

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

S Haddadi

Director-General
DEPARTMENT OF PLANNING & INFRASTRUCTURE

Sydney *12th August* 2011

SCHEDULE 1

- Project Approval:** MP06_0273 granted by the Minister for Planning on 19 October 2007
- For the following:** Construction of a 7 storey commercial building comprising a retail/commercial ground level and 6 levels of commercial officer floor space, with a total GFA of 24,143sqm, 5 levels of basement car parking containing 369 spaces and landscape and public domain works at Site 4B, Sydney Olympic Park.
- Modification:** MP06_0273 MOD 1:
- Staged construction of an 8 storey and 10 storey commercial building;
 - Additional GFA of 1,998sqm resulting in a total GFA of 26,141sqm and corresponding FSR of 6.48:1;
 - 735sqm increase in landscaped area, including through-site link;
 - Removal of 17 trees, representing net increase in trees to be retained from 4 to 9; and
 - Reconfiguration of basement car park resulting in provision of 273 spaces over 5 basement levels.

SCHEDULE 2 CONDITIONS

PART A – ADMINISTRATIVE CONDITIONS

Delete condition A1(1) and replace with the following:

A1 Development Description

- (1) Development approval is granted only to carrying out the development described in detail below:
- Staged construction of 2 commercial buildings, comprising an 8 storey building fronting Herb Elliot Avenue (described as the North Building) and a 10 storey building fronting Olympic Boulevard (described as the South Building);
 - Total GFA of 26,141sqm;
 - Total 2,545sqm of landscaped area including the through site link;
 - Removal of 17 trees; and
 - 5 basement levels of car parking, with a total provision of 273 car parking spaces and 150 bicycle parking spaces.

Delete condition A2 and replace with the following:

A2 Development in Accordance with Plans

The development will be undertaken in accordance with the Environmental Assessment dated March 2007 prepared by Helen Mulcahy Urban Planning including all Appendices, except where amended by:

- Section 75W Submission dated January 2011 prepared by Helen Mulcahy Urban Planning, as modified by the Preferred Project Report prepared by Helen Mulcahy Urban Planning dated June 2011, including Statement of Commitments (Schedule 3); and
- The following drawings:

Architectural (or Design) Drawings prepared by Bates Smart at Appendix 1 of the Environmental Assessment		
Drawing No.	Name of Plan	Date
A03.000	General Arrangement Plan – Level 00	17 December 2010
A03.001	General Arrangement Plan – Level 01	17 December 2010
A03.002	General Arrangement Plan – Level 02-03	17 December 2010
A03.006	General Arrangement Plan – Level 06	17 December 2010
A03.008	General Arrangement Plan – Level 08	17 December 2010
A03.009	General Arrangement Plan – Level 09	17 December 2010
A03.010	General Arrangement Plan – Level 10	17 December 2010
A03.012	General Arrangement Plan – Roof Plan	17 December 2010
A03.B01	General Arrangement Plan – Level B1	17 December 2010
A03.B01A	General Arrangement Plan – Level B1 A Mezzanine	17 December 2010

A03.B02	General Arrangement Plan – Typical Level Basement	17 December 2010	
A07.001	General Arrangement Elevation – North	17 December 2010	
A07.002	General Arrangement Elevation – East	17 December 2010	
A07.003	General Arrangement Elevation – South	17 December 2010	
A07.004	General Arrangement Elevation – West	17 December 2010	
A08.001	Section A-A	17 December 2010	
A08.002	Section B-B	17 December 2010	
Landscape Drawings prepared by Aspect Studios Sydney at Appendix 1 of the Section 75W Submission, dated January 2011.			
Drawing No.	Revision	Name of Plan	Date
10045 – L001	Rev D	Landscape Plan	December 2010
10045 – L002	Rev D	Landscape Plan	December 2010
10045 – L003	Rev D	Landscape Plan	December 2010

Except for:

- (1) otherwise provided by the conditions of this consent.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Delete condition B2 and replace with the following:

