

Modification of Major Project Approval (MP 06_0171)**Section 75W of the *Environmental Planning & Assessment Act 1979***

I, the Minister for Planning under S.75W of the *Environmental Planning and Assessment Act 1979*, modify the Concept Plan approval referred to in Schedule 1 in the manner set out in Schedule 2, Schedule 3 and the Statement of Commitments set out in Schedule 4.



The Hon. Kristina Keneally MP
Minister for Planning

Date:

5/2/09

MP 06_0171 MOD 2

SCHEDULE 1

Concept Plan Approval for the former Carlton United Breweries Site (MP 06_0171) granted by the Minister for Planning on 9 February 2007, comprising:

- a) The layout of development into 11 development blocks, a major new park, and other areas of open space and street layout.
- b) Land uses across the site and for specific blocks/floor levels where specified.
- c) Built envelopes including floor plates and maximum heights.
- d) Maximum floor space (GFA) within each development block and a total 235,000 GFA across the site.
- e) Retention of a range of heritage items of significance.
- f) Street hierarchy for specific streets (including road and pavement widths and provision for bicycles).
- g) Landscaping concept.
- h) Access arrangements and car parking based on the recommended rate and the assumed dwelling mix.
- i) Storm-water management concept.
- j) Voluntary Planning Agreements and Statement of Commitments.

The Concept Plan approval is modified to replace previous Schedules 1 and 2 with the following:

SCHEDULE 2
CONCEPT PLAN MODIFICATION
(MP 06_0171 MOD 2)

PART A – APPROVAL

A1 Operation and Commencement of Approval linked to Planning Agreements

1. The Modified Affordable Housing Planning Agreement between the Redfern-Waterloo Authority and Frasers Broadway Pty Limited entered into on 28 November 2008 in connection with the application for modification of the Concept Plan approval dated 9 February 2007, is to be performed by Frasers Broadway Pty Limited (its successors or assigns) in connection with the carrying out of the project to which the modified Concept Plan approval relates.
2. The modified Planning Agreement with the Minister for Planning must be executed prior to issuing Project Approval for works related to new buildings.

A2 Table

Proponent:	Frasers Broadway Pty Ltd
Application made to:	Minister for Planning
Major Project Number:	06_0171 MOD 2
On land comprising:	Lot 1 DP 76719, Lot 1 DP 709452, Lot 1 DP 33953, Lot 3 DP 33593, Lot 5 DP 33953, Lot 6 DP 33953, Lot 1 DP 228682, Lot 1 DP 191024, Lot 1 DP 189736, Lot 17 DP 192059, Lot 16 DP 192059, Lot PT 15 DP 192059, Lot 701 DP 752011, Lot 14 DP 192059, Lot 31 SEC 1 DP 739, Lot 33 SEC 1 DP 739, Lot 35 SEC 1 DP 739, Lot 2 DP 722227, Lot 1 DP 722227, Lot 16 SEC 1 DP 739, Lot 14 SEC 1 DP 739, Lot 27 SEC 1 DP 206, Lot 28 SEC 1 DP 206, Lot 30 SEC 1 DP 206, Lot 31 SEC 1 DP 20, Lot 11 DP 626951, Lot 15 DP 752011, Lot 14 DP 752011, Lot 13 DP 752011, Lot 12 DP 979183, Lot 27 SEC 2 DP 206, Lot 1 DP 101608, Lot 26 DP 650913, Lot 1 DP 101611, Lot 1 DP 1095211, Lot 24 SEC 2 DP 206, Lot 1 DP 511051, Lot 1 DP 128618, Lot 22 SEC 2 DP 206, Lot 21 SEC 2 DP 206, Lot 20 SEC 2 DP 206, Lot 1 DP 795561, Pt 10 SEC 1 DP 739, PT 8 SEC 1 DP 739 Irving Lane, Chippendale between Carlton and Balfour Streets and the section of Balfour Street, Chippendale between O'Connor Street and the southern boundary of Lot 1 DO 43731. Balfour Street, Chippendale between O'Connor Street and Wellington Streets. Kensington Street, Chippendale between Outram and Regent Streets. Substation Premises No. 102, Irving Street, Chippendale
Local Government Area:	City of Sydney Council
Approval in summary for:	A Concept Plan involving: The layout of development into 11 blocks, a new park and street layout, Building envelopes including maximum heights,

	Maximum floor space (GFA) within each development block.
Capital Investment Value:	\$1.286 billion
Type of development:	Concept Plan approval under Part 3A of the Act
Determination made on:	9 February 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2 and future assessment requirements set out in Schedule 3.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination

A3 Approval in detail

Concept approval is only for the following development:

- (a) The layout of development into 11 development blocks, a major new park, and other areas of open space and street layout.
- (b) Land uses across the site and for specific blocks/floor levels where specified.
- (c) Built envelopes including floor plates and maximum heights.
- (d) Maximum floor space (GFA) within each development block and a total 255,500sq.m GFA across the site.
- (e) Retention of a range of heritage items of significance.
- (f) Street hierarchy for specific streets (including road and pavement widths and provision for bicycles).
- (g) Landscaping concept.
- (h) Access arrangements and car parking based on the recommended rate and the assumed dwelling mix.
- (i) Storm-water management concept.
- (j) Additional ESD and WSUD measures.
- (k) Planning Agreements and Statement of Commitments.

A4 Development in Accordance with Plans and Documentation

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
 - (a) *Volume 1 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (b) *Appendices - Volume 2 Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (c) *Appendices - Volume 3: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.
 - (d) *Appendices - Volume 4: Study in Support of State Significant Site and Concept Plan Environmental Assessment Report: Carlton & United Breweries Site, SEPP (Major Projects) 2005 Amendment & Concept Plan* prepared by JBA Urban Planning dated October 2006.

Except as modified by

- (e) *Concept Plan Modification - Frasers Broadway 26 Broadway, Chippendale NSW 2008* prepared by JBA

Urban Planning Consultants + TCW Consulting Dated July 2008 (08084)

- (2) The following Preferred Project Report and revised Statements of Commitment are approved and shall be complied with:
- (a) *Preferred Project Report* prepared by JBA Urban Planning Consultants dated 21 December 2006; and
 - (b) *Preferred Project Drawings* prepared by COX/ATA dated October 2006.
 - (i) Rev CP_04_A-01-02_07
 - (ii) Rev CP_04_A-05-01_07
 - (iii) Rev CP_04_A-09-01_06
 - (iv) Rev CP_04_A-10-01_06
 - (v) Rev CP_04_A-11-06_06
 - (vi) Rev CP_04_A-11-07_06
 - (vii) Rev CP_04_A-11-14_07
 - (viii) Rev CP_04_A-11-15_06
 - (ix) Rev CP_05_A-07-05_01A
 - (x) Rev CP_07_A-07-01A
 - (xi) Rev CP_04_A-05-01_08
 - (c) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants dated 21 December 2006.

