

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION NO 86-7-2006 OF DEVELOPMENT CONSENT DA 80-4-2004

**SITES 5, 6 & 7 SYDNEY OLYMPIC PARK
THREE COMMERCIAL/RETAIL OFFICE BUILDINGS, SUBDIVISION OF LAND INTO
FOUR SEPARATE PARCELS AND ASSOCIATED WORKS**

**PURSUANT TO SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

(FILE NO. S06/00195-1)

I, Jason Perica, Executive Director, Strategic Sites and Urban Renewal in accordance with the Instrument of Delegation issued by the Minister for Planning, on 5 April, 2006 pursuant to Sections 81 and 96(2) of the *Environmental Planning and Assessment Act, 1979* and clause 122 (2) of the *Environmental Planning and Assessment Regulations, 2000*, 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 modified conditions are:

- a To ensure rational and orderly development of land.
- b To maintain consistency with the Sydney Olympic Park Master Plan.
- c To encourage good urban design and a high standard of architecture.
- d Ensure the provision of monetary contributions in accordance with s94 of the Act.

Jason Perica
Executive Director

2007

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 86-7-2006 modifying DA 80-4-2004
Application made by:	Bovis Lend Lease 30 Hickson Road Millers Point NSW 2000
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, landscaping and public improvement works.
Section 96 (2) Application	MOD 86-7-2006 to modify DA 80-4-2004 as follows: • increase the height of buildings 6 and 7 from six (6) to eight (8) storeys; • new all level atriums to buildings 6 and 7; • The two additional levels will result in a Gross Floor Area (GFA) of 16,329 sqm on Site 6 and 21,769 sqm on Site 7 representing an increase in GFA of 4,454 sqm on Site 6 and 5,631 sqm on Site 7 respectively. • Increasing the number of basement car parking spaces from 717 to 805 spaces; • Increase the site area of each of Buildings 6 and 7 by approximately 96 sqm with the resultant narrowing of Park Avenue from 12.5 metres (kerb to kerb) to 6.5 metres (kerb to kerb); • Opening Park Street to through traffic with the deletion of the traffic barrier on the northern side of the street; • Relocation of the loading facilities from the Park Street frontage to Herb Elliot Avenue; • Two 5.2 metre wide double storey aerial pedestrian bridges between building 6 and 7 at levels 2/3 and 6/7 respectively; • reconfiguration of the approved ground floor retail floor plates; • Minor changes to the facade including additional sun shading devices, incorporation of full height atrium glazing, modified treatment to the spandrels and addition of metal framing elements.
Development consent granted by:	Minister for Planning
On:	27 January 2005
Type of development:	Advertised Development
S.119 public inquiry held:	No
As modified:	MOD 95-7-2005, approved 26 August 2005; and MOD 151-9-2005 approved on 1 December 2005.

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 86-7-2006

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 twelve (12) 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

CONDITIONS OF CONSENT

MODIFICATION No. 86-7-2006 OF DEVELOPMENT APPLICATION No. 80-4-2004

PART A—ADMINISTRATIVE CONDITIONS

Condition A1 (as previously amended by MOD 95-7-2005 and 151-9-2005) is amended (as noted in bold) to reflect the following:

1) Amend condition A1 as follows:

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 **60,442m²** (GFA) of office space and **2,833m²** (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.

(modified by MOD 86-7-2006)

2) Add the following underneath existing condition **A2 – Development in Accordance with Plans**

“As amended by the following documents:

Development is to be in accordance with the s96 report prepared by Bovis Lend Lease dated July 2006 and the following revised documentation, but only in so far as they relate to s96 modifications to Buildings 6 & 7 (MOD 86-7-2006), except as amended by Condition B2.

Statement of Environmental Effects entitled Sydney Olympic Park Sites 5, 6 and 7 Section 96 prepared by Bovis Lend Lease dated July, 2006.			
Architectural (or Design) Drawings as previously amended by MOD 95-7-2005 and MOD 151-9-2005 prepared by Lend Lease design			
Drawing No.	Revision	Name of Plan	Date
DA00	B	Cover	15 Feb. 07
DA-02	C	Site Plan – Ground Floor	15 Feb. 07
DA-03	B	Site Plan – Level 1	15 Feb. 07
DA-04	A	Site Boundary Amendment	11 May 06
DA-30	A	Building 6 & 7 – Level B6 Plan	11 May 06
DA-31	A	Building 6 & 7 – Level B5-Plan	11 May 06
DA-32	A	Building 6 & 7 – Level B4 Plan	11 May 06
DA-33	A	Building 6 & 7 – Level B3 Plan	11 May 06
DA-34	A	Building 6 & 7 – Level B2	11 May 06

