the pedestrian entrance into the Main Avenue adjacent to the Kent Brewery Gate Portal, (at the northwest corner of the building) should remove any ambiguity between the two adjacent entrances and ensure that the historic gate portal remains prominent. A plainer solid backdrop to the corner at street level, rather than glazing would assist and could incorporate interpretation of the Gate Portal.
- ~~(b) The two north-south arcades within Block 2 shall have a minimum width of 4.5m.~~
- ~~(c) In order to improve amenity and aspect, the 2 key apartments located in the eastern tower defined as RE.C3.01.00 between Level 5 and Level 28 are to be amended to 2 bedroom apartments in line with RE.C1.04.00 provided between Level 29 and 31.~~
- (d) In order to improve amenity and aspect, the following apartments in the eastern tower are to be amended:**
 - (i) Apartment 0412 is to be provided with a balcony.**
 - (ii) Apartment 12 (2 key apartment) between Level 5 and 12 is to be provided as a 2 bedroom apartment only.**
- (e) In order to improve amenity and aspect, the following apartments in the western tower are to be amended:**
 - (i) Apartment 0404 and 0405 is to be provided with a balcony.**

Details shall be submitted to and approved by the Director-General, in consultation with Council, prior to any Construction Certificate.

- e) Condition B25 is amended by inserting the following:

B25 Energy Star Ratings

Certification is to be provided to the Certifying Authority (with a copy supplied to the Department) by the Green Building Council of Australia, indicating that the development achieves a 6 Star Green Star rating. Should the ESD and WSUD infrastructure required to support the 6 Star Green Star not be approved by others, all residential, commercial and retail development (including adaptable re-use of heritage buildings) shall achieve a minimum 5 Star Green Star. This certification is to be submitted prior to the issue of the **first** relevant Construction **Occupation** Certificate **for the proposal**.

- f) Condition B26 is amended by inserting the following:

B26 BASIX Certificate requirements

Prior to the issue of the relevant Construction Certificate, details of all amendments and treatments outlined in the BASIX Certificates submitted with the PPR (**as amended by the 75W Modification dated November 2010 (as amended)**), to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

SCHEDULE 3

**Project Application for Block 2
Frasers Broadway 26 Broadway, Chippendale**

Amended Statement of Commitments

**(Source: Environmental Assessment received as part of Section 75W Modification dated
November 2010 (as amended))**

4.0 Revised Statement of Commitments

The amendments described in this report necessitate the following amendments to the approved Statement of Commitments. Deletions are shown in ~~bold strikethrough~~ and insertions are shown in ***bold italics***.

Table 9 – Revised Statement of Commitments

Key Issue	No.	Commitment	Timing
Design	1.	The proposed development will be constructed in accordance with the plans and documentation submitted with the Project Application, <i>as amended by the Section 75W modification.</i>	Ongoing.
ESD	2.	The proposed development will achieve a 5 Star Green Star rating (Multi residential PILOT tool unless superseded by an operational tool).	Prior to occupation of the building.
Public Domain	3.	Proof shall be submitted demonstrating that Public Right of Way easements have been created on the land title	Prior to an occupation certificate being issued.
	4.	A Publicly Accessible Areas Management Plan will be entered into by the building management	Prior to the occupation of the building
Retail premises	5.	Separate Project Applications / Development Applications (dependent on cost of works) will be lodged for each of the ground floor retail tenancies.	N/A.
Childcare	6.	29 Childcare spaces for the proposed development will be provided on Blocks 1 and 4. The addition 24 <i>23</i> spaces generated by the Block 2 development will be provided within the development on Blocks 8 or 11.	Ongoing.
Construction Management	7.	A detailed Construction Management Plan will be prepared by the building contractor.	Prior to the issue of a construction certificate.
	8.	Management of noise, vibration, dust, soil and erosion arising from the construction of the building will be undertaken in accordance with the Construction Management Plan (CMP) for the development.	Throughout the duration of construction works.
	9.	A sign will be erected on the boundary fence of the development which will advise of the following: <ul style="list-style-type: none"> ▪ Contractor details ▪ 24 hour emergency contact details 	Throughout the duration of construction works.
	10.	Construction work will be carried out at the following times: <ul style="list-style-type: none"> ▪ Monday to Friday: 7.30am to 5.30pm ▪ Saturday: 7.30am to 3.30pm ▪ Sunday and Public Holidays: No work to be undertaken 	Throughout the duration of construction works.
Traffic Management	11.	A construction traffic management plan will be prepared and submitted to the certifier.	Prior to the issue of a Construction Certificate.
	12.	Works will be carried out in accordance with the construction traffic management plan.	Throughout the duration of construction works.
Parking	13.	Commercial, retail and residential parking spaces will be managed in accordance with a car park management plan will be prepared by the building manager.	Prior to Occupation of the building.
Accessibility	14.	All publicly accessible areas of the building will be designed to equitable access for the mobility impaired.	Prior to issue of a Construction Certificate.

Key Issue	No.	Commitment	Timing
Waste Management	15.	A commercial contractor will be engaged to remove waste and recycling from the building in accordance with the Waste Management Plan for the project.	Prior to occupation of the building.
Residential Amenity	16.	Mitigation measures outlined in the detailed CMP will be implemented so as to minimise impacts on the surrounding community.	Throughout the construction of the building.
	17.	The plant selected for the building will be acoustically treated so as to meet the acoustic goals set in the Noise Assessment prepared by Acoustic Logic.	Prior to occupation of the building.
	18.	The acoustic treatments proposed to the achieve the noise goals set for the internal amenity of the proposed units will be certified by an appropriately qualified acoustic consultant.	Prior to the issue of a construction certificate.
Heritage	19.	The proposed works will be carried out in accordance with the recommendations of the Heritage Impact Statement prepared by Urbis Pty Ltd.	Throughout the duration of the construction works.
	20.	Construction works will be overseen by a qualified heritage consultant when in close proximity to the heritage gate.	As relevant
	21.	The recommendations of the nominated site archaeologists will be carried out.	Prior to work commencing in the relevant areas.
	22.	Temporary and permanent interpretive elements will be incorporated into the design of the proposed building	During the construction phase and design development phase.
Wind	23.	The wind amelioration treatments recommended by CPP will be incorporated into the design of the proposed building	Prior to the issue of a Construction Certificate.
Reflectivity	24.	The façade of the building will be constructed so as to meet the recommendations made by CPP in relation to reflectivity.	Prior to issue of a Construction Certificate.
Consultation	25.	Frasers will regularly update local residents on construction work and the progress of the development via their community liaison officer, website and newsletter.	Ongoing
Public Transport	26.	Transport access guides and Workplace Travel Plans containing specific measures to increase public transport and cycling trips will be prepared for the proposed building.	Prior to the issue of an Occupational Certificate.
Acoustic Amenity	27.	Information will be submitted to the PCA demonstrating that the proposed design will meet the internal noise criteria as outlined in the Acoustic Assessment.	Prior to the issue of a CC.
Strata Subdivision	28.	The 2 key apartments will be located on a single strata lot so as to ensure each unit remains in single ownership.	Prior to the issue of an OC.
Public Art	29.	Public art will be installed in the atrium of the Block 2 building.	Details to be provided prior to the issue of a CC.
Remediation	30.	Site Audit Statements will be issued confirming that the site has been made suitable or that sufficient management measures are in place so as to ensure that the site is suitable for the proposed use.	Prior to issue of an OC.