Except as Modified by

- (d) *Preferred Project Report Modification to Concept Plan - Frasers Broadway* prepared by JBA Urban Planning Consultants + TCW Consulting dated October 2008 (08084) and drawings prepared by Fosters + Partners:
 - (i) Project No.1645, No. A-1002, Revision 08, dated 15 Oct 2008 - Concept Plan Areas.
 - (ii) Project No.1645, No. A-1251, Revision 09, dated 04 Dec 2008 - Site Plan - contextual
 - (iii) Project No.1645, No. A-1200, Revision 05, dated 15 Oct 2008 – Indicative Staging Plan, CUB Heritage Map
 - (iv) Project No.1645, No. A- 1253, Revision 12, dated 04 Dec 2008 – Blocks and max. GFA
 - (v) Project No.1645, No. A- 1254, Revision 09, dated 16 Oct 2008 – Public Domain
 - (vi) Project No.1645, No. A- 1256, Revision 08, dated 16 Oct 2008 – Traffic, Pedestrian and Cycle Routes
 - (vii) Project No.1645, No. A- 1257, Revision 07, dated 15 Oct 2008 – Traffic Access, Parking
 - (viii) Project No.1645, No. A- 1258, Revision 08, dated 16 Oct 2008 – Road Width
 - (ix) Project No.1645, No. A- 1259, Revision 08, dated 04 Dec 2008 – Awnings, Balconies
 - (x) Project No.1645, No. A- 1260, Revision 11, dated 04 Dec 2008 – Height Map - Sheet 1
 - (xi) Project No.1645, No. A- 1261, Revision 07, dated 04 Dec 2008 – Height Map - Sheet 2
 - (xii) Project No.1645, No. A- 1262, Revision 10, dated 04 Dec 2008 – Roof Plan, Maximum Building Height (AHD)
 - (xiii) Project No.1645, No. A- 1269, Revision 08, dated 16 Oct 2008 – Typical Basement Level
 - (xiv) Project No.1645, No. A- 1270, Revision 09, dated 16 Oct 2008 – Indicative Land Use Ground floor
 - (xv) Project No.1645, No. A- 1274, Revision 09, dated 04 Dec 2008 – Indicative Land Use Typical floor (Generally Level 04)

- (xvi) Project No.1645, No. A- 1290, Revision 10, dated 04 Dec 2008 – Residential Flat Design Code Distances between Buildings
- (xvii) Project No.1645, No. A- 1400, Revision 08, dated 04 Dec 2008 – North Elevation
- (xviii) Project No.1645, No. A- 1401, Revision 06, dated 15 Oct 2008 – East Elevation
- (xix) Project No.1645, No. A- 1402, Revision 09, dated 04 Dec 2008 – South Elevation
- (xx) Project No.1645, No. A- 1403, Revision 08, dated 04 Dec 2008 – West Elevation
- (xxi) Project No.1645, No. A- 1404, Revision 01, dated 15 Oct 2008 – Kensington St - East Elevation
- (xxii) Project No.1645, No. A- 1405, Revision 01, dated 15 Oct 2008 – Kensington St - West Elevation
- (xxiii) Project No.1645, No. A- 1451, Revision 09, dated 04 Dec 2008 – Section 1
- (xxiv) Project No.1645, No. A- 1452, Revision 09, dated 04 Dec 2008 – Section 2
- (xxv) Project No.1645, No. A- 1453, Revision 09, dated 16 Oct 2008 – Section 3
- (xxvi) Project No.1645, No. A- 1454, Revision 09, dated 04 Dec 2008 – Section 4
- (xxvii) Project No.1645, No. A- 1455, Revision 11, dated 04 Dec 2008 – Section 5
- (xxviii) Project No.1645, No. A- 1456, Revision 10, dated 04 Dec 2008 – Section 6
- (xxix) Project No.1645, No. A- 1457, Revision 08, dated 04 Dec 2008 – Section 7
- (xxx) Project No.1645, No. A- 1460, Revision 01, dated 15 Oct 2008 – Section 18
- (e) *Revised Statement of Commitments* prepared by JBA Urban Planning Consultants + TCW Consulting dated October 2008

PART B – NOTES RELATING TO THE APPROVAL***Responsibility for other approvals / agreements.***

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

Inconsistencies between documents

In the event of any inconsistency between the modifications to this concept plan approval and the approved plans and documentation described in Schedule 2 or the Proponent's Statement of Commitments in Schedule 4, the modifications and future assessment requirements in Schedule 3 to this Concept Plan approval prevail.

Appeals

The Proponent(s) has the right to appeal to the Land and Environment Court in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid within 3 months after the date on which the Proponent(s) received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to any other relevant provisions, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

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

PART C — DEFINITIONS

In this approval the following definitions apply:

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

Council means City of Sydney Council.

Department means the Department of Planning or its successors.

Design review panel means a design review panel constituted by the Minister to assess the design excellence of development within the Subject Site.

Director-General means the Director-General of the Department.

GFA means the gross floor area and has the same meaning as contained within the *Standard Instrument (Local Environmental Plan) Order 2006*.

Minister means the Minister administering the Act.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponents means the person(s) identified in Part A proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the Proponent(s).

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

RTA means the NSW Roads and Traffic Authority.