DA -35	A	Building 6 & 7 –Level B1 Plan	11 May 06
DA-36	D	Building 6 & 7 – Level GR – Ground Floor Plan	27 Mar. 07
DA-37	B	Building 6 & 7 – Level 1 Plan	15 Feb. 07
DA-38	A	Building 6 & 7 – Level 2 Plan	11 May 06
DA-39	A	Building 6 & 7 – Level 3 Plan	11 May 06
DA-40	A	Building 6 & 7 – Level 4 Plan	11 May 06
DA-41	A	Building 6 & 7 – Level 5 Plan	11 May 06
DA-42	A	Building 6 & 7 – Level 6 Plan	11 May 06
DA-43	A	Building 6 & 7 – Level 7 Plan	11 May 06
DA-44	A	Building 6 & 7 – Plant Room Plan	11 May 06
DA-45	A	Building 6 & 7 – Roof Plan	11 May 06
DA-50	B	Building 6 & 7 – North and South Elevations – Sheet 1	15 Feb. 07
DA-51	B	Building 6 – East and West Elevations - Sheet 2	15 Feb. 07
DA-52	B	Building 7 East and West Elevations – Sheet 3	15 Feb. 07
DA-60	A	Building 6 & 7 – Sections – Sheet 1	11 May 06
DA-61	B	Building 6 – Sections 2	15 Feb. 07
DA-62	A	Building 7 – Sections 3	11 May 06
DA-70	B	Site Elevations – Context Study	15 Feb. 07
DA-71	B	Site Elevations – Dawn Fraser Ave	15 Feb. 07
DA-72		Site Elevation – Herb Elliot Ave	11 May 06
DA-73	B	Building 6 & 7 – Colour Elevations North and South - Sheet 1	15 Feb. 07
DA-74	B	Building 6 – Colour Elevations East and West - Sheet 2	15 Feb. 07
DA-75	B	Building 7 – Colour Elevations East and West - Sheet 3	15 Feb. 07
DA-76	B	Building 6 & 7 – - Coloured Detailed Elevations 1	15 Feb. 07
DA-77		Building 6 & 7 – - Coloured Detailed Elevations 2	11 May 06
DA-78	B	Building 6 & 7 – - Coloured Detailed Elevations 3	15 Feb. 07
DA-100	C	Ground Floor Plan – comparative study	15 Feb. 07
DA-101	A	Typical Floor Plan – comparative study	11 May 2006
DA-103		South Elevation comparative study	11 May 2006
DA-104	B	North Elevation comparative study	15 Feb. 07

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3) **Condition B13 is deleted and replaced with the following:**

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	406
Couriers	2
Total Retail/Commercial car spaces	419
Total Trucks	4
Total Bicycles	48

2. Building 6 and 7 Commercial and Retail Parking:

Commercial and Retail Car parking allocation	Number
Disabled Spaces	12
General Cars	573
Couriers	7
Total Retail/Commercial car spaces	592
Total Trucks	3

3. Building 6 and 7 Public Car Parking:

Public Car Parking allocation	Number
General Parking	204
Disabled Spaces	6
Total Public car parking spaces	210
Total Bicycle spaces	120

4) **Condition B21 is deleted and replaced with the following:**

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.	\$346,332.66
Movement Systems	\$2987 per 100 sq.m of	\$1,805,402.50

	Gross Floor Area.	
Urban Domain	\$97 per 100 sq.m of Gross Floor Area.	\$58,628.74
TOTAL – 60,442m ² (/100 = 604.42)		\$2,210,363.80

(2) Amount of Contribution – Other Employment Development

Contribution Category	Rate of Contribution	Amount
Community Facilities	\$115 per 100 sq.m of Gross Floor Area.	\$3,257.95
Movement Systems	\$598 per 100 sq.m of Gross Floor Area.	\$16,941.34
Urban Domain	\$20 per 100 sq.m of Gross Floor Area.	\$566.60
TOTAL – 2,833m² (/100 = 28.33)		\$20,765.89
Total Contribution: \$2,231,129.60		

(modified by MOD 86-7-2006)

PART C – PRIOR TO COMMENCEMENT OF WORKS

No amendment to approved conditions

PART D – DURING CONSTRUCTION

No amendment to approved conditions

PART E – PRIOR TO ISSUE OF SUBDIVISION OR SUBDIVISION CERTIFICATE

No amendment to approved conditions

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

No amendment to approved conditions

PART G – POST OCCUPATION

No amendment to approved conditions

PART H – GENERAL TERMS

No amendment to approved terms