B2 Amended Plans

- (1) To ensure that pedestrian access along the Olympic Boulevard Colonnade is unobstructed, the protruding revolving door of the Southern Building is to be relocated to be flush with the building's Olympic Boulevard façade. Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Stage 2 Construction Certificate.
- (2) The Olympic Boulevard Colonnade is to have a minimum width of 3.5m as measured from the external face of the building façade to the edge of the overhang and ensure that the inside face of the colonnade aligns with the Pullman Hotel colonnade to the north. Details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Stage 2 Construction Certificate.
- (3) To ensure that footpath and pedestrian impacts from the integrated Loading Dock and Car Park driveway are minimised, a pedestrian refuge island is to be provided between the Car Park entrance and Loading Dock entrance to provide pedestrians traversing the driveway the opportunity to safely break their journey. The design of the pedestrian refuge is to meet relevant Australian Standards (endorsed by SOPA's General Manager – Operations & Sustainability) and shall be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Stage 4 Construction Certificate.
- (4) To ensure that the finish and external appearance of the Car Park entrance and Loading Dock are consistent, Car Park entrance roller shutter door treatment is to be adopted and applied to the Loading Dock. Details are to be submitted to the

satisfaction of the Principal Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

Delete condition B10 and replace with the following:

B10 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. All car spaces are to be located within the 5 basement car park levels. Details confirming the parking numbers shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

Car Parking Allocation	Number
Retail parking spaces	13
Commercial parking spaces	256
Number of dedicated accessible parking spaces	4
TOTAL SPACES	273

Delete condition B11 and replace with the following:

B11 Number of Bicycle Spaces

A minimum of 150 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

Delete condition B12 and replace with the following:

B12 Retail Service Corridor

The ground floor retail tenancies located west of the conference room within the South Building shall be provided with direct access to back-of-house service corridors to ensure that servicing of those operations does not impact on the public domain. Details of the works (endorsed by SOPA's General Manager – Operations & Sustainability) shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Stage 2 Construction Certificate.

Delete condition B18 and replace with the following:

B18 Ecologically Sustainable Development

The project shall achieve a minimum 5 Star v3 Green Building Council of Australia commercial office design rating and 5 Star NABERS commercial office design rating and shall implement the ESD principles and design measures outlined within the EA, as modified by MP06_0273 MOD 1 and ESD Report, dated 16 December 2010, prepared by Bovis Lend Lease.

Delete condition B22 and replace with the following:

B22 Monetary Contributions

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

(1) Amount of Contribution

Contribution Category	Rate of Contribution	Amount
Childcare	\$573 per 100 sq.m	149,547.27
Public Transport – Railway Station	\$1,445 per 100 sq.m	377,130.55
Public Transport – Transitway	\$362 per 100 sq.m	94,478.38
Roads & Traffic Management	\$1,152 per 100 sq.m	300,660.48
Workplace Travel Plans	\$28 per 100 sq.m	7,307.72
Streetscapes	\$97 per 100 sq.m	25,316.03
TOTAL		\$954,440

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to the 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 Stage 1 Construction Certificate.

(3) Indexing

The contribution for land will be adjusted in accordance with the latest annual valuations at the time of payment.

New condition B23 is added as follows:

B23 Construction Staging Plan

Prior to the issuing of a Construction Certificate, the Proponent shall prepare and submit a final construction staging plan for the approved development (endorsed by SOPA's General Manager – Operations & Sustainability) to the satisfaction of the Principal Certifying Authority.

PART D – DURING CONSTRUCTION

Delete Condition D15 and replace with the following:

D15 Vibration Criteria

Vibration impacts caused by construction at any structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the criteria based on the British Standard BS 6472-1992, 'Evaluation of human exposure to vibration in buildings (1-80Hz)', presented in the NSW Office of Environment and Heritage's 'Assessing Vibration; a technical guideline', February 2006.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan to be prepared in accordance with Condition C3 of this Instrument of Approval and the Construction Vibration Management Plan, dated 3 June 2011, prepared by Renzo Tonin & Associates (NSW) Pty Ltd to address construction vibration impacts on the adjoining sensitive receiver, Silanna Semiconductor.

New condition D21 is added as follows:

D21 Public Domain Works

The external levels of the development of the southern elevation are between 400-650 mm lower than the future footpath levels of the East West Street as set out in the Master Plan 2030 Street Concept Design (as prepared by GHD dated 25 July 2008). To ensure that the development does not compromise the future public domain, all works required to support, retain and connect to the future footpath shall be completed at the sole cost of the proponent.

Details of the works (endorsed by SOPA's General Manager – Operations & Sustainability) shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Stage 4 Construction Certificate.