SCHEDULE 3

PART A – DEPARTMENT OF PLANNING'S MODIFICATIONS TO CONCEPT PLAN APPROVAL (MP 06_0171 MOD 2)

A1 Gross Floor Area Controls

The Concept Plan is modified with regards to GFA as described by the provisions below:

- (a) The Maximum GFA available for development across the site is 255,500 square metres.
- (b) The GFA for residential land uses on the site shall not exceed 70% of the total GFA.
- (c) The GFA for non - residential land uses on the site shall not be less than 30% of the total GFA.
- (d) The maximum GFA for the development parcels approved as part of the Concept Plan are described below:

Block	Total max GFA (sq metres)
Block 1 + 4	77,000
Block 2	68,000
Block 3	10,500
Block 5A	11,000
Block 5B	16,000
Block 6	2,550
Block 7	1,250
Block 8	14,500
Block 9	27,000
Block 10	1,700
Block 11	26,000
Site Total	255,500

- (e) Notwithstanding the above, any GFA that occurs from the development for the purposes of community facilities within Main Park that Council will own and operate shall not be calculated towards the maximum GFA referred to in (a) above.
- (f) To allow for minor variations the total GFA for each block shall not exceed the maximum GFA for each block referred to in the above table by more than 5%, however the total GFA for the site (255,500sq.m) shall not be exceeded.
- (g) Any future land subdivision shall ensure covenants are placed on the title to limit the GFA for each block in accordance with (d) and (f).
- (h) The maximum GFA identified above is subject to satisfying as part of future applications:
 - (i) the requirements of this approval;
 - (ii) all design excellence provisions; and
 - (iii) environmental considerations.

A2 Gross Floor Area calculations

The Proponent is to provide surveyor endorsed A3 drawings with each future application that provide the following detailed information:

- (a) Show and number the included and excluded floor area for each level
- (b) Show the breakdown and cumulative total for each level of gross floor areas,
- (c) Demonstrate the project is contained within the approved building envelopes, and
- (d) Demonstrate that the design does not exceed the maximum GFA permitted for each development parcel.

A3 Design excellence

- (1) Design excellence shall be in accordance with the design excellence provisions outlined in the Concept Plan

Modification documentation prepared by JBA Urban Planning Consultants + TCW Consulting Dated July 2008 (08084).

- (2) If in the event the design excellence process identified in (1) above is not followed, the Proponent shall hold a design excellence competition for:
 - (a) any development comprising the erection of a building exceeding 55 metres in height,
 - (b) any development of land exceeding 1,500 square metres in area,
 - (c) for each "block" where this is not covered by (a) or (b) above, or
 - (d) building(s) not counted by (a) to (c) where considered critical for the precinct.
- (3) The design competition brief(s) shall be approved by the Director-General or his delegate.
- (4) The Director-General shall establish a design review panel for the design excellence competition that will consider whether the proposed development exhibits design excellence only after having regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,
- (5) The design review panel shall also be utilised for any significant changes to the concept plan and be involved through construction to ensure design integrity is maintained.
- (6) Approval of future applications may not be granted until such time as the relevant authority has obtained and taken into consideration the advice of the design review panel concerning the design quality of development on the site.

A4 Site Servicing

Emergency and service vehicles must have adequate access to and within the site and into proposed basement car parking areas.

A5 Street Activation

- (1) The Concept Plan is modified to require that street activation is maximised along the following roads:
 - (a) Broadway,
 - (b) Balfour Street,
 - (c) Carlton,
 - (d) Irving,
 - (e) Kensington,
 - (f) Tooth Avenue adjacent to Block 4 and Block 5
 - (g) Kent Road,
- (2) For the purposes of maximising street activation, this shall involve
 - (a) providing access into retail shops directly from the pedestrian footpaths,
 - (b) locating services and fire exits such that they are located predominantly on streets other than those nominated in (1) above to the extent possible in meeting BCA requirements,
 - (c) commercial offices, entry lobbies to commercial offices or residential apartments only where they are not the predominant use along the frontage of a building or buildings contained within each Block facing the nominated street, and
 - (d) minimising the number of driveways and their widths and providing basement car access and servicing,

- (e) in the case of heritage buildings, providing uses that assist in casual surveillance of the street and positively contribute to the retail character of the nominated street.

A6 Publicly accessible land

- (1) The Concept Plan is modified such that it provides for the dedication of roads to Council, at no cost.
- (2) The Concept Plan permits a public authority to decline to accept land for dedication that, in its opinion, it considers to be through site links or ancillary spaces of a building.

A7 Additional public benefits

The Concept Plan is modified to make clear that the Proponent is responsible for providing additional public benefits limited to the following:

- (1) the construction of a roadway as part of Carlton Street and which is owned by Council,
- (2) the construction of all internal roads including kerbs and guttering, pavement treatments, light, power and other utilities, planting and street furniture,
- (3) the creation of part of the site for widening Wellington Street to construct a footpath
- (4) external footpaths and ancillary road works (including the upgrade of O'Connor Street and Kensington Street).

A8 Public Car Park

The Concept Plan is modified so that no approval is granted for public car parks and shall not be included in any subsequent future project application or development applications.

A9 Heritage significance of Australia Hotel and adjoining terraces

The Concept Plan is modified to provide for an appropriate elevation to Broadway and Abercrombie Street in order to protect the heritage significance of the Australia Hotel and the adjoining terraces. This could include a greater setback above the hotel, increased separation between new works and the hotel and appropriate details and design cues with the hotel. Details are to be submitted to the satisfaction of the Director General prior to the lodgement of the first project application for a building. Any reduction in floor space to comply with this requirement can not be accommodated elsewhere if it alters the approved envelope or does not comply with other requirements.

PART B - FUTURE ASSESSMENT REQUIREMENTS

Pursuant to Section 75P(1)(a) of the Act the following future environmental assessment requirements apply.

B1 *Urban Design*

Design issues to be resolved during future project applications on the subject site include:

- (1) **BLOCK 1, 4 & 8** - Detailed resolution of the form and bulk of the commercial buildings along Abercrombie Street (Blocks 1, 4 and 8) shall be determined at future Project Application stages to ensure compatibility with the scale of buildings in the area and to maintain visual links into and outside the site particularly to heritage items.
- (2) **BLOCK 2A** - Detailed resolution of the cantilevered platforms and public domain shall be determined as a part of a future Project Application to create a cohesive public domain and to ensure amenity, security and public access is satisfactory. No habitable floor space shall be provided on the platforms, above roads.
- (3) **BLOCK 2** - Resolution of the solar reflector cantilevered out of Block 2 shall be determined as a part of a future Project Application to ensure it achieves its design objective of illuminating overshadowed areas of the public domain.
- (4) **BLOCK 2** - Detailed resolution of planting systems on Block 2 shall be determined as a part of a future Project Application as the 'green walls' are a critical component of the design of Block 2. The manner in which the plantings on the building are managed after completion of the project will critical to the building's future appearance.
- (5) **BLOCK 7** - Detailed resolution of setbacks and building separation of Block 7 shall be determined as a part of a future Project Application to ensure an appropriate level of residential amenity is maintained to neighbouring properties.
- (6) **Street Sections** - Detailed resolution of all street sections shall be determined as a part of future project applications.

