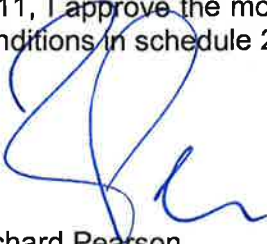


Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation dated, 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Richard Pearson
Deputy Director-General

Sydney, 22nd December 2011

SCHEDULE 1

Project Approval: MP 09_0078 granted by the Planning Assessment Commission on 18 June 2010

For the following:

- 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 89.5m AHD) located above a podium accommodating:
 - residential floor space comprising up to 593 residential apartments;
 - retail floor space comprising a food courts, 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; and
- Stratum subdivision of the proposal.

Proposed Modification: MP 09_0078 MOD 3: Modification includes:

- decrease in provision of retail floorspace from 19,525m² to 19,235.2m²;
- increase in residential floorspace from 48,252m² 48,390.8m²;
- modifications to layout of retail and restaurant tenancies, amenities and atrium space, plant room and service areas;
- deletion of landscape terraces and new cantilevered balconies off southern elevation of food court and open space;
- increase in building height of west tower by 1.2 metres;
- modified layout of lower courtyard;
- modifications to approved planting to external façade;
- modified cantilever and heliostat arrangement;
- construction of the surrounding public domain;
- Stratum subdivision of Blocks 2, 5A & 5B, 5C & basement levels below; and
- retail trading hours.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

a) Condition A1 is amended as follows:

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 623 residential apartments; and
 - Retail floor space comprising a food court, speciality retail, supermarket and a gymnasium.
- ~~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 **podium and ground level public domain landscaped platforms**);
- Construction of the surrounding public domain; and
- Stratum subdivision of the proposal **Blocks 2, 5A & 5B, 5C & basement levels below**.

b) Condition A2 is amended as follows:

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), **as amended by the Section 75W Modification dated September 2011** and the following drawings:

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-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 24 March 2011			

Architectural Drawings prepared for the Section 75W Modification by Ateliers Jean Nouvel and PTW Architects

<u>Drawing No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>A-PA-OA-046A</u>	<u>G</u>	<u>Basement 1 - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-047A</u>	<u>G</u>	<u>Basement 1 Mezzanine - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-049A</u>	<u>G</u>	<u>Ground Level - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-050</u>	<u>G</u>	<u>Ground Floor Mezzanine Level - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-051</u>	<u>G</u>	<u>Level 01 - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-052</u>	<u>G</u>	<u>Level 02 - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-053</u>	<u>G</u>	<u>Level 03 - Overall Floor Plan</u>	<u>8.8.11</u>
<u>A-PA-OA-054</u>	<u>I</u>	<u>Level 04 - Overall Floor Plan - East + West Towers & Podium</u>	<u>8.8.11</u>
<u>A-PA-OA-055</u>	<u>J</u>	<u>Level 05 - Overall Floor Plan - East + West Towers & Podium</u>	<u>8.8.11</u>
<u>A-PA-OA-056</u>	<u>I</u>	<u>Level 06 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>

