

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
MODIFICATION MOD 95-7-2005 OF DEVELOPMENT CONSENT DA 80-4-2004
THREE COMMERCIAL/RETAIL OFFICE BUILDINGS, SUBDIVISION OF LAND
INTO FOUR SEPARATE PARCELS AND ASSOCIATED WORKS
PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979
(FILE NO. 9039672)

I, Mike Brown A/Team Leader Urban Assessments, as delegate of the Minister for Infrastructure and Planning, under Instrument of Delegation dated 4 August 2003, pursuant to Section 96 (1A) of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- a To maintain consistency with the Sydney Olympic Park Master Plan.
- b To encourage good urban design and a high standard of architecture.

Mike Brown
A/Team Leader, Urban Assessments
Office of Sustainable Development Assessment and Approvals

Sydney,

2005

SCHEDULE 1**PART A—TABLE**

Application Number:	MOD 95-7-2005 modifying DA 80-4-2004
Application made by:	Urbis JHD Level 18, 60 Castlereagh St
On land comprising:	Part Lot 79 DP 875562, Lot 50 DP 104552, Lot 6002 DP 1063407 - Sites 5, 6 and 7 Dawn Fraser Avenue, Sydney Olympic Park NSW 2127
Local Government Area	Auburn
For the carrying out of:	Construction of three retail/commercial office buildings, subdivision of land into 4 separate parcels, associated basement parking, basement public car parking, wind turbine zones, landscaping and public improvement works.
Section 96 (1A) Application	MOD 95-7-2005 to modify DA 80-4-2005 the following manner: ▪ Amend condition A1- changes to allocation of floor space and clarification of use ▪ Amend condition A2 - changes to building 5 ▪ Omit condition B13 and insert new condition B13 regarding change to car parking provision ▪ Omit condition B21 and insert new condition B21 regarding change to monetary contributions ▪ Omit condition G5 and insert new condition G5 to clarify operating hours.
Development consent granted by:	Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)
On:	27 January 2005
Type of development:	Advertised Development
S.119 public inquiry held:	No
As modified:	Consent not previously modified

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 95-7-2005***Responsibility for other approvals / agreements***

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

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to

appeal is only available within **3** months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, 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.

Section 94 Conditions

This development consent contains revised levies for development imposed under Section 94 of the Act. The revised levies were imposed in accordance with SOPA Contributions Strategy, Version 11 November 2002. The SOPA Contributions Strategy, Version 11 November 2002 may be inspected at the following locations:

- Sydney Olympic Park Authority

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 80-4-2004.

SCHEDULE 2

MODIFICATION (MOD 95-7-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 80-4-2004

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

(A) Omit Condition A1. Insert instead:

A1 *Development Description*

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

- (1) Construction of three retail/commercial office buildings of no more than a total of 47 538m² (GFA) of office space and 4815m² (GFA) of retail area, subdivision of land into 4 separate parcels, associated basement parking, basement public car parking, wind turbine zones, landscaping and public improvement works.
- (2) Consent is granted to the following uses subject to compliance with the conditions of this consent and in particular the conditions relating to hours of use and noise in Part G of this consent:
 - (a) Ground level retail premises, including shops, local business, cafes and restaurants of tenancy size no greater than 120m².
 - (b) Commercial office space on the ground floor of Building 5 but not with street frontage, as well as commercial office space above the ground floor of Building 5.
 - (c) One Medical Centre of no greater than 850m²
 - (d) One local supermarket/fresh food outlet of no greater than 1250m² and is to have at least 60% activated street frontage comprising non opaque glass.
- (3) Conditional consent is granted for the public pedestrian link though Building 5 to be closed to public access only whilst the building is occupied by a major tenant associated with financial, banking and call centre operations as described in the Urbis JHD Statement of Environmental Effects dated June 2005.

The link is to revert to a public pedestrian route (accessible during normal business hours) upon any change in major tenancy or cessation of the specified use. Any further extension or limitation on public access to the link is to be the subject of a separate development application to the relevant consent authority.

Consent is not granted to the following, which are to be subject to separate development applications:

- (1) Signage above the 6th floor level.
- (2) Consent is not granted to the licensed premises.

- (3) The wind turbine zone is approved solely for the installation of wind turbines. Details of the specific wind turbines are to be subject of a separate application.