B2 *Main Park*

- (1) This provision applies to applications involving:
 - (a) the design of Main Park,
 - (b) the design layout for roads,
 - (c) the design for a building occupying Block 8
- (2) The Proponent shall demonstrate with the application that
 - (a) urban design and traffic measures will contribute to attracting residents west of the CUB Site to the Main Park, and
 - (b) the street and open space network will provide opportunities for access by residents south and east of the CUB Site into the Main Park.

B3 *Landscaping*

Detailed landscape plan(s) are to be submitted with subsequent Project Applications, informed by principles set out in the Amended Landscape Masterplan and Landscape Concept Design Character dated 12 May 2008 prepared by Jeppe Aagaard Andersen + Turf Design Studio.

B4 *Publicly accessible land*

All land marked on the Public Domain Plan (A-1254 Rev 09 Dated 14/03/08) other than private land (marked white on plan) shall be subject of Right of Ways and Easements on title to ensure public access is provided and maintained for these areas. Details are to be provided with the future Project Application(s).

B5 Parking Rates

The Proponent shall demonstrate with each application that the proposed development provides on-site parking consistent with Part 5, Chapter 2 of *Sydney Local Environmental Plan 2005*, or car parking for the proposal shall not exceed a maximum of 2000 car parking spaces across the site, which ever is the lesser.

B6 Basement Car parks

No approval is granted for the basement car parking envelopes proposed. Details of basement car parking shall be provided with project applications for associated aboveground development.

B7 Car Share

Details of future car share arrangements are to be submitted with future project applications, so that car share services are provided to residents.

B8 Infrastructure – Road

Future applications lodged by the Proponent for development on the Subject Site shall, where relevant:

- a) demonstrate that the geometry of all internal streets comply with Council requirements;
- b) demonstrate that the design of roads shall include signalised intersections at the following locations:
 - (i) Intersection of Broadway with Balfour Street with the provision of a right turning lane from Broadway into Balfour Street, and the closure of Jones Street;
 - (ii) Intersection of Kent Road (or Kensington St if not closed) with Regent Street together with the banning of the right turning movement from Regent Street to Kent Road (Kensington Street); and
 - (iii) Intersection of Abercrombie Street and O'Connor Street with pedestrian facilities.
- c) identify whether satisfactory arrangements will be or have been made with the RTA in regards to the funding of signalised intersections.
- d) provide a safety audit for the intersection at Regent Street / Kensington Street given road safety concerns.
- e) demonstrate that the access route and service facilities for vehicles comply with Council's requirements.
- f) demonstrate that only large rigid trucks with a maximum length of 12.5 metres shall service the proposed Supermarket loading dock and prohibit the use of large articulated vehicles.
- g) demonstrate that the road design is capable of accommodating a bicycle route identified in Council's current existing or draft strategy.
- h) Restrict Blackfriars Street to left turns only and Irving Street to right turns only. These restrictions shall be reinforced with raised concrete islands or other forms of acceptable barriers.
- i) The traffic signals at the intersection of Abercrombie Street and O'Connor Street and Broadway and Balfour Street are to be constructed prior to the commencement of works related to new buildings to provide safe access for construction vehicles and maintain road network efficiency during construction.
- j) The proposed traffic signals and civil works are to be designed to meet RTA's requirements and endorsed by a suitably qualified Chartered Engineer. The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil/traffic signal design plans shall be submitted to the RTA for consideration and approval prior to the release of construction certificate by Council and commencement of road works.

The RTA fees for administration, plan checking, civil and signal works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to the RTA's assessment of the detailed civil design plans.

B9 Infrastructure – Rail

Future applications lodged by the Proponent for development on the Subject Site shall:

- (a) Demonstrate that the detailed design of buildings is consistent with RailCorp's relevant guidelines for noise and vibration impacts, regardless of whether they are interim or draft;
- (b) Submit an electrolysis risk assessment prepared by a suitably qualified professional that identifies risk to the development from stray currents and measures that will be undertaken to control that risk;
- (c) Demonstrate that they have a Deed with RailCorp, or are in the process of seeking to enter into a Deed with RailCorp, concerning access to the rail corridor for any works, where relevant; and
- (d) Demonstrate that a suitable level of consultation with RailCorp has been undertaken.

B10 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Future applications lodged by the Proponent for development on the subject site shall be in accordance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

B11 State Environmental Planning Policy No.55 –Remediation of Land

Future applications lodged by the Proponent for development on the subject site shall demonstrate that the provisions of SEPP 55 have been met.

B12 ESD and Sustainable Design

- (1) A tri-generation facility and other leading ESD and WSUD measures are required as outlined in the revised Statement of Commitments. Details shall be provided with the Project Applications relating to residential, commercial or retail development.
- (2) Future Project Applications for all residential, commercial and retail development (including adaptable re-use of heritage buildings) shall achieve 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 of 5 Star Green Star.

B13 Heritage and Archaeology

- (1) An Interpretation Plan is to be submitted with the first Project Application for above ground development and is to include original streets within the landscaping of the park to ensure heritage is understood in the overall design.
- (2) The City Datum line, is to be applied to all buildings across entire site to ensure an appropriate pedestrian/heritage scale is maintained at street level. Details are to be submitted at future project application stages.

B14 Staging of Development

The Proponent shall demonstrate with each application that the proposed development represents orderly and coordinated development in that:

- (a) It may be serviced by existing infrastructure or is capable of being serviced;
- (b) Access for vehicles and pedestrians is available and can be made available;
- (c) Adequate community benefits exist to serve future occupiers/residents of the Subject Site; and
- (d) Obligations for the provision of public benefits are provided.

C15 Further approvals and the carrying out of works / activities

- (1) This Concept Plan Approval does not permit or allow the Proponent to carry out or commence any work or activity described in this schedule except as required by Modification (2) below.

- (2) The consent authority must only grant consent to future applications for development where it is generally consistent with the terms of approval of Concept Plan No. 06_0171 as described in Part A of Schedule 1 and subject to the modifications of approval set out in this schedule.
- (3) Notwithstanding (2) above, the relevant authority must, when determining a development application for the project or that stage of the project under Part 4 must be satisfied that it is generally consistent with the terms of the approval of the CUB Site.

