Application for Modification of Minister's Approval (MP06-0175) under Section 75w of the EP&A Act 1979 (MOD 2)

Site 8a Murray Rose Drive, Sydney Olympic Park, Homebush Prepared for Watpac Developments Pty Ltd January 2009

HASSELL Ltd 24 007 711 435 88 Cumberland Street Sydney NSW 2000 Australia Telephone 61 2 9273 2300 Facsimile 61 2 9101 2100 Email sydney@hassell.com.au Contact: Tom Goode, Senior Associate © January 2009 ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE PLANNING URBAN DESIGN

| Rev | Date Issued | Issued To | Prepared By | Reviewed By |
|-----|-------------|-----------|-------------|-------------|
| А | 02/12/2008 | Watpac | K SAUL | T GOODE |
| В | 02/12/2008 | SOPA | K.SAUL | T.GOODE |
| С | 06/01/2009 | DOP | K.SAUL | T.GOODE |

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01 Introduction

This report accompanies an application to modify MP06_0175 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) on behalf of Watpac Developments Pty Ltd (the proponent).

The Minister for Planning approved Major Project No. 06_0175 on 26 May 2008 for a commercial office building at Site 8A Murray Rose Avenue, Sydney Olympic Park.

A subsequent Section 75W approval, MOD 1 was granted on 24 October 2008. The development as approved by MOD 1 comprises the following:

- 674sqm of ground level retail;
- 5,770sqm of office space over 5 levels;
- 117 parking spaces incorporating elements of stacked parking and parking accessed off the rear service lane.

This application seeks to modify the Project Approval and MOD 1 to remove the conditions relating to the use of the at-grade car spaces in the service lane for loading purposes; allocation of car spaces to retail tenants and the configuration of the roof plant area.

This request for modification application (MOD 2) has been lodged pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval including revoking or varying a condition of the approval or imposing an additional condition of the approval.

2.1 DELETION OF CONDITION B1(1)(B) AND AMENDMENT OF B13

Condition B1(1)(b) of the original approval reads:

(b) Delete a further 4 car spaces at grade to designate car spaces 13-16 as a loading area suitable for accommodating Small Rigid Vehicles.

Condition B13 of the original approval reads:

B13 Number of Loading Bays

A minimum of 2 loading bays are to be provided for the development and at least one of these is to be located wholly on the subject site. A restricted loading bay capable of accommodating 12metre trucks is to be provided in the service lane subject to approval by SOPA. A designated loading area within the building footprint is to be provided off the rear service lane in lieu of car spaces 13-16. Details of the loading arrangements to be submitted to the satisfaction of the Certifying Authority prior to issue of a Construction Certificate.

We respectfully seek the deletion of Condition B1(1) (b) and to amend B(13) to:

- Remove reference to 12m trucks servicing the site;
- Remove the requirement to use car spaces 13-16 as loading bays, and,
- Remove the requirement for one loading bay to be located wholly on site.

The proposed amended wording for Condition 13 is:

Condition 13

A minimum of 1 loading bay is provided for the development in the service lane subject to the approval of SOPA. Details of the loading arrangements to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

2.2.1 Justification

The reasons are outlined below and also addressed in the letter prepared by ARUP (Appendix A). A revised ground floor plan is located in Appendix B.

Future Deliveries

Site 8a is approved as a commercial building with ancillary retail uses on the ground floor only, the retail areas total 674sqm. These retail uses will generate a minimal demand for loading requirements. In line with other commercial and retail facilities, day to day deliveries such as paper, limited café/food produce and some retail stock will be made primarily in service vehicles (light vans) up to 6m in length. Occasionally, small trucks (small rigid vehicles) may deliver to the site.

Given the limited retail function of the building, it is highly unlikely that 12m trucks (heavy rigid vehicles) would service the site as required by Condition 13. These size trucks are generally used for very large deliveries (up to 12 tonnes of stock) to major retail stores, or as noted in the *Australian Standards 2890.2* below, for deliveries in major suburban delivery areas:

(c) Heavy rigid vehicle (HRV)[†] The HRV represents the maximum dimensions of a single unit truck, specialist vehicles excepted, and typically has a load capacity of 12 t. The class also includes 4-axle twin-steer vehicles with a typical load capacity of 16 t. The HRV is the design vehicle which should normally be provided for in major suburban delivery areas.

Therefore, condition B13 should be amended as to not require a loading bay to accommodate 12m long trucks.

