


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 23 February 2012, I approve the modification of the project application referred to in Schedule 1, subject to the amendments to conditions in Schedule 2.


Sam Haddad
Director- General

Sydney *24th February* 2012

SCHEDULE 1

Application No.: MP10_0025 Mod 1

Proponent: Lend Lease (Millers Point) Pty Limited

Approval Authority: Minister for Planning and Infrastructure

Land: Lot 5 in DP 876514

Project: Construction of Commercial Building C4, allocation of car parking spaces, public domain works and remediation and associated works.

Modification Number: MP10_0025 MOD 1

Modifications: The proposed changes comprise amendments including:

- Increase in approved GFA from 98,514m² to **99,656m²** as a result of:
 - decrease from 7,010 m² to 2,691 m² of retail floor space
 - increase from 88,582 m² to 95,571 m² of commercial floor space
 - increase in office lobby from 916 m² to 1,394 m²
 - deletion of child care centre, previously 2,006 m² floor space
- Reduction in the number of car spaces allocated to building C4 in the basement car park from a maximum of 168 being 149 commercial spaces; 19 retail and childcare car spaces to total **166** car spaces being 161 commercial spaces and five retail spaces
- Increase in the allocation of bicycle spaces from total 690 being 563 in the basement car park and 127 in the landscaped forecourt to total **720** spaces being 593 spaces in the basement and 127 in the landscaped forecourt

SCHEDULE 1 CONTINUED

- Reconfiguration of approved tower from generally rectangular to generally elongated oval floor plates
- Minor changes to façade detailing
- Relocation of internal core
- Introduction of structural bracing elements and glazed façades on plant levels
- Increased separation between core and office floor plates
- Redesign of internal areas of podium, including new atrium space
- Expansion of the pop-up area of the podium
- Deletion of the of childcare centre and upper level retail and replacement with commercial space
- Removal of roof bracing
- Further extension of Globe Street
- Deletion of the bar restaurant on level 3 and replacement with commercial space

SCHEDULE 2
AMENDMENTS TO CONDITIONS

1. In Part A, delete Condition A1 in its entirety and insert the following amended condition:

A1 DEVELOPMENT DESCRIPTION

Except as amended by this approval, project approval is granted for the following:

- piling and associated earthworks and remediation;
- construction and use of a new commercial building (C4) with a maximum GFA of 99,656m² comprised of:
 - 2,691 m² of retail floor space
 - 95,571 m² of commercial floor space; and
 - 1,394 m² office lobby.
- Allocation of 161 spaces for C4 commercial use plus 5 for retail use and 36 loading spaces within the basement car park
- Allocation of 720 bicycle spaces for C4 use (127 temporarily located in the landscaped forecourt adjacent to Hickson Road, and 593 within the basement car park)
- pedestrian and cycle access and circulation arrangements;
- construction of public domain works including:
 - extension of Globe Street
 - City Walk; and
 - the southern laneway;
- signage zones on the building façade to accommodate building and business identification signage;
- temporary works and uses including:
 - creation of a temporary forecourt and landscaping along Hickson Road;
 - surfacing of the surrounding streets and laneways including Globe Street, the future City Walk, a portion Shelly Lane and the southern laneway;
 - construction banners; and
 - hoardings
- installation of utility services.

2. In Part A, Condition A2, delete the existing table in its entirety and insert the following table:

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

Environmental Assessment Report titled <i>Building C4 – Barangaroo South (MP10_0025) and Appendices</i> , prepared by JBA Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated November 2010
Preferred Project Report titled <i>Commercial Building C4 – Barangaroo Stage 1 and Appendices</i> , prepared by JBA Urban Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated February 2011
Environmental Assessment Report titled <i>Section 75W Modification MP10_0024- MOD 1 (Commercial Building C4) Barangaroo South</i> (and appendices), prepared by JBA Urban Planning Consultants on behalf of Lend Lease (Millers Point) Pty Ltd, dated October 2011
Preferred Project Report titled <i>Commercial Building C4, Barangaroo South, Preferred Project Report Major Project MP10_0025 MOD 1</i> , dated 16 January 2012