PART C ADVISORY NOTES**Energy Australia**

- (1) Energy Australia will require appropriate lease and easements for its proposed infrastructure.
- (2) Energy Australia requires unimpeded access to all proposed assets within the Subject Site.
- (3) A determination will need to be made concerning the type of 11kV network CBD triplex pit and duct type of system or the suburban type reticulation system.
- (4) Close co-operation with various authorities will need to be made concerning the construction and installation of respective infrastructures.
- (5) Energy Australia presently holds a free hold title on its existing substation and arrangements will be required to negotiate its sale or its corporation into the proposed development.

SCHEDULE 4 - MODIFIED STATEMENT OF COMMITMENTS

Subject	Commitments	Timing
Design Excellence	1. The Land Owner and the Department of Planning, the City of Sydney, community representatives and other stakeholders have been in discussions over the last few months regarding the construction and implementation of a robust process to achieve design excellence in the architecture that is developed on the site. As a result of those discussions the Land Owner commits to the following processes on the site 2. The following is the list of architects agreed with the Department of Planning to be appointed for each of the nominated blocks on the site. * Block 1 and 4a - Foster and Associates in conjunction with Peddle Thorpe & Walker * Block 2 - Atelier Jean Nouvel in conjunction with Johnson Pilton Walker * Blocks 5a & 5b - Johnson Pilton Walker * Block 4b (Brewery Yard) - Tzannes Associates * Blocks 3a, 3b, 3c, 6, 7 & 10 (Kensington Street Precinct) - Tonkin Zulaika Greer * Block 9 – Architect yet to be nominated but the appointment is subject to the approval of the Department of Planning 3. For the above Blocks the Department of Planning will appoint a Design Integrity Panel (DIP) to oversee the development of each of the appointed architects' proposals. The DIP will meet with the appointed architects for those blocks and precincts on a number of occasions whilst the schemes are being developed and then progressively through the design development and documentation phases of the projects to ensure the architects design intent is carried through to construction.	Throughout the duration of the project development phase.
	4. The following is the agreed process to be adopted by the Land Owner for Blocks 8 & 11 on the site 5. For these blocks three (3) Australian architectural firms will be appointed to each prepare a scheme in accordance with a design brief prepared by the Land Owner. The Land Owner will review the schemes presented and will select the most suitable to be developed as a Project Application for the site. As part of the Project Application all schemes submitted to the Land Owner will be summarised and presented to the Department of Planning along with a report	

Subject	Commitments	Timing
Public Open Space	Main Public Park 6. Sites 1, 2 and 14. The land owner will provide a public park of approximately 6446 sq.m. comprising Sites 1, 2 and 14 (Site 14 owned by Council with an area of 519 sq.m.) as shown on the Public Domain Plan drawing A-1254. 7. The land will be remediated (if required) to achieve the issue of a Site Audit Statement and will be constructed and embellished at a cost of \$560.00 per sq.m. The cost of construction and embellishment includes all internal and external cost for surface works including approvals, certification, design, documentation, supervision and construction. It does not include remediation, levelling or subsurface infrastructure. In the event that the City Council as the owner of land identified as Site 14 declines to grant owners consent then this area will be excluded and there shall be no obligation to carry out any works to that land. 8. Land comprising Sites 1 and 2 will be subdivided into separate parcels in sufficient time to ensure that the ownership and control of the land as public open space to the City of Sydney can occur upon practical completion of the works. Balfour Street Park 9. Site 15. Subject to the City Council providing owners consent, the area indicated on the Public Domain Plan A-1254 as Site 15 will be remediated (if required), constructed and embellished as a public park at no cost to the City of Sydney Council to a value of \$560.00 per sqm, indexed. This amount excludes the cost of any remediation.	The park will be completed and the ownership and control will be transferred to the City of Sydney, at a time as set out in the Voluntary Planning Agreement. The Land Owner must use all reasonable endeavours to ensure that, by no later than 31 December 2010, the Land Owner has completed the Main Park Works and opened that park to the public for use, primarily as passive open space. The park will be completed at a time as set out in the draft Voluntary Planning Agreement.
	Connecting Parks (Sites 3 and 4 on the Public Domain drawing A-1254) 10. Site 3 (Irving Park) will be landscaped as part of the development of Block 8. The land will be embellished to a standard not exceeding the standard required for the Main Park (being at a cost of \$560.00 per sq.m). This area will be privately owned and made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan". Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area. 11. Site 4. O'Connor Park will be landscaped as part of the development of Block 9. This area will be privately owned and made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan"	Detailed design for this public open space will be submitted with the project application for the development of Block 8. Detailed design for this public open space will be submitted with the project application for the development of Block 9.

Subject	Commitments	Timing
	12. Site 5 Wellington Street Park. A park will be designed and constructed within Block 11, located adjacent to Wellington Street generally in accordance with the Public Domain Plan A-1254. This park will be constructed and embellished to a value of \$560.00 per sq.m. This area will be privately owned and made publicly accessible via an appropriate s88B instrument to be drafted to provide for public recreation and possibly a form of "publicly accessible areas management plan". Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for this area. 13. Sites 7 and 8. Brewery Yard and Brewery Forecourt As part of the development of Block 4 a privately owned but publicly accessible square shall be provided generally in accordance with Sites 7 and 8 shown on the Public Domain Plan A- 1254. Upon completion of construction, an appropriate covenant that ensures public accessibility will be registered for these areas.	Detailed design for this public open space will be submitted as part of the project application for Block 11. Details of the design of the Brewery Square will be submitted with the Project Application for Block 4.
Landscaping	14. Sites 1, 2, 14 and 15. The design process for the public open space in sites 1,2,14 and 15 will incorporate a community & stakeholder process. The City of Sydney is a key stakeholder where it is the owner of land to be embellished or has agreed to accept ownership and control of embellished land. The final designs will be subject to a final CPTED review, to be undertaken to future owner's satisfaction prior to lodgement.	The land will be remediated and embellished to practical completion such that it is capable of being used as public open space and the ownership and control transferred to the relevant entity, prior to an occupation certificate being issued for any new building within the Block.
Community Benefits	Pedestrian Crossings 15. Subject to the approval of the RTA and any other public authorities, the landowner will provide signalised pedestrian crossings of City Rd at Myrtle Street to Victoria Park and at Regent Street to facilitate access to Price Alfred Park.	These pedestrian crossings will be constructed at a time as set out in the draft Voluntary Planning Agreement.
Community Facility Payment	16. The landowner will make a payment of \$2.725 million, indexed, towards the provision of, or upgrade to, a community centre or other similar community facility in the suburb of Chippendale. Alternately, the land owner will construct works in kind or provide premises, up to \$2. 725 million, on site, in a location and manner to be determined, in conjunction with the City of Sydney.	The payment will be made at a time as set out in the draft Voluntary Planning Agreement.