<u>A-PA-OA-057</u>	<u>I</u>	<u>Level 07 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-058</u>	<u>I</u>	<u>Level 08 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-059</u>	<u>I</u>	<u>Level 09 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-060</u>	<u>I</u>	<u>Level 10 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-061</u>	<u>I</u>	<u>Level 11 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-062</u>	<u>I</u>	<u>Level 12 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-063</u>	<u>H</u>	<u>Level 13 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-064</u>	<u>H</u>	<u>Level 14 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-065</u>	<u>H</u>	<u>Level 15 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-066</u>	<u>H</u>	<u>Level 16 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-067</u>	<u>H</u>	<u>Level 17 - Overall Floor Plan - East + West Towers</u>	<u>8.8.11</u>
<u>A-PA-OA-079</u>	<u>H</u>	<u>Level 29 - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-080</u>	<u>H</u>	<u>Level 30 - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-081</u>	<u>H</u>	<u>Level 31 - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-082</u>	<u>H</u>	<u>Level 32 - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-083</u>	<u>G</u>	<u>Level 33 - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-084</u>	<u>G</u>	<u>Level 34 - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-085</u>	<u>G</u>	<u>Roof - Overall Floor Plan - East Tower</u>	<u>8.8.11</u>
<u>A-PA-OA-700</u>	<u>G</u>	<u>North Elevation</u>	<u>8.8.11</u>
<u>A-PA-OA-701</u>	<u>G</u>	<u>East Elevation</u>	<u>8.8.11</u>
<u>A-PA-OA-702</u>	<u>G</u>	<u>South Elevation</u>	<u>8.8.11</u>
<u>A-PA-OA-704</u>	<u>G</u>	<u>West Elevation</u>	<u>8.8.11</u>
<u>A-PA-OA-962</u>	<u>G</u>	<u>Tower Planter Box Details</u>	<u>8.8.11</u>
<u>A-PA-P-981</u>	<u>G</u>	<u>Podium Awning Details</u>	<u>8.8.11</u>
<u>Landscape Plans drawn by Jeppe Aagaard Anderson & Turf Design Studio</u>			
<u>0721 Pages 1-7</u>	<u>A</u>		<u>16.9.11</u>
<u>:</u>	<u>:</u>	<u>Public Domain Plan</u>	<u>Oct 2011</u>
<u>Other</u>			
<u>:</u>	<u>:</u>	<u>Green Wall Planting Schedule</u>	<u>12.8.11</u>
<u>:</u>	<u>:</u>	<u>Planter Box/ Vertical Cable Detail</u>	<u>29.8.11</u>
<u>:</u>	<u>:</u>	<u>Landscape Maintenance Plan</u>	<u>12.9.11</u>

1-2	:	Typical Green (Vegetal) Wall Panel Layout	7.7.11
Subdivision Plans prepared for the Section 75W Application by Denny Linker & Co., dated 2 December 2011 (Issue 32)			

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.

c) Condition B2 is amended as follows:

B2 Additional Details

Additional details in regard to the following matters shall be submitted to and approved by the Director-General prior to the issue of the relevant Construction Certificate:

- ~~(a) An updated sample of glazing material for Block 2. The sample must demonstrate that the proposed glazing is reasonably transparent.~~
- (a)** The Proponent is to demonstrate that the heliostat system can operate successfully. This may include a prototype of part of the system to be constructed.

d) Condition B15 is amended as follows:

B15 Public Domain Plan

Three copies of a detailed Public Domain Plan for the Broadway, ~~Balfour Street, Tooth Avenue and Kent Road~~ **Chippendale Way (previously referred to as Balfour Street), Central Park Avenue (previously referred to as Tooth Avenue) and Carlton Street (previously referred to as Kent Road)** frontages must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and approved by Council prior to *the relevant* Construction Certificate. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in consultation with Council officers; must be in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Design Code; and must include the following items as a minimum:

- (a) Proposed footway paving locations and details of proposed materials, treatments and finishes;
- (b) Proposed kerb and gutter locations, materials, treatments and finishes;
- (c) Proposed location and type of public domain elements, including furniture, traffic signage, lighting, street trees, landscaping and the like;
- (d) Construction details and specifications for all public domain elements;
- (e) Clearly show the interface between public and publicly accessible, privately owned footway and landscape areas;
- (a) Clearly show the extent of works and relationship to other stages of proposed infrastructure construction covered under separate applications.