Loading Bay Requirements

There are no specific controls for loading requirements within SOPA policies and guidelines, however the Auburn Parking and Loading DCP requires 1 loading space/4000sqm GFA commercial + 1 space/400sqm GFA retail. For Site 8a, this equates to 1.4 + 1.7 = 3 spaces for the whole site.

The proposed loading bay strategy for Site 8a is shown in Figure 2.1and discussed below.



24m loading bay

An approved short term loading bay is located along the service lane at the rear of the building. This area will be indicated by clear signage and line marking. The loading bay can accommodate three service vehicles or three Small Rigid Vehicles. As part of this Modification, it is requested that the short term loading bay is increased from 20m to 24m long to provide ample space for loading vehicles that can be accommodated without obstructing entry and egress into the build. The extended loading bay was advised by the traffic consultant.

The service road is one-way and the eastern half only provides service vehicle access to Site 8a, as such there will be minimal traffic along the service lane. The loading bay at 2.5m wide will not obstruct other vehicles using the service road. The addition of on-street parking as loading/drop off zones will also reduce demand for loading areas along the service lane.

Use of the service road will also be managed through a boom gate located at the eastern end, fronting Australia Avenue. The boom gate was provided in response to SOPA's concerns that the service lane could provide illegal parking during non-business hours and ensures that the service road will be used by the tenants of Site 8a. Service vehicles will communicate with the tenants to gain access to the service road as required.

On street loading/ drop off zone

In addition to the 24m loading bay in the service road, SOPA is currently developing a scheme for on-street parking within the town centre to accommodate parking and short term loading requirements of the emerging retail and commercial developments. As outlined in the letter provided by SOPA (Appendix C), they will provide a mixture of 1 hour and 15min parking zones along Murray Rose Avenue directly in front of the site. The 15 minute loading zones will provide areas for loading SRVs and Vans in a convenient location near the entrance to the retail stores and commercial levels of Site 8a.

Continued Access to Loading Bays

Condition B13 requires that the loading bays are located wholly within the site to ensure that a loading bay is provided for Site 8a. The proposed loading scenario utilises the Service Road at the rear of the site. Whilst the Service Road is not legally located within the site, it has been provided as a Right of Way over through a 99 year lease to provide key entry and egress to the all the Site 8 sites. As such the long term use of this Service Road is secured and a loading bay located within the Service Road would be able to service the site on long term basis.

Summary

In total, there will be 3 loading spaces available in the service lane (within the 24m loading bay) plus up to 4 additional on-street loading areas available through SOPAs on street parking scheme. It is therefore considered that the proposal clearly meets the loading bay requirements set out in the Auburn Council DCP.

Condition B1(1)(b) requires that 4 at-grade car parking spaces (numbered 13-16) be converted for additional loading areas (shown in blue in Figure 2.1). The addition of up to 2 loading bays available in car spaces 13-16 will increase the number of loading bays on site up to 5, plus those on Murray Rose Avenue provided as per SOPAs on street parking scheme, which is clearly in excess of the Auburn DCP requirements and excessive for a development of this size and nature.

It is therefore submitted that the proposed loading scheme of the 24m loading bay and on street parking, as per SOPAs on street parking scheme, is sufficient to meet the loading needs of Site 8a and will provide effective and safe loading areas. As such it is respectfully submitted that Condition B1(1)(b) is deleted and Condition 13 amended to remove the requirements for loading bays 13-16 to be used for loading purposes.

2.2 AMENDMENT TO CONDITION B11

Condition B11 was amended via Modification 1 approved 24 October 2008. Condition B11 now reads:

Condition B11 – 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.

| CAR PARK ALLOCATION | NUMBER |
|---|--------|
| Parking Spaces | 117 |
| Inclusive of commercial disabled spaces | 2 |
| Inclusive of retail parking spaces | 8* |
| TOTAL CAR SPACES | 117 |
| | |

* Retail parking spaces provided are to be a minimum of 1 car parking space per retail tenancy.

The proponent is supportive of Condition B11 to the extent that it provides for the stacked parking concept and commercial disabled spaces. However, it is requested that Condition B11 is amended to remove the requirement for retail car parking spaces.

As per standard commercial practice, car parking for retail tenants will be negotiated between the proponent and retail tenants and provided on an as-need basis. This will ensure that retail tenants are provided with car parking spaces consummate to their needs. For those tenants who do not negotiate a car space, they will be able to use the public car parks within Sydney Olympic Park or bus or train transport to access the site.

