

21 March 2013

File No: R/2009/122/D  
Our Ref : 2013/046856

Karen Jones  
Director, Metropolitan & Regional Projects South  
NSW Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mark Brown  
Email: Mark.Brown@planning.nsw.gov.au

Dear Mark

**RE: Section 75W request to modify the approved Project Application  
MP09\_0078 (MOD 5) for Block 2, Central Park, Chippendale (former Carlton  
United Brewery site)**

I refer to your correspondence received on 14 February 2013, inviting Council to make a submission regarding the request to modify the approved Projection Application MP09\_0078 to amend conditions for Block 2 so that the approval is consistent with conditions approved under the Concept Plan MP06\_0171.

This application seeks to modify conditions A2, B4, E1, E2, E4, E8, E12, E13, F1 and F13 as follows:

- Updated subdivision plans;
- Permit public art to be completed prior to the issue of the last Occupation Certificate for any part of the building on Block 2;
- Delete lot consolidation condition for the Recycle Water Plant;
- Amend restriction on use of car space and storage spaces to allow access by owners, occupiers, residents and tenants;
- Amend wording to condition relating to creation of easements for access to common areas within buildings and positive covenants to publicly accessible land;
- Amend required specifications to the Building/Strata Management Statement and delete reference to the Recycle Water Plant;
- Delete positive covenant relating to the maintenance of the Recycle Water Plant; and
- Amend requirement for the registration of a positive covenant and management plan for the vertical green wall and landscaping, in particular, the management plan is to be approved by the Director-General.

The City has reviewed the justification submitted by JBA Urban Planning Consultants Pty Ltd dated 4 February 2013, and submits the following for consideration.

The modification to conditions A2, B4, E1, E2, E4, E8, E12, E13 and F13 are generally acceptable as discussed below:

- Modification to subdivision plans in condition A2 is acceptable, subject to the plans corresponding to the conditions of the Project Application approval, as amended by this application.
- Modification of condition B4 to delay the requirement for completion of public art work until the last Occupation Certificate is issued for any part of the building on Block 2 is acceptable as it will not affect the intent of providing public art and enhancing the public domain.
- Modification to conditions E4, E8 and F13 regarding the creation of easements and positive covenants to publicly accessible lands and management plans for areas such as lifts, lobbies, fire stairs, loading areas,, service areas and car parking pursuant to Section 88B of the Conveyancing Act 1919, is acceptable.
- Modification to condition E12 - Building/Strata Management Statement and deletion of E13 – Positive Covenant for the Recycled Water Plant are acceptable having regard to relevant WICA and IPART licensing regulations which will require the future operator to commit to operational, management, use, supply of services standards.
- Modification of condition E2 to permit access to basement car parking and storage spaces for owners and occupiers of lots 301, 302, 303, 308, 310, 311; access to car parking spaces for owners and occupiers of lots 305 and 309; car parking spaces and storage spaces in lot 306 to tenants, residents, owners and occupiers of Blocks 3, 6,7 and 10; access to lot 306 for owners and occupiers of lots 310, 311 and 312 is consistent with the provisions of Clause 39 – Utility Lots under the Strata Schemes (Freehold Development) Act 1973 and is considered acceptable. The City generally supports the modification of condition E2, subject to compliance with parking provisions approved under the Concept Plan MP06\_0171 (as amended).
- Deletion of condition E1 requiring the consolidation of the Recycled Water Plant lot with a residue lot is generally acceptable as the nominated lots in E1 are out of date and do not reflect the latest proposed subdivision plans for the site. Furthermore, the City supports the allocation of the Recycled Water Plant on a separate title, subject to compliance with requirements under the Water Industry Competition Act (WICA) and any conditions issued for a licence by the Independent Pricing and Regulatory Tribunal (IPART) for the ongoing management, maintenance and repair of the plant.
- Deletion of condition E13 requiring the creation of a positive covenant on the Recycled Water Plant lot to ensure proper maintenance of the plant is supported since recent amendments to the WICA appoints IPART as the regulatory authority for the future use of the plant. Council will no longer be the regulatory authority under Section 68 of the Local Government Act and as such, the condition is redundant. The City raises no objection to the deletion of this condition, subject to IPART approval.

In regard to the modification of condition F1, the City raises the following issues for consideration:

- The Management Plan for the maintenance, repair and replanting of the vertical green wall required in condition F1 should be submitted to and approved by Council rather than the Director-General as City staff have the necessary technical skills and knowledge to determine the adequacy of any proposed management plan to ensure the proper management and maintenance of the green wall.

Should you wish to speak with a Council officer about the above, please contact Peggy Wong, Specialist Planner, on 9265 9685 or [pwong@cityofsydney.nsw.gov.au](mailto:pwong@cityofsydney.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'GJahn', with a large loop at the end.

**Graham Jahn AM**  
**Director**  
City Planning | Development | Transport