PART F – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

New condition F13 is added as follows:

F13 Workplace Travel Plan

Prior to occupation of the building, a workplace travel plan is to be prepared to encourage the use of non-car transport modes by tenants, staff and visitors of the building. The work place travel plan is to be prepared in consultation with the Sydney Olympic Park Authority's General Manager – Operations & Sustainability and demonstrate how the development will comply with Sydney Olympic Park Master Plan 2030.

PART G – POST OCCUPATION

Delete Condition G7 and replace with the following:

G7 Ground floor retail use

All deliveries and waste management associated with the ground floor retail land uses are to be arranged and scheduled outside of core business hours to minimise their impact on the public domain.

SCHEDULE 3 – STATEMENT OF COMMITMENTS

Delete Schedule 3 and replace with the following:

SCHEDULE 3

MP 06_0273 MOD1

CONSTRUCTION OF AN 8 STOREY COMMERCIAL OFFICE BUILDING AND 10 STOREY COMMERCIAL OFFICE BUILDING, BASEMENT PARKING AND ASSOCIATED LANDSCAPING WORKS

SITE 4B, SYDNEY OLYMPIC PARK

STATEMENT OF COMMITMENTS

(SOURCE: S75W PREFERRED PROJECT REPORT, DATED JUNE 2011)

General

1. The development will be carried out generally in accordance with the plans and material submitted as part of this Environmental Assessment for Major Project No. 06_0273, as described in:
 - (a) the Environmental Assessment Report prepared by Helen Mulcahy Urban Planning (and accompanying Appendices), dated January 2007 and the Preferred Project Report dated June 2007;
 - (b) the Environmental Assessment Report prepared by Helen Mulcahy Urban Planning (and accompanying Appendices) in respect of Modification 1 dated December 2010 and the Preferred Project Report dated May 2011;
 - (c) Architectural Drawings prepared by Bates Smart submitted in respect of MOD 1; and
 - (d) Landscape Plans prepared by Aspect Studios Sydney and submitted in respect of MOD 1.
2. The Proponent is committed to the principles of sustainability as defined in the Local Government Act 1993. The construction and operation of the proposed commercial office building will be undertaken in accordance with SOPA's Environmental Guidelines and Sustainability Strategy.
3. The visible light reflectivity from building materials used on the facades of the building will not exceed 20% and will be designed so as not to result in glare that causes any nuisance or interference to any person or place.

4. Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours will be submitted to SOPA's Design Review Panel for review and comment prior to installation of the elevational treatments.

Public Domain

5. All public domain interfaces will be designed in accordance with the standards included in SOPA's Urban Design Elements Manual 2008.
6. Any existing public domain infrastructure damaged due to construction works, will be replaced or repaired to the condition in which the infrastructure was found immediately prior to the commencement of works. The repair / replacement will be completed to the satisfaction of SOPA prior to the issue of the Occupation Certificate.
7. The construction and operation of the commercial office buildings will be undertaken in accordance with the recommendations of the ESD Report prepared by Bovis Lend Lease (dated 16 December 2010) so as to achieve energy and water consumption reduction targets as well as other ESD initiatives.

Tree Management

8. An arborist experienced in tree retention on building sites will be engaged prior to the commencement of work on the site. The Site Arborist will be required to monitor the impact of the building works on the existing Brush Box trees and provide quarterly reports to the PCA and the Proponent on the condition of the trees. Any recommendations in the quarterly reports relating the protection and / or management of the trees will be implemented.
9. The Site Arborist will be present to supervise any excavation, trenching or tunneling within the Primary Root Zone of any retained trees on adjoining properties. The Site Arborist will supervise the root mapping works required prior to commencement of site preparation works.

Noise and Vibration

10. A revised Noise and Vibration Management Plan will be prepared by a suitably qualified consultant and will be submitted to and approved by the PCA prior to the Construction Certificate being issued.
11. Plastic sheeting shall be installed below the concrete slab but not below footings because of bearing pressure requirements. To increase corrosion protection below footings the cover to reinforcement will be increased from the provisions included in the Concrete Structures Code.
12. All reinforcement below ground will be embedded in concrete providing at least a B1 exposure classification for durability in accordance with the Concrete Structures Code.