There is currently no requirement in the current SOPA documentation to provide car parking to retail tenancies. The *Urban Design Controls for Site 8* provides a car parking requirement for the overall floor space in the building and provides no conditions on what type of tenancy should be provided with car parking. Similarly the *Sydney Olympic Park Master Plan 2002* has no requirements for retail car parking spaces.

It is noted that there are additional car parking requirements in the *Draft Sydney Olympic Park Master Plan* 2030 which was released after the lodgement of MP06-0175. These controls provide a minimum car parking ratio for sites within 800m of the town centre of 1 space per 80sqm, which has been achieved for Site 8a through the 121 car spaces provided on site. The Draft Master Plan also specifies <u>maximum</u> car parking requirements for specific land uses such as retail. There is no requirement regarding a minimum number of car parking spaces for sites within Sydney Olympic Park and therefore the Site 8a proposal complies with the *Draft Sydney Olympic Park Master Plan 2030*.

There is also no precedent for a separate allocation for retail parking within commercial buildings located within the Town Centre of Sydney Olympic Park. Sites 5, 6, 7 front Murray Rose Avenue and were approved for commercial use with ancillary retail use by DA 80-4-2004. A modification to the approval was approved in 2005 (MOD 95-7-2005) which outlined the car parking requirements for the site. As shown in Appendix D, there are no requirements to allocate car parking spaces to retail tenants within Sites 5, 6 and 7. It is understood that retail spaces for these sites will be negotiated with retail tenants on an as-need basis.

As such, it is submitted that retail car parking can be managed on an as need basis through negotiations between the building owner and retail tenants. To provide the building owner with this flexibility, it is respectfully requested that Condition B11 is amended as follows:

| Parking Spaces | 117 | |
|---|-----|--|
| Inclusive of commercial disabled spaces | 2 | |
| Including spaces 13-16 | 4 | |
| TOTAL Spaces | 121 | |

2.3 AMENDMENT TO PLANS FOR ROOF PLANT

As result of further design detail and input from the service consultants, modifications to the plant area located on the roof of the approved building are required. This will result in amendments to the plans approved under Condition A2. Copies of the revised plans, including elevations are included in Appendix E.

The proposed alterations are:

Screens to Generator Area

The approved plans identify an area to the east of the main plant area for 'future generator'. The applicant has sought to include this base-building generator in the current construction program rather than have a future tenancy install this element. It is considered that the undertaking of these works at this time will be beneficial to the overall aesthetics of the building in having it incorporated in to the overall build of the development.

This amendment seeks to install the generator during the construction phase and also provide screens to the generator area to minimise the visual impact of the generator area. Screens are also required to meet safety regulations.

Louvres will be used to screen the additional plant and will complement the approved louvres to the cooling towers on the western side of the plant area. The additional plant areas have been integrated into the overall design of the building façade.



Figure 2.2: Proposed roof plan for Site 8a

The generator area will be smaller than that indicated on the approved plans and sit directly behind the elevator shafts and only be visible from the eastern and southern facades. The setback to the eastern façade will be 8.45m which is greater than the indicative 5m setback for the future generator area showed on the approved plans. The setback to the southern façade will be 6m and will align the southern setback of the plant area. It is therefore considered that the installation of generator screens will have minimum impact on the visual appearance of the Site 8a building.

Minor Increase to Plant Area

The detailed design of the plant area and required services has resulted in the need to increase the overall area of the plant to include the required services.

The existing approval was based on a 451sqm plant area plus a space for a future generator of approximately 125sqm, this provided a total approved area of 576sqm. The additional space required to accommodate the additional plant area and secondary access stairs equates to a total plant area of 628.6sqm, which is an additional 9% (52sqm) to the approved area. However, approximately 12sqm of this is a result of a second stair as required to meet Australian Standards.

The Department of Planning was made aware of the possibility of an increased plant area in the Preferred Project Report (HASSELL, 2008). Section 3.2.12 provided an indicative sketch of the plant whilst still in development phase.

Extension of Northern Wall

The majority of the additional plant area has been located towards the northern boundary to minimise the visual impact of the plant area from Murray Rose Avenue and the Town Centre area.