Subject	Commitments	Timing
Affordable Housing	17. The land owner entered into a Voluntary Planning Agreement with the Redfern Waterloo Authority in June 2007. This agreement required the land owner to provide a contribution to be paid to the RWA. The landowner has proposed several amendments to the VPA. These amendments are aimed at providing the land owner and the RWA with greater certainty as regards the amount of the payment, providing exemption for costs incurred in and the timing of the payment 18. In the event that a condition is imposed upon a Project Approval requiring the payment of an affordable housing contribution outside the terms of the Planning Agreement then such contribution will be reimbursed to the person required to make the payment.	Payment of contribution will be made upon the issue of the relevant Occupation Certificate.
Community Engagement	19. Community Consultation will be undertaken in accordance with statutory requirements and in accordance with the Community Action Plan prepared by Elton Consulting.	Throughout the redevelopment of the Frasers Broadway site on a regular basis and as required.
Heritage	20. Landowner will ensure that any project applications or other applications will have regard to the Heritage Council endorsed Conservation Management Plan, prepared by Noel Bell Ridley Smith and Partners with Executive Report and Heritage Impact Statements by Godden Mackay Logan and the Expert Advisory Panels Report released on the 30 August 2006.	To be addresses by the proponent at the Project Application Stage.
	21. Any proposal involving the adaptive re-use of a heritage building will be in accordance with the recommendations of a suitably qualified heritage architect.	To be addresses by the proponent at the relevant Project Application Stage.
Archaeology	22. Any impacts on items or places of archaeological significance will be managed under the relevant legislation and the Archaeological Assessment and Research Design Report prepared by Golden MacKay Logan. If any archaeological relics are discovered during construction, the proponent will cease work on that part of the site and the Heritage Council will be notified in accordance with section 146 of the Heritage Act. If required by the Heritage Council, the remains will be recorded by a suitable qualified archaeologist prior to the recommencement of works.	To be addresses by the proponent at the Project Application Stage
Land Use Integration	23. The land owner will promote development of the site in a manner that encourages a vibrant mixed use community that integrates with the City and the community of Chippendale by providing, through an amendment to the SEPP (Major Projects) 2005, a land use mix that will ensure the minimum proportion of both commercial or residential development within the site will be 30%.	Addressed as part of the relevant Project Applications.
Environmentally Sustainable Development	Residential 24. Residential development will need to meet the BASIX energy consumption benchmark with an aim of achieving a 5 star Green Star rating.	Addressed as part of the relevant Project Applications.

Subject	Commitments	Timing
	Commercial 25. Buildings should achieve a minimum 5 star Green Star rating (refer to commitment number 26).	Addressed as part of the relevant Project Applications.
	Precinct 26. There does not currently exist a Green Star Precinct tool and as such the required initiatives of a 6 Star Green Star rating are unknown. It is anticipated that the tool will require the generation of greenhouse efficient energy and the treatment and reuse of wastewater. Frasers have committed to using trigeneration, sewer mining and onsite water reuse with the intent to position Frasers to have the ability to achieve a 6 Star Green Star Precinct rating. These initiatives are also subject to authority approvals and overcoming regulatory barriers.	Ongoing
	Retail 27. Retail development should achieve a minimum 5 star Green Star Shopping Centre rating (refer to commitment number 26)	Addressed as part of the relevant Project Applications.
	Urban Development 28. All refrigerants and insulation should be specified to have an ODP of zero. 29. Any external lighting should not be directed beyond the site boundary or upwards without falling on a surface with a clear purpose of illuminating that surface.	Addressed as part of the relevant Project Applications.
Crime Prevention through Environmental Design (CPTED)	30. A Safety Management Strategy will be prepared and provide guidelines for the application of CPTED principles and Safer by Design best practice models. 31. Safety Management Plans will be submitted with each project application which address issues relating to building design and parking structures design, vandal proof finishes and graffiti proof finishes, lighting, conveniences location and other design considerations. The Safety Management Plans will also incorporate the performance criteria and compliance checklist addressing the guidelines outlined in the Department of Urban Affairs and Planning (now the Department of Planning DoP) Crime Prevention and the Assessment of Development Applications Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979.) 32. The NSW Police will be consulted throughout the CPTED assessments of all applications for the CUB site.	Addressed as part of each Project Applications.
Water Sensitive Urban Design	Stormwater Quantity Management (Detention and Retention System) 33. The design, construction, harvested detention and storage and reuse system will be in accordance with "Managing Urban Stormwater, Harvesting and Reuse DEC April 2006" and water quality standards for the system will be at levels stipulated in table 6.4 of the document.	Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first precinct.

Subject	Commitments	Timing
	Detention 34. Detention volume is advised by Sydney Water of 20m³ for every 1,000m² of development site area. Formal approval of Sydney Water to the final design proposal and management of the detention system and connection into the Sydney Water mains will be obtained. Additional detention storage shall be considered to provide for flows currently detained in street sag depression areas within the site area. These areas shall be preserved or catered for in the proposed public domain areas.	
	Retention 35. The opportunity to harvest stormwater will be considered during project development. Retention tanks on discrete development sites may be considered and these shall be incorporated into building design to retain rainwater collected from building roofs. Underground stormwater retention storage tanks shall also be considered in the public domain to collect from the public domain open space and road system. The need for these shall be considered in an integrated way with the provision of other water management systems (eg recycled water from an external source, recycled water generated from sewer mining etc.)	Details of the design of this system will be submitted with a project application for construction of the public domain and in the absence of such an application with the project application for the first precinct.
	Stormwater Quality Objectives 36. Consideration will be given to whether the level of treatment as defined by both the NSW Department of Environment and Conservation and the National Engineers WSUD manual – <i>Australian Runoff Quality</i> - are suitable for the Frasers Broadway site. The level of treatment shall be considered and agreed with the relevant government stakeholders. 37. Further investigation will be undertaken to establish the need for and level of water quality for the site as part of project development. Investigation, discussion and negotiation with relevant government stakeholders will be undertaken to define agreed performance targets for the site recognising the geographic, topographic setting and the need for practical, achievable water quality measures that are acceptable to the management authority.	Addressed as part of the relevant Project Applications.
	Public Domain Measures 38. Management measures to control quality of stormwater runoff from public domain areas will be developed with a view to meeting the agreed set of objectives in a practical and economic way.	Addressed as part of the relevant Project Applications.
	Private Site Measures 39. Management measures to control the quality of stormwater runoff from each private development site will be investigated with a view to meeting the agreed set of objectives that are practical, economic and manageable.	Addressed as part of the relevant Project Applications.