13. Prior to the commencement of works, during works, prior to the issue of the Occupation Certificate and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project will be carried out by representatives from RailCorp and the Proponent. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during and after construction to be observed. The timing of the surveys will be agreed with RailCorp. It is noted that the submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
14. A Risk Assessment / Management Plan and detailed Safe Work Method Statements for the proposed works will be submitted to RailCorp for review and comment prior to the works commencing on site. It is noted that RailCorp's representative may impose conditions on the methods to be used and require the provision of on-site Safe Working supervision for certain aspects of the works.
15. No excavation or boring will occur within 2.0m (measured horizontally) of high voltage underground cable and 1.0m (measured horizontally) for low voltage cables.
16. As large-scale excavation is involved, the Proponent will install a vibration monitoring system to monitor vibration levels on the adjoining rail corridor for the duration of the works. The plan for this will be submitted to RailCorp for review prior to the commencement of works.
17. Details of any proposed piling, sheet piling, batter and anchors will be provided to RailCorp for review and comment prior to work commencing. RailCorp may require the removal of such construction aids.

Transport

18. Secure parking for bicycles will be provided in the basement.
19. All deliveries and service vehicles to the site will use the loading dock accessed via the driveway from Herb Elliott Avenue.
20. Access, servicing and parking layout arrangements will be provided in accordance with AS2890.1(2004) and AS2890.2(2002).

Contamination

21. An inspection and test program including a contingency plan will be designed and implemented during earthworks, setting out the procedures to be followed in the event that any as yet unidentified potentially contaminated material, including asbestos is identified.
22. Any soil requiring disposal off-site will be classified in accordance with NSW EPA (1999) Environmental Guidelines: Assessment, Classification and Management of Liquid and non-liquid wastes.

Archaeology

23. Should any archaeological features be discovered during excavation, works will cease until the findings have been reported to and assessed by an archaeologist at the time of discovery.

Services

24. The relocation of any services displaced as a result of the construction will be undertaken in consultation and after agreement with the relevant service provider and SOPA. Relocation of all services off-site will be completed prior to commencement of construction works.

Construction

25. Prior to the commencement of construction, a Construction Management Plan will be prepared and submitted to SOPA for approval. The Plan will include:

- A site specific Soil Erosion and Sediment Control Plan
- Hours of Operation during Construction
- Air quality / dust control procedures
- Noise management procedures
- Waste Management Plan for the Construction Phase
- Storage and handling of materials procedures
- Details of hoardings
- Procedures to be implemented during events, including pedestrian movements, signage etc
- Environmental training and awareness
- Emergency procedures

26. Construction hours for early works (first 12 months) will be as follows:

Monday to Friday 6.00am to 6.00pm
Saturday 6.00am to 4.00pm
Sundays / Public Holidays Nil works
Special Event Days (as specified by SOPA) Nil works

It is noted that any variation to the approved hours as included in the SOPA Interim Code of Development Construction Practice would be subject to SOPA approval.

27. General construction hours will be as follows:

Monday to Friday 7.00am to 6.00pm
Saturday 7.00am to 1.00pm
Sundays / Public Holidays Nil
Special Event Days Nil works (unless approved by SOPA)

28. Hours of work may be varied as required to minimize impacts on special events such as State of Origin or the Easter Show. It is noted that works may be undertaken outside the hours specified above in instances where:
- The delivery of materials is required outside these hours by the Police or other authorities;
 - It is required in an emergency to avoid the loss of life, damage to property and / or to prevent environmental harm;
 - The work is approved through the Construction Noise and Vibration Management Plan; and
 - Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.
29. A Construction Traffic Management Plan will be prepared and submitted to SOPA for approval prior to commencement of works on site. The Plan will detail the means of controlling the flow of traffic throughout the construction phase, including alternative arrangements to be employed during Major Events to accommodate road closures and increased pedestrian activity.
30. The Proponent (or its representatives) will maintain regular communications with SOPA, adjoining landowners and other stakeholders throughout the construction phase to ensure that the impacts to the surrounding area associated with construction activities on Site 4B are minimised.

BCA

31. The architectural drawings will be subject to review to enable compliance with the deemed-to-satisfy provisions of the BCA, or compliance with the relevant provision through an alternate solution.
32. All works will comply with the provisions of the BCA either in terms of the deemed-to-satisfy provisions or by way of an alternate solution.

Operation

33. An Operational EMP will be prepared and submitted to SOPA for approval. The OEMP must demonstrate that the building achieves appropriate environmental standards to no less than currently required by SOPA.