Figure 2.3: Northern Façade to Site 8a

To accommodate the required plant areas including a second set of emergency access stairs and egress required by BCA, a portion of the northern wall of the plant area will be realigned with the parapet. It is noted that the issue of the second stairs was part of the Preferred Project Report (HASSELL 2008) issued to the Department of Planning during the DA process).

A portion of the outer plant wall has been moved to the parapet line along the southern façade to be integrated into the overall design of the building, and the strong vertical feature of the northern facade. This façade is not visible from the Murray Rose Avenue frontage and therefore will not impact vistas within the Sydney Olympic Park Town Centre.

Relevant Controls

The 'Skyline Controls' in the Urban Design Controls for Site 8 outline the following controls relevant to plant areas:

Control: The 5.0m roof top articulation zone is to allow the creation of an architectural silhouette and integration of services such as; lift overrun, plant rooms and the like.

- The amended roof plan still complies with this control.

Control: The total area in plan above 25.0m may not exceed 10% of the roof area of the building.

— The approved plant area is 576sqm (including future generator area) and equates to 41% of the roof area and therefore significantly exceeds this control. The additional 52sqm will increase the total proportion of the roof occupied by plant to 44.9% which is considered a minimal increase.

Control: All portions above 25.0m shall be setback from the site boundaries as shown in the elevations. (Elevations show 7m setback from east/west boundaries and 3m setback from north/south boundaries).

- At present, the approved plans do not comply with these setback provisions with the plant being setback 2.3m from the north (non-compliant), 6.4m from the south, 11.3m from the west and 4.9m from the east (including additional plant area). The both the approved and proposed drawings locate the plant area closer to the northern boundary to minimise visual impact and maximise sunlight to Murray Rose Avenue and Jacaranda Square.
- The amendments primarily affect the northern setback of the plant, that is, the rear frontage away from Jacaranda Square (south) and the Town Centre (west). The revised northern setback now has a maximum setback of 1.3m. There are minor adjustments also to the east (now 8.4m setback as opposed to 10.9m in the approved plans) and west (now 10.8m setback as opposed to 11.3m in the approved plans).
- The revised plant area adheres to the same principles of the approved concept by locating the majority of the plant area towards the north, away from the main frontages, with the additional plant area to the north being integrated with the vertical elements of the façade.
- The impact of this additional plant area is considered to be minimal as it will only be visible from the RAS site to the north but integrated with key vertical elements of the facade. The additional plant will not be 'read' from public areas, nor will it present any off-site impacts such as overshadowing.

The proposed amendments are considered minimal and are consistent with the relevant policies applicable to the site. The increase in the size of the plant area to meet servicing requirements, and reduced setback from the southern frontage, result from the reasonable and expected amendments generated during the detailed design process, and will not likely result in any off-site impacts.

The proposed modifications do not impose any detrimental environmental impacts on the surrounding environment and are considered minimal. The modifications are requested to ensure the efficient facilitation of development already approved.

The documentation included in support of the original Environmental Assessment application (October 2007) has been prepared for a development with the attributes displayed in the development as sought in this Modification Application. We submit to the Department of Planning that there will not be any environmental impacts that will require additional assessment.

It is considered that the proposal, as modified, still achieves the same objectives as the originally approved Major Project 06_0175 and does not alter the overall nature, need or justification of the proposal. The amended car parking and loading arrangements, in addition to changes to the plant area are necessary amendments to the conditioned approval.

The required amendments as conditioned in the approval for the site have been deemed to be unnecessary, or have been addressed through the supporting documentation provided in this application that illustrates that:

- The 24m loading bay plus on-street loading zones/drop off zones will more than adequately meet the loading requirements for Site 8a in an effective and safe manner.
- The provision of retail car parking on an as-need basis will provide flexibility for both retail tenants and building owner.
- The variations to the roof plant area are necessary through detailed design development required to meet servicing requirements and have been designed to minimise visual impact on the surrounding area.

It is therefore submitted that the Minister grants approval to this Section 75W application (Mod 2) and amend the development consent in the manner requested.

Appendix A Letter from ARUP (01/12/2008) Our ref 75842/00/AMH

Date 1 December 2008

Level 10 201 Kent Street Sydney NSW 2000 Tel +61 2 9320 9320 Fax +61 2 9320 9321 Direct Tel +61 2 9320 9431 andrew.hulse@arup.com

www.arup.com

HASSELL Attn: Kristen Saul GPO BOX 5487 SYDNEY NSW 2000

ARUP

Dear Kristen

8 Australia Avenue, Sydney Olympic Park Site 8A Loading Arrangements

Arup has reviewed the proposed development for Site 8A in the context of the full site at 8 Australia Avenue, Sydney Olympic Park. Site 8A is proposed to contain approx 5,770m² of commercial floor space and 674m² of retail.