Subject	Commitments	Timing
	Water Conservation Targets 40. A public domain objective shall be to provide Eighty percent (80%) of the irrigation demand of the public open space from on-site collection from stormwater harvesting and/or from recycled water obtained by other measures (recycled water reticulation from offsite – eg SWC reticulated recycled water; sewer mining)	Addressed as part of the relevant Project Applications.
Public Art	Public Art Strategy 41. A public art strategy for the whole site will be prepared by a public art consultant with reference to the City of Sydney Public Art Policy and Public Art Developer Guidelines and may form part of the Heritage Interpretive Strategy. 42. A Public Art Plan shall be prepared by a public art consultant having regard to the Public Art Strategy. 43. The Public Art Strategy and any subsequent Public Art Plan will have consideration of the Salvage Survey prepared by Godden Mackay Logan.	The strategy will be submitted with the first project application for construction of the public domain or building.
Child Care Facilities	44. Child Care will be provided at the current rate consistent with the City of Sydney Child Care DCP.	The issue will be addressed in each Project Application involving new building(s)
Transport and Traffic	The Public Domain Abercrombie Street Footpath dedication (Site 12 Public Domain Plan A-1254) 45. The area adjacent to Abercrombie Street as generally shown on the Public Domain Plan as Site 12 will be remediated, if required, embellished and the ownership and control will be transferred to the City of Sydney as an additional footpath area.	Details of the design will be submitted with the project application for Block 4 and the works executed as part of that stage. The ownership and control of Site 12 will be transferred to the City of Sydney upon practical completion and prior to the issue of the final occupation certificate for any buildings fronting Site 12. Site 12 will be limited in height and created in stratum before the ownership and control is transferred to the City of Sydney.
	Abercrombie Street Footpath embellishment (Site 11 – Public Domain Plan A-1254) 46. The adjoining land owner will embellish the area shown on the Public Domain Plan as Site 11 as an enhanced footpath and landscaped strip subject to the consent of Sydney City Council as owner of that land.	Details of the design will be submitted with the project applications for the respective Blocks 4 and 8 and the works executed as part of that stage. The works will be completed prior to the issue of the final occupation certificate for any buildings fronting Site 11.
	Wellington Street Footpath dedication (Site 6 – Public Domain Plan A-1254) 47. A new footpath shall be constructed and the ownership and control of that land will be transferred to the City of Sydney as Public Road in Wellington Street generally in accordance with the Public Domain Plan A-1254	Details of the design will be submitted with the project application for Block 11 and works executed as part of that stage.
	Privately owned, publicly accessible thoroughways 48. Privately owned, publicly accessible thoroughways will be constructed, as indicated as Sites, 10, 16, 17, 18, 19 and 20 on the Public Domain Plan A-254. Upon completion of construction, a covenant that ensures public accessibility will be registered for these areas.	Details of the design of these thoroughways will be submitted with the project application for the respective blocks.

Subject	Commitments	Timing
	Public Roads 49. The Land Owner will remediate (if necessary) and construct and transfer the ownership of control to the City of Sydney, as public roads, including kerb, guttering, pavement treatment, light, power, and other utilities, planting and street furniture those roads identified by the colour (dark) grey on the Public Domain Plan A-1254. If the City of Sydney agrees to accept the ownership and control of the roads, provision will be made for : ▪ City approval of design prior to construction; ▪ City approval of completed works; and ▪ The City to have the benefit of reasonable warranties and security following completion.	These roads will be constructed and ownership and control will be progressively transferred as identified in subsequent project applications. There will be 2 main types of roads: ▪ public street reservation coloured dark grey on the revised Concept Plan; and ▪ publicly accessible and privately owned roads coloured light grey on the revised Concept Plan.
	Publicly Owned (in stratum) Shared Zones 50. See point 48 above. These are now publicly accessible thoroughways being Sites 10, 16, 17, 18, 19 and 20 on the Public Domain Plan A-1254.	
Accessibility	51. An Access Strategy will be prepared for the site and will provide guidelines for future development. 52. Project Applications will be subject to design review by an accredited Access Consultant for compliance with the approved Access Strategy. 53. Access throughout the site must be provided in accordance with Disability Discrimination Act 1992 (DDA) and DDA Advisory Notes on Access to Premises – HREOC, June 1997.	Addressed as part of the relevant Project Applications
Infrastructure and Services	54. Where required service infrastructure will be updated to meet the demands of the maximum projected use of the site. All infrastructure planning and design will be undertaken in consultation with the relevant authorities. Permission must be obtained before building over any Sydney Water or other authority services, regardless of whether or not the services are contained within easements.	Addressed as part of relevant Project Applications.
	Stormwater 55. A stormwater management plan will be prepared prior to construction. The plan will address: 1) Stormwater Quantity Management ▪ Design criteria established and agreed in consultation with Council and Sydney Water ▪ Site flooding and safety issues ▪ Overland flow management and safety issues ▪ Site piped reticulation – retention of existing mains and provision of new mains ▪ Site detention 2) Stormwater Recycling/Harvesting ▪ Agreed criteria/objectives ▪ Proposed methods for retention/recycling of water to achieve the objectives 3) Stormwater Quality Management ▪ Agreed criteria/objectives for the site ▪ During Construction Measures ▪ Post Construction Measures	Addressed as part of relevant Project Applications.

