

07253
15 August 2007

The Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2000

Attention: Mr Antony Pedroza

Dear Antony

FRASERS BROADWAY MODIFICATION TO CONDITIONS OF CONCEPT PLAN APPROVAL

This letter has been prepared on behalf of Frasers Greencliff Developments Pty Ltd to request a minor modification to the conditions of approval of the Frasers Broadway Concept Plan pursuant to Section 75W of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

The Frasers Broadway Concept Plan (MPA No. 06_0171) was approved by the Minister for Planning on 9th February 2007.

The Notice of Determination of the Concept Plan requires compliance with the Statement of Commitments prepared by JBA Urban Planning Consultants dated 21 December 2006 (Condition A4(3)(c)).

A number of minor wording changes to several of the items in the Statement of Commitments is sought in order to appropriately reflect the proposed staging of implementation of the development that has been approved as part of the Concept Plan.

No change is sought to any aspect of the physically approved development. The wording changes are administrative only and do not give rise to any material change to the development as currently approved, nor to any of the requirements of the conditions of approval that have been imposed by the Minister.

The condition modifications are as follows.

Commitment 14 in the approved Statement of Commitments states that *"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 Interpretation Strategy"*. The public art strategy is to be submitted with the first project application.

As the Department is aware, it is the intention of Frasers Greencliff Developments Pty Ltd to lodge a Project Application for site demolition works in the near future.

At the time of drafting the Statement of Commitments, the necessary staging of demolition works and site preparation works had not been fully contemplated. For this reason, the Statement of Commitments did not specifically reflect the need to proceed with demolition and site preparation works independently of the preparation of a strategy for public art.

Preparation of a public art strategy is appropriately undertaken as part of the design development phase of the project, and will form an integral part of the proposals for the new public domain and built form.

It is therefore requested that the submission of the public art strategy be deferred until the submission of the first Project Application for public domain and / or built form, and that Commitment 14 be amended to state:

"The strategy will be submitted with the first project application other than for demolition and / or site preparation works".

In addition to the above, and also for the purpose of ensuring clarity in the Statement of Commitments with respect to the ability to stage demolition and site preparation works independently of proposals for the public domain and built form, it is requested that:

- The words "the development of" be inserted before the words "Block 11" at Commitment 2(d);
- The words "the development of" be inserted before the words "Block 4" at Commitment 3; and
- The word "relevant" be inserted before the words "Project Application" at commitment 8, 9, 12.

In addition, since determination of the Concept Plan in February, it is understood that the Department of Planning has been in the process of reviewing the processes to be established for ensuring design excellence during the design development and subsequent stages of construction at Frasers Broadway.

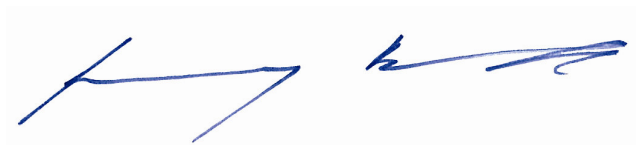
It is understood that the Draft Amendment to Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 relating to the Frasers Broadway site will set out the intended design excellence process. All future development within the Frasers Broadway site is required to comply with the provisions of the SEPP Amendment.

Given the changes to the design excellence process that are occurring, the provisions at Condition A3 of the Concept Plan may now be inconsistent with the provisions contained within the Draft SEPP Amendment.

It is therefore requested that Condition A3 be modified to require that future development comply with the design excellence provisions of the SEPP Amendment, once gazetted.

Should you require any further information or have any queries about this matter, please do not hesitate to contact Jennie Masson or me on 9956 6962.

Yours faithfully



Lesley Bull
Partner