A service road strategy was prepared by HASSELL for the whole of Site 8, shown in Figure 1, which has the following principles:

-One way access along the service road with entry from Australia Ave via access control;

-Access for service, loading and limited tenant car parking;

-Exit either towards the western end of Site 8 or at a mid block location between Site 8B/8C.



Figure 1: Site 8 Service Road Strategy

In the absence of loading guidelines for Sydney Olympic Park, we have referred to the Auburn DCP to guide loading provision. The Auburn DCP for loading requires 1 space/4000sqm GFA commercial + 1 space/400sqm GFA retail. This equates to 1.4 + 1.7 = 3 spaces. Truck sizes vary depending on the type of delivery or garbage collection. For three spaces it would be usual to provide for a medium rigid vehicle (MRV 8.8m long) for garbage collection and larger deliveries, one small rigid vehicle (SRV 6.5m long) for general deliveries and one small van (5.0m long) for couriers, etc.



Figure 2: Building 8A Loading Zone

A 24 m long loading zone is proposed in the service road as shown in Figure 2. Given that this loading zone relates directly to the servicing area for the building it would be suitable to allocate loading to the building in this zone for 2 to 3 trucks/vans with other loading being able to occur on-street in Murray Rose Avenue (couriers/ van deliveries/ private shop owner vehicles, etc.). The laneway loading zone is clear of the car spaces and takes note of fire egress routes. It is proposed to install a boom gate at the lane entry with swipe card access for tenant parking and intercom communication to each business for truck entry.

Given that there is a service lane specifically provided for these buildings, there will be no need to have loading docks provided within the development.

Yours sincerely

Andrew Hulse Senior Associate

Appendix B Revised Ground Floor Plan PSA7515_0100-010



Appendix C Letter from SOPA (02/09/2008)



Sydney Olympic Park Authority, 7 Figtree Drive, Sydney Olympic Park NSW 2127

2 September 2008

Mr Anthony Mayo Senior Development Manager Watpac Developments Pty Ltd Suite 1602 Level 16, 15 Castlereagh Street Sydney NSW 2000

Via email

Dear Anthony,

Site 8A – Proposed Loading Zone / Drop Off Zone Request

In response to your query regarding on street car parking arrangements on the northern side of Murray Rose Ave (between Australia Ave and Park St), SOPA is currently considering all on street parking arrangements within the Town Centre.

The basis of SOPA's current review (termed On Street Car Parking Strategy), is to provide a mixture of 15 minute and 1 hour parking zones on Murray Rose Ave, as well as a number of other streets in the Town Centre.

At this point, it is SOPA's intent to locate a 15 minute parking zone in Murray Rose Ave (between Australia Ave and Park St), which would accommodate loading to and from Small Rigid Vehicles. Please note that these 15 minute parking zones are not dedicated exclusively to the Site 8A development.

I am anticipating that the On Street Car Parking Strategy will be finalised within the next 2 - 3 months.

Please contact Ben Woods on 9714 7538, should you require any further assistance.

Yours sincerely,

John Ferguson Executive Manager, Precinct Coordination Operations & Sustainability Sydney Olympic Park Authority

Appendix D Parking Requirements for Sites 5,6 and 7 (Extract from MOD No.95-7-2005)

| AFL.74 | В | Building 5 Elevations 1 Colour | 9.6.2005 |
|---------|---|-----------------------------------|-----------|
| AFL.75 | С | Building 5 Elevation 2 Colour | 9.6.2005 |
| AFL.103 | С | 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:

Appendix E Revised Roof Plans



| REV REV 005 | | | |
|-------------------|--|--|--|
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| CONSULTANT STRUCTURAL ENGINEER ROBERT BIRD GROUP 9 CASTLEREAGH STREET SYDNEY NSW 2000 AUSTRALIA SYDNEY@ ROBERTBIRD.COMAU T 61 2 8246 3200 F 61 2 8246 3201 BUILDING SERVICES ENGINEER BASSETT 44 MARKET STREET SYDNEY NSW 2000 AUSTRALIA SYDNEY@BASSETT.COM.AU T 61 2 