Subject	Commitments	Timing
	Sewer 56. All works on public mains will be undertaken in accordance with Sydney Water requirements and with the approval of Sydney Water to all works on public mains. This will include * Maintenance of existing through site flows from upstream * Installation and connection of a new gravity public sewer system to the existing system where required through the development site to manage design flows from the proposed developments * The upgrade existing mains where required to provide for the increase flows from the development * Relocation of existing reticulation across the site where required to provide for the proposed development * Handover ownership of the public mains system to Sydney Water on completion * Remove all sewer connections into the existing stormwater drainage system (A Sydney Water requirement provided in the "Notice of Requirements"). This relates specifically to the Tooths Brewery Branch which was a combined stormwater/sewer.	
	Combined Potable and Fire Water Supply System 57. A combined potable water reticulation system and fire main is proposed to service the buildings and public domain areas developed on the site. The main will be designed in accordance with the requirements of Sydney Water. This main shall be handed over to Sydney Water on completion. The following will be considered: * managing and maintaining the existing cross site water mains through the site * providing an extension to the existing water main system where required through the development site to supply the proposed building developments and to provide for fire fighting requirements. * upgrading existing mains where required to provide for the increased flows required by the development * relocating existing reticulation across the site where required to provide for the proposed development	
	Recycled Water Supply Public Domain 58. A separate water reticulation main will be considered to reticulate recycled water throughout the public domain to assist with public domain irrigation and to service private development sites if this is in the agreed management plan. The source of recycled water will be determined during project development. Private Sites 59. A separate mains connection will be considered at all private sites to provide for the connection to a public recycled watermain if this is proposed as part of the water management plan for the site.	

Subject	Commitments	Timing
	Electricity 60. All overhead power through the site will be removed and replaced with underground cabling.	Addressed as part of relevant Project Applications.
	Waste 61. A Waste Management Plan will be prepared prior to construction. The Waste Management Plan will set a target of at least 80% (by weight) recycling or reuse of waste materials.	Addressed as part of relevant Project Applications.
Noise	62. Future Project Applications will address the following noise recommendations: 1) Mechanical noise criteria established by Heggies Australia Pty Ltd 2) Use of improved acoustic glazing and the provision of air-conditioning and mechanical ventilation to those units located on facades predicted to exceed ECRTN criteria 3) BCA and City of Sydney sound insulation requirements.	Addressed as part of relevant Project Applications.
Wind	63. Wind treatments at locations exceeding the 16m/sec walking comfort criterion will be investigated during the detailed design phase of each project application. Amelioration treatments will be refined using more precise environmental wind tunnel test studies to accurately identify wind hot spots and quantify the impact of wind mitigation options.	Addressed as part of relevant Project Applications.
Construction Management	64. The following Management Plans will be prepared prior to any project application that proposes works: 1) Construction Management Plan 2) Soil and Water Management Plan 3) Waste Management Plan 4) Air Quality Management Plan	Addressed as part of relevant Project Applications.

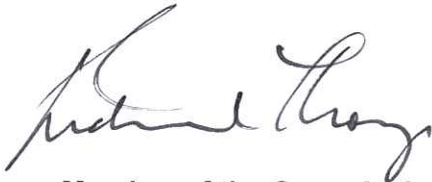
Subject	Commitments	Timing
Staging	65. The following criteria are will be used to guide the orderly staging of the development of the site: 1) Consideration shall be given to the timing of delivery of public benefits, specifically the requirements of Schedule 4 and Schedule 5 of the Voluntary Planning Agreement with the Minister for Planning. 2) Consideration shall be given to the requirements for remediation of contaminated soil and/or groundwater, particularly in relation to the timing for delivery of public benefits. 3) The first block to be developed should have a frontage to either Broadway, or Abercrombie Street or Wellington Street. The exceptions to this criterion are the blocks east of Kensington Street and north of Outram Street that can be commenced at any time. 4) The street network shall be operational to the extent required to provide adequate access to a block under construction and access on completed streets to any block for which an occupation certificate has been issued. This may involve temporary roundabouts and changes in direction etc. 5) Consideration shall be given to the provision of services infrastructure to each block. Storm water drainage is required to ensure that all areas of the site are adequately drained at all times. 6) Consideration shall be given to pedestrian access through the site and access to the main park upon its completion. 7) Stages may be aggregated. 8) Stages may proceed concurrently.	Throughout the development of the Frasers Broadway Site
Site Contamination	66. A site audit statement(s) will be provided, certifying land suitable for the proposed purpose.	Prior to the issuing of final occupation certificate(s)
Planning Agreements	Voluntary Planning Agreements 67. The landowner proposes to enter into three modified Voluntary Planning Agreements; one with the Redfern Waterloo Authority (RWA) regarding the provision of a contribution towards affordable housing, one with the Minister for Planning to deliver the public benefits outlined in this report and the third with the City of Sydney outlining Owners Consent.	

Subject	Commitments	Timing
	Indexing 68. Where this Statement of Commitments makes provision for dollar amounts these amounts are to be indexed from the date of approval of the Concept Plan being the increase in the Building Price Index published by the NSW Department of Commerce, or such other index as replaces it, applied as a multiplier where the numerator is the number last published and the denominator is the number published at the date of approval of the Concept Plan.	
Landowners Consent	69. No work will be undertaken on any public land unless owners consent is provided to the Concept Plan application and subsequent project applications.	

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 executed on 28 May 2011, we the Planning Assessment Commission of New South Wales (the Commission) approve the modification of the application referred to in Schedule 1, subject to the conditions in Schedule 2.



Member of the Commission



Member of the Commission



Member of the Commission

Dated this 30 August day of 2011

MP 06_0171 MOD 4

SCHEDULE 1

Project approval for the Former Carlton & United Brewery Site, 26 Broadway, Chippendale (MP 06_0171) granted by the Minister for Planning on 9 February 2007 and modified on 5 February 2009, comprising:

- 11 development blocks;
- a maximum Gross Floor Area (GFA) of 255,500 sqm of which a minimum of 30% must be commercial floor space;
- combined basement car parks, providing car parking for Blocks 1, 4 and 8 and Blocks 2, 5, 9 and the Kensington Precinct;
- a new public park;
- tri-generation and Re-cycle water treatment plants;
- retention and heritage items;
- public domain works; and
- contributions.

SCHEDULE 2

The approval MP 06_0171 is modified as follows:

A2 *Table*

Date the approval will lapse	5 years from the date of determination <i>unless a Project Application for approval to carry out all or part of the project the subject of this Concept Plan Approval has been submitted.</i>
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End of modifications to MP 06_0171