The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

Note: A security deposit is required to be lodged as a performance security for the public domain works, in accordance with the City of Sydney's adopted fees and charges, prior to *the relevant*

Construction Certificate. You should contact Council to determine the deposit amount prior to payment.

e) Condition B17 is deleted:

B17 — Vertical Garden / Vegetal Walls and Modular Planting System

~~Prior to a Construction Certificate being issued, the following design details of the vertical garden / vegetal walls and modular planting systems be submitted to, and approved by the Director General:~~

- ~~(a) Detailed drawings demonstrating how the planters and cables are constructed, including proposed materials, planter dimensions, and integration into the building structure;~~
- ~~(b) Detailed drawings demonstrating that all landscaping incorporated into the design of the building be centrally irrigated;~~
- ~~(c) Location, numbers, type and size of plant species. All proposed plant species are to be carefully considered to maximise potential viability and ensure their longevity.~~
- ~~(d) Drainage, irrigation and waterproofing details, including overflow systems;~~
- ~~(e) A maintenance plan, detailing how access to the planter boxes will be provided, and outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the building is well maintained and attractive throughout its life.~~
- ~~(f) A maintenance plan, detailing how access to the planter boxes will be provided, and outlining the intended strategy for decommissioning the planting works should plants fail. This strategy is to ensure that the finish to the building is well maintained and attractive throughout its life.~~
- ~~(g) A building Management Statement or Strata Management Statement that requires that the ongoing maintenance of all plantings, both horizontal and vertical be the responsibility of the body corporate.~~

f) Condition B19 is deleted:

B19 — Water Feature

- ~~(a) The water feature is to be designed in accordance with all relevant Australian Standards, and such that water shall not become stagnant. Water quality must be of a standard appropriate for its use, in accordance with the ANZECC Guidelines for Fresh and Marine Water Quality and relevant Australian Standards.~~
- ~~(b) Details of the water feature construction are to be submitted to Council for review and approval prior to a Construction Certificate being issued.~~
- ~~(c) Prior to a Construction Certificate being issued, a maintenance plan for the water feature is to be submitted to Council for approval. The maintenance plan must include proposed treatments for hardscape and water elements and must clearly address maintenance, operational and cost responsibilities for the feature between elements to be located on privately owned land and those to be located on publicly owned land.~~

~~The approved maintenance plan must be complied with during the maintenance period specified in this approval.~~

g) Condition B20 is amended as follows:

B20 Public Domain Landscaping / Street Trees

- (a) Prior to the relevant Construction Certificate being issued, an amended plan(s) is to be submitted for the review and approval of Council, showing the following information in relation to public domain landscaping and street tree planting:
 - (i) The condition of the existing street trees on the Broadway frontage of the development will be monitored by Council during the progression of future construction works. A

decision will be made by Council at a later stage as to whether these trees are to be retained, or removed and replaced by the developer;

- (ii) The existing *Fraxinus* sp. street tree on Broadway, being the third tree west from **Carlton Street (previously referred to as Kent Road)**, is in poor condition and is to be removed and replaced by the developer with a new street tree (minimum 200 ltr size) and shown accordingly on the plan submitted for approval. Note: separate formal approval by the Council for this work will be required prior to the issue of a Construction Certificate. The species of the replacement tree will be determined by Council and advised prior to a Construction Certificate being issued;
- (iii) Formal approval by the Council is required prior to the issue of a Construction Certificate for the proposed removal of the existing *Celtis* sp. street tree closest to the intersection of Broadway and **Chippendale Way (previously referred to as Balfour Street)**;
- (iv) The species of new street trees to be planted on Broadway has yet to be confirmed. The species choice will be determined by Council and advised prior to a Construction Certificate being issued (Council must nominate the tree species within 30 days of a request from the proponent);
- (b) Detailed investigation shall be undertaken by the developer to determine the feasibility of new street tree planting on the **Central Park Avenue (previously referred to as Tooth Avenue)** and **Carlton Street (previously referred to as Kent Road)** frontages of the site. This investigation shall include consideration of underground services that may limit potential for planting and any proposed new planting locations. Results of the investigation shall be provided to Council for review prior to a Construction Certificate being issued;
- (c) All trees supplied for planting shall generally conform to the NATSPEC guide for tree specification (Ross Clark, 2003). Details of planting stock size and availability of all species shall be submitted to Council for review and approval. Nominal minimum pot size for trees is to be 400 ltr;
- (d) Details of proposed planting substrates (including physical and chemical characteristics) and tree pit construction details shall be submitted to Council for review and approval.