Architectural Plans prepared by Rogers Stirk Harbour + Partners, Landscaping Plans prepared by Aspect/Oculus

Drawing No.	Issue	Name of Plan	Date
RSHP-A-C4-0001	D	Project Cover Sheet	06/01/2012
RSHP-A-C4-2100-P-00	D	Context Plan	06/01/2012
RSHP-A-C4-2200-P-00	D	Site Plan	06/01/2012
RSHP-A-C4_2300-P-00	C	Site Analysis	14/10/2011
RSHP-A-C4-2400-P-00	C	Site Plan Setting Out	14/10/2011
RSHP-A-C4-3100-P-00	D	Plan – Ground Floor Level 0	06/01/2012
RSHP-A-C4-3101-P-01	D	Plan – First Floor Level 1	06/01/2012
RSHP-A-C4-3102-P-02	D	Plan – Second Floor Level 2	06/01/2012
RSHP-A-C4-3103-P-03	D	Plan – Setback Floor Level 3	06/01/2012
RSHP-A-C4-3104-P-04	D	Plan- Low Rise Office Floor Level 4	06/01/2012
RSHP-A-C4-3105-P-05	D	Plan – Low Rise Office Floor Level 5	06/01/2012
RSHP-A-C4-3106-P-06	C	Plan – Low Rise Office Floor Level 6	14/10/2011
RSHP-A-C4-3107-P-07	C	Plan – Low Rise Office Floor Level 7	14/10/2011
RSHP-A-C4-3108-P-08	C	Plan- Low Rise Office Floor Level 8	14/10/2011
RSHP-A-C4-3109-P-09	C	Plan – Low Rise Office Floor Level 9	14/10/2011
RSHP-A-C4-3110-P-10	C	Plan – Low Rise Office Floor Level 10	14/10/2011
RSHP-A-C4-3111-P-11	C	Plan – Low Rise Office Floor Level 11	14/10/2011
RSHP-A-C4-3112-P-12	C	Plan- Low Rise Office Floor Level 12	14/10/2011
RSHP-A-C4-3113-P-13	C	Plan – Low Rise Office Floor Level 13	14/10/2011
RSHP-A-C4-3114-P-14	C	Plan – Low Rise Office Floor Level 14	14/10/2011
RSHP-A-C4-3115-P-15	C	Plan – Low Rise Client/Transfer Level 15	14/10/2011
RSHP-A-C4-3116-P-16	C	Plan – Plant Floor Level 16	14/10/2011
RSHP-A-C4-3117-P-17	D	Plan – Mid Rise Office Floor Level 17	06/01/2012
RSHP-A-C4-3118-P-18	D	Plan – Mid Rise Office Floor Level 18	06/01/2012
RSHP-A-C4-3119-P-19	D	Plan- Mid Rise Office Floor Level 19	06/01/2012
RSHP-A-C4-3120-P-20	D	Plan – Mid Rise Office Floor Level 20	06/01/2012
RSHP-A-C4-3121-P-21	D	Plan – Mid Rise Office Floor Level 21	06/01/2012