(B) Condition A2 is amended by inserting the following table after the existing table in A2. Modifications approved under MOD 95-7-2005 relate to bubbled areas shown on the plans in the table below:

Statement of Environmental Effects entitled Sydney Olympic Park Sites 5, 6 and 7 Section 96(1A) prepared by Urbis JHD dated June 2005.			
Architectural (or Design) Drawings prepared by Rice Daubney.			
Drawing No.	Revision	Name of Plan	Date
AFL.02	B	Building 5 Site Plan Level G	9.6.2005
AFL.03	C	Building 5 Site Plan Level 1	21.6.2005
AFL.04	C	Building 5 Site Elevations	9.6.2005
AFL.06	A	Building 5 Pedestrian Domain Route	9.6.2005
AFL.11	C	Building 5 Level B3	21.6.2005
AFL.12	C	Building 5 Level B2	21.6.2005
AFL.13	D	Building 5 Level B1	21.6.2005
AFL.14	D	Building 5 Level G	24.8.2005
AFL.15	D	Building 5 Level 1	21.6.2005
AFL.16	C	Building 5 Level 2	9.6.2005
AFL.17	C	Building 5 Level 3	9.6.2005
AFL.18	C	Building 5 Level 4 Floor Plan	9.6.2005
AFL.19	C	Building 5 Level 5	9.6.2005
AFL.20	C	Building 5 Level 6	9.6.2005
AFL.21	C	Building 5 Level Plant	9.6.2005
AFL.22	C	Building 5 Plant Roof	9.6.2005
AFL.50	C	Building 5 Elevation 1	9.6.2005
AFL.51	C	Building 5 Elevation 2	9.6.2005
AFL.60	C	Building 5 Section A	9.6.2005
AFL.63	C	Building 5 Section E	9.6.2005
AFL.71	B	Elevations Dawn Fraser Colour	9.6.2005
AFL.72	C	Elevation Herb Elliott Colour	9.6.2005
AFL.73	B	Elevation Stockroute Park Colour	9.6.2005

AFL.74	B	Building 5 Elevations 1 Colour	9.6.2005
AFL.75	C	Building 5 Elevation 2 Colour	9.6.2005
AFL.103	C	Façade Detail C	14.6.2005

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

(C) Omit condition B13. Insert instead:

B13 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

1. Building 5 Commercial and Retail Parking:

Commercial and Retail Parking Building 5	Number
Disabled spaces	11
General cars	386
Couriers	3
Total Retail/Commercial car spaces	400
Total Trucks	2
Total Bicycles	48

2. Building 6 and 7 Commercial and Retail Parking:

Commercial and Retail Car parking allocation	Number
Disabled Spaces	12
General Cars	454
Couriers	7
Total Retail/Commercial car spaces	473
Total Trucks	5

3. Building 6 and 7 Public Car Parking:

Public Car Parking allocation	Number
General Parking	234
Disabled Spaces	5
Total Public car parking spaces	239
Total Bicycle spaces	48

(D) Omit condition B21. Insert instead:

B21 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

Contributions are based on the SOPA Contributions Strategy, Version 11 November 2002.

(1) Amount of Contribution – Commercial Development

Contribution Category	Rate of Contribution	Amount
Community Facilities	\$573 per 100 sq.m of Gross Floor Area.	\$272 392.74
Movement Systems	\$2987 per 100 sq.m of Gross Floor Area.	\$1 419 960.00
Urban Domain	\$97 per 100 sq.m of Gross Floor Area.	\$46 111.86
TOTAL – 47 538m ² (/100 = 475.38 units of 100sq.m)		\$1 738 464.50

(2) Amount of Contribution – Other Employment Development

Contribution Category	Rate of Contribution	Amount
Community Facilities	\$115 per 100 sq.m of Gross Floor Area.	\$5537.25
Movement Systems	\$598 per 100 sq.m of Gross Floor Area.	\$28 793.70
Urban Domain	\$20 per 100 sq.m of Gross Floor Area.	\$963.00
TOTAL - 4815m ² (/100 = 48.15 units of 100sq.m)		\$35 293.95

Total Contribution: \$1 773 758 (no cents)

(3) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to SOPA. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with SOPA.

Evidence of the payment to SOPA shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for each building.

(4) Indexing

Subject to indexation by the change in CPI between May 2002 and the date of the finalisation of the consent (as per page 1 of SOPA contribution strategy.)

PART G – POST OCCUPATION**(E) Omit condition G5. Insert instead:****G5 Hours of Operation****a) Retail, medical centre and food market (excluding deliveries)**

The hours of operation shall be restricted to between:

Day	Commencement time	Cessation time
Monday to Thursday	7am	9pm
Friday	7am	11pm
Saturday	7am	11pm
Sunday	8am	9pm
Public Holidays	8am	9pm

Extended hours for special events:

- (1) Are to be nominated by SOPA limited to up to 10 days per year to 12pm for all days as nominated by SOPA.
- (2) Other hours are subject to separate approvals.

b) Commercial – Sites 5, 6 and 7 (excluding deliveries)

The hours of operation shall be restricted to between:

Day	Day	Night - provided no audible noise above 3dB at site boundary.
Monday to Friday	7am to 7pm	7pm to 7am
Saturday and Sunday	7am to 7pm	7pm to 7am

c) Deliveries and Dispatches

All deliveries and dispatches are to be conducted between 7am and 6pm Monday to Friday and 7am to 1pm Saturdays and Sundays 7am to 11am. Extension of hours of operation and deliveries and dispatches as identified above are permitted for both special events and business operations on the site with the written approval of SOPA.

END OF MOD 95-7-2005