h) Condition C15 amended as follows:

C15 RTA Requirements

- (a) Prior to the commencement of any construction works, in order to provide safe access for construction vehicles and to maintain road network efficiency during construction, the traffic signals at the intersection of Abercrombie Street and O'Connor Street and the intersection of Broadway and **Chippendale Way (previously referred to as Balfour Street)** are to be approved and constructed.
- (b) The timing of the above intersection signalisation works may be varied, only with the written approval of the RTA.

i) Condition E2 is amended 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:

- (a) The on-site car parking and storage spaces within lots 301, 302, **303, 308, 310, 311 and 312** ~~306 & 309~~ are not to be used other than by a resident or owner of the subject lots.
- (b) The on-site car parking spaces within lot **305, 306 & 309** ~~303~~ are not to be used other than by an occupant, tenant or owner of **the subject lot** ~~lots 303, 308 and 315~~.
- (c) The on-site car parking and storage spaces within lot **313** ~~312~~ are not to be used other than by a resident or owner of Blocks **3, 6, 7 and 10** ~~9~~.
- (d) ~~The on-site car parking and storage spaces within lot 313 are not to be used other than by an occupant, tenant, owner or resident of Block 3.~~

- (e) **(d)** 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 **(cd)** in either,
- 1) the initial deposited plan subdividing the site; or
 - 2) the appropriate strata plan/s subdividing a lot created by the plan referred to in 1).

j) Condition E3 is amended as follows:

E3 Restrictions on Residential Development

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portions of the building within lots 301, 302, **303, 308, 310, 311 and 312** ~~306 & 309~~ must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the Sydney Local Environmental Plan 2005.
- (b) The proponent is to include a restriction on use, created pursuant to Section 88B of the *Conveyancing Act 1919*, to Council's satisfaction, in each strata plan subdividing a lot created by the initial deposited plan subdividing the site, which creates a residential strata scheme, burdening each lot in that strata scheme.

k) Condition E9 is amended as follows:

E9 Public Road Dedication

Prior to the issue of any Occupation Certificate for the development, the parts of **(Carlton Street (previously referred to as Kent Road), Central Park Avenue (previously referred to as Tooth Avenue) and Chippendale Way (previously referred to as Balfour Street)** which provide access to the development must be constructed and certified in accordance with the requirements of and to the satisfaction of Council. The timing of the subsequent public dedication of the roads must be carried out in a manner acceptable to the Council.

l) Add the following new Condition E12:

E12. Building /Strata Management Statement

Prior to the issue of a Subdivision Certificate, a Building/Strata Management Statement must be prepared which adequately details the following matters to the satisfaction of the Department and Council:

- a) **The use, operation, management and arrangements for the supply of services, 'step-in' agreement, maintenance and upgrading for the Recycled Water Plant within proposed Lot 307 and associated plant, equipment and pipes;**
- b) **The use, operation, management, maintenance and upgrading for the Stormwater Detention Tank within proposed Lot 311 and associated pipes and equipment;**
- c) **The use and arrangements for the supply of services for the Central Thermal Plant within 'Superlot 2' and associated plant, equipment and pipes;**
- d) **The use, management, maintenance and upgrading for the privately owned and publically accessible areas within the subdivision; and**
- e) **The ongoing maintenance, upgrading, redevelopment and structural adequacy of each stratum lot within the subdivision.**

m) Add the following new Condition E13:

E13. Positive Covenant for the Recycled Water Plant

A public positive covenant must be created on the subdivision, burdening proposed Lot 307 (the Recycled Water Plant) in favour of Council, requiring that the owner of the lot maintains in good functioning order, and upgrades and replaces when necessary, the Recycled Water Plant and associated plant, equipment and pipes to ensure that the Plant functions appropriately for its intended purpose. The covenant is to also include the provision for Council to inspect the Lot. The covenant must be created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction.

n) Add the following new Condition E14:

E14. Positive Covenant for Road Stratum

A public positive covenant must be created on the subdivision burdening all the lots that provide support and drainage for the road stratum in favour of Council, requiring that the support and drainage structures provided by these lots be inspected, maintained, repaired and replaced to the satisfaction of Council. The covenant must be created pursuant to Section 88B of the Conveyancing Act 1919, to Council's satisfaction.

o) Add the following new Condition E15:

E15. Connection for Lot 311

The connection for Lot 311 under the Main Park must be limited in height to Basement 6.

p) Condition F1 is amended as follows:

F1 Vertical Green Wall and landscaping

Prior to the issue of an Occupation Certificate, the owner must procure the registration of a positive covenant on the title of the land benefiting a public authority requiring the vertical green walls and landscaping be maintained, repaired and replanted where necessary in accordance with the maintenance schedule approved in Condition B17 of this approval.

Prior to the issue of an Occupation Certificate, a Building Management Statement or Strata Management Statement must be provided in registrable form to the Director General for approval which requires the ongoing maintenance of all plantings, both horizontal and vertical and which maintenance is to be the responsibility of the relevant owners of the land.

q) Condition F2 is amended as follows:

F2 Occupation Certificate

Prior to the issue of any Occupation Certificate for the development, the parts of Carlton Street (previously referred to as Kent Road), Central Park Avenue (previously referred to as Tooth Avenue) and Chippendale Way (previously referred to as Balfour Street), which provide access to the development must be constructed and certified in accordance with the requirements of and to the satisfaction of Council. The timing of the subsequent public dedication of the roads must be carried out in a manner acceptable to the Council.

r) Condition F12 is amended as follows:

F12 Public Road Dedication

Prior to the issue of any occupation certificate for the development all parts of Carlton Street (previously referred to as Kent Road), Central Park Avenue (previously referred to as Tooth Avenue) and Chippendale Way (previously referred to as Balfour Street), providing frontage and access to the subject development are to be constructed and completed in accordance with the requirements and to the satisfaction of the Council. All the parts of Carlton Street, Central Park Avenue and Chippendale Way Balfour Street, Kent Road, Tooth Avenue and Balfour Street, providing frontage and access to the subject development shall be dedicated as Public Road to the Council. The timing of the public dedication of the roads must be carried out in a manner acceptable to Council.

s) Condition F13 is amended as follows:

F13 Publically Accessible Areas Management Plan

A Management Plan for publicly accessible areas must be prepared in consultation with Council officers, in accordance with the Second Deed of Variation of Owner's Approval Deed dated 26 June 2009. The Management Plan must be prepared, publicly exhibited and approved by the Council prior to the issue of an Occupation Certificate, or the use commencing, whichever is the earlier.

The Management Plan shall include opportunities for use of the Lower Courtyard for markets and community events.

t) Add the following new Condition G8:

G8 Retail Trading Hours

Retail operating hours are limited to 6 am to 10 pm Monday to Sunday.

SCHEDULE 3

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

Amended Statement of Commitments

**(Source: Environmental Assessment Report received as part of 75W Modification dated
September 2011**

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 additional 23 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 7.00am to 7.00pm Saturday: 7.30am to 3.30pm 7.00am to 5.00pm 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 which 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 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.	Fraser's 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 in the southern undercroft of Block 5A	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.
Tree Management	31.	The required pruning of T1, T2, T4 & T5 shall be undertaken in accordance with the recommendations of Earthscape Horticultural Services' Development Impact Assessment Report dated June 2011.	Ongoing