RSHP-A-C4-3122-P-22	D	Plan – Mid Rise Office Floor Level 22	06/01/2012
RSHP-A-C4-3123-P-23	D	Plan – Mid Rise Office Floor Level 23	06/01/2012
RSHP-A-C4-3124-P-24	D	Plan- Mid Rise Office Floor Level 24	06/01/2012
RSHP-A-C4-3125-P-25	D	Plan – Mid Rise Office Floor Level 25	06/01/2012
RSHP-A-C4-3126-P-26	D	Plan – Mid Rise Office Floor Level 26	06/01/2012
RSHP-A-C4-3127-P-27	D	Plan – Mid Rise Office Floor Level 27	06/01/2012
RSHP-A-C4-3128-P-28	D	Plan – Mid Rise Office Floor Level 28	06/01/2012
RSHP-A-C4-3129-P-29	D	Plan – Plant Floor Level 29	06/01/2012
RSHP-A-C4-3130-P-30	D	Plan – High Rise Office Floor Level 30	06/01/2012
RSHP-A-C4-3131-P-31	D	Plan – High Rise Office Floor Level 31	06/01/2012
RSHP-A-C4-3132-P-32	D	Plan- High Rise Office Floor Level 32	06/01/2012
RSHP-A-C4-3133-P-33	D	Plan – High Rise Office Floor Level 33	06/01/2012
RSHP-A-C4-3134-P-34	D	Plan – High Rise Office Floor Level 34	06/01/2012
RSHP-A-C4-3135-P-35	D	Plan – High Rise Office Floor Level 35	06/01/2012
RSHP-A-C4-3136-P-36	D	Plan – High Rise Office Floor Level 36	06/01/2012
RSHP-A-C4-3137-P-37	D	Plan – High Rise Office Floor Level 37	06/01/2012
RSHP-A-C4-3138-P-38	D	Plan – High Rise Office Floor Level 38	06/01/2012
RSHP-A-C4-3139-P-39	D	Plan – High Rise Office Floor Level 39	06/01/2012
RSHP-A-C4-3140-P-40	D	Plan- High Rise Office Floor Level 40	06/01/2012
RSHP-A-C4-3141-P-41	D	Plan – High Rise Office Floor Level 41	06/01/2012
RSHP-A-C4-3142-P-42	D	Plan – Plant Floor Level 42	06/01/2012
RSHP-A-C4-3143-P-43	D	Plan Lift Motor Room Level 43	06/01/2012
RSHP-A-C4-3144-P-44	D	Plan Roof Level 44	06/01/2012
RSHP-A-C4-3300-P-A	D	GFA – Plans Atypical Floor Level	06/01/2012
RSHP-A-C4-3310-P-L	D	GFA - Plans - Low Rise Office Floors Levels 04-15	06/01/2012
RSHP-A-C4-3320-P-M	D	GFA – Plans Mid Rise Office Floors Levels 17-28	06/01/2012
RSHP-A-C4-3330-P-H	D	GFA – Plans High Rise Office Floors Levels 30-41	06/01/2012
RSHP-A-C4-4100-S-AA	C	Section AA	14/10/2011

RSHP-A-C4-4110-S-CC	C	Section CC	14/10/2011
RSHP-A-C4-4120-S-BB	C	Section BB	14/10/2011
RSHP-A-C4-5100-E-N	D	Elevation North	06/01/2012
RSHP-A-C4-5200-E-N	C	Signage Zone North Elevation	14/10/2011
RSHP-A-C4-5210-E-S	C	Signage Zone South Elevation	14/10/2011
RSHP-A-C4-5220-E-E	C	Signage Zone East Elevation	14/10/2011
RSHP-A-C4-5230-E-W	C	Signage Zone West Elevation	14/10/2011
RSHP-A-C4-5110-E-S	C	Elevation South	14/10/2011
RSHP-A-C4-5120-E-E	D	Elevation East	06/01/2012
RSHP-A-C4-5130-E-W	D	Elevation West	06/01/2012
RSHP-A-C4-6100-D-PD	C	Detailed Bay Glazed Lift Façade	14/10/2011
RSHP-A-C4-6110-D-S	C	Detailed Bay Structural Brace Plant Floor	14/10/2011
RSHP-A-C4-6120-D-S	C	Typical South Façade Office Floor & Plant Level	14/10/2011
RSHP-A-C4-6130-D-E	C	Detailed Bay Typical East/West Façade Office Floor	14/10/2011
RSHP-A-C4-6140-D-N	C	Detailed Bay Typical North Façade Office Floor	14/10/2011
RSHP-A-C4-6150-D-N	D	Detailed Bay Vertical Village	06/01/2012
LA-PA-C4-200-SK	A	C4 Planning Application Ground Floor Plan	14/10/2011
LA-PA-C4-200	A	C4 Planning Application Ground Floor Plan	14/10/2011
LA-PA-C4-107SK		C4 Planning Application Typical external Planter Plan	14/10/2011
LA-PA-C4-107		C4 Planning Application Typical External Planter	14/10/2011
LA-PA-C4-117SK	E	C4 Planning Application Terrace Plan	14/10/2011
LA-PA-C4-117	E	C4 Planning Application Terrace Plan	14/10/2011
LA-PA-C4-131SK		C4 Planning Application Terrace Plan	14/10/2011
LA-PA-C4-131		C4 Planning Application Terrace Plan	14/10/2011
LA-PA-C4-100SK	F	C4 Planning Application Ground Floor Plan	14/10/2011
LA-PA-C4-100	F	C4 Planning Application Ground Floor Plan	14/10/2011
LA-PA-C4-800SK	A	C4 Planning Application Landscape Sections/Elevations	14/10/2011
LA-PA-C4-800	A	C4 Planning Application Landscape Sections/Elevations	14/10/2011
LA-PA-C4-103SK	F	C4 Planning Application Level 3 Podium Plan	14/10/2011
LA-PA-C4-103	F	C4 Planning Application Level 3 Podium Plan	14/10/2011
LLd_A_C4_S745W-1_3090	04	Basement Plan Level B1	09/01/2012
LLd_A_C4_S745W-	04	Basement Plan Level B2	09/01/2012

LLd_A_C4_S745W-1_3092	04	Basement Plan Level B3	09/01/2012
LLd_A_C4_S745W-1_3098	04	Cross Section 1-1	09/01/2012
LLd_A_C4_S745W-1_3099	04	Longitudinal Section 2-2	09/01/2012

3. In Part A, delete Condition A6 in its entirety and insert the following amended condition:

A6 OTHER APPROVALS

- (1) The approval of the C4 commercial building in no way implies automatic approval for the following:

- (a) the internal fit-out of the commercial office spaces and retail units;
- (b) deleted;
- (c) the use of the basement car park as a public car park;
- (d) deleted.

Separate approval(s) must be obtained from the relevant approval authority for the above works and uses (where required).

- (2) In addition, the following approvals must be obtained separately:

- (a) The detailed design of the temporary wind structures and temporary structures shall be developed in consultation with the Council and is to be submitted to the Director-General for approval prior to the issue of the relevant Construction Certificate.
- (b) A separate approval must be obtained from the relevant authorities for:
 - (i) the reconfiguration of the intersection of Hickson Road and Napoleon Street, including the installation of traffic signals, and
 - (ii) if required, installation of any pedestrian management measures at the intersection of Hickson Road and Napoleon Street while construction works are being undertaken should there be a need to redirect all pedestrian movements from western side of Hickson Road.
- (c)
 - (i) The proposed secondary signage zones (as shown on RSHP-A-C4-5200-E-N, RSHP-A-C4-5210-E-S, RSHP-A-C4-5220-E-E, and RSHP-A-C4-5230-E-W) on the corners of each of the podium elevations are not approved;
 - (ii) A Signage Strategy is to be prepared for all signage to be provided outside the approved primary signage zones (being the zones at the top of the tower and over the north and south elevation building/lobby entries). The Strategy is to show all potential zones for building identification and business identification signage to be located on the podium elevations and retail shop fronts. The Strategy is to be submitted for the approval of the Director-General within twelve months of the date of this approval.
- (d) Drawings of the final layout for Building C4 car parking and bicycle spaces are to be submitted to the Director-General for approval prior to the issue of the relevant construction certificate.

4. In Part A, Condition A7, delete the existing condition in its entirety and insert the following condition:

A7 REMEDIAL ACTION PLAN AND HUMAN HEALTH ECOLOGICAL RISK ASSESSEMENT

- (1) All remediation works are to be undertaken in accordance with the approved Remedial Action Plan (RAP) and Human Health Ecological Risk Assessments (HHERA):
 - 'Human Health and Ecological Risk Assessment, Declaration Site (Development Works) Remediation Works Area – Barangaroo', prepared by AECOM Australia Pty Limited, dated 9 June 2011.
 - 'Human Health and Ecological Risk Assessment Addendum, Other Remediation Works (South) Barangaroo', prepared by AECOM Australia Pty Limited, dated 4 July 2011.
 - 'Amended Remedial Action Plan, Barangaroo – ORWS Area', prepared by AECOM Australia Pty Limited, dated 7 July 2011.
- (2) Within 6 months of the completion of the remediation works on site, and prior to the commencement of construction/site works at and above ground level (with the exception of core and associated structural works), the Proponent shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA (OEH), the Director General, the Certifying Authority, and the Council.

The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Authority to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.
- (3) The site auditor must also verify that any excavated material for use or disposal offsite, including but not limited to the Headland Park at Barangaroo, is managed appropriately and in compliance with the relevant legislation and any relevant approved materials management plans.
- (4) On completion of remediation works, the relevant requirements of clauses 17 and 18 of SEPP 55- Remediation of Land, being notification to the Council, shall be complied with.

5. In Part B, Condition B18, delete the existing condition in its entirety and insert the following condition:

B18 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

- (1) Prior to the issue of the relevant construction certificate an updated Construction Traffic Management Plan shall be prepared in consultation with Transport for NSW and submitted to and approved by the relevant road authority. The updated Construction Traffic Management Plan shall incorporate:
 - (a) the requirements identified at conditions D4(b), (c) and (e) of the project approval for Bulk Excavation and Basement Car Parking, MP10_0023;
 - (b) a temporary pedestrian crossing across Hickson Road in close proximity to the cruise passenger terminal to allow for pedestrians to cross safely to the eastern side of Hickson Road; and

- (c) installation of pedestrian management measures at the intersection of Hickson Road and Napoleon Street while construction works are being undertaken (or until traffic signals are installed), should there be a need to redirect all pedestrian movements from western side of Hickson Road.

(2) The proponent shall submit a copy of the updated plan to the department and to Council.

6. In Part B, Delete Conditions B23 and B24 entirely and insert the following condition:

B23 NUMBER OF CAR AND BICYCLE PARKING SPACES

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

Car parking allocation	Number
Commercial car spaces	161
Retail car space	5
Loading spaces	36
Bicycle spaces	720 (593 in basement and 127 temporary in landscape forecourt fronting Hickson Road until such time as the land is developed for its permanent use)

7. In Part B, Condition B30, delete the existing condition in its entirety and insert the following condition:

B30 GFA CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Building C4 does not exceed 99,656m². Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the relevant Construction Certificate.

8. In Part E, Condition E2, delete the existing condition in its entirety and insert the following condition:

E2 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) and height of Building C4 at the does not exceed a maximum of 99,656m² and RL 182m respectively. Details shall be provided to the PCA demonstrating compliance with this condition prior to the issue of the relevant Occupation Certificate.

Note: 'Height' is as defined in Standard Instrument (Local Environmental Plans) Order 2006.

9. In Part E, Condition E7, delete the existing condition in its entirety and insert the following condition:

E7 POST CONSTRUCTION DILAPIDATION REPORT

- (1) The proponent shall engage a suitably qualified person to prepare post-construction dilapidation reports at the completion of the construction works. These reports are to ascertain whether the construction works caused any structural damage to adjoining buildings, infrastructure or roads. The dilapidation reports are to be prepared and submitted to the PCA:
- (a) at the completion of all excavation and piling works associated with the construction of all the basement, commercial building C3, commercial building C4 and commercial building C5 works;
 - (b) at the completion of all construction works associated with the basement and commercial building C3, commercial building C4 and commercial building C5.
- (2) The PCA must compare the post construction dilapidation reports with the pre-construction dilapidation report required by Condition and provide the relevant roads authority and owners with a copy of the report. A copy shall also be provided to the and Director – General and Council.
10. In Part F, Condition F5, delete the reference to 'child care facility' in the condition and replace the condition in its entirety with the following condition:

F5 HOURS OF OPERATION

The hours of operation for each retail operation shall be determined by the relevant consent/approval authority in relation to their separate fit-out development applications.

END OF MODIFICATIONS - MP10_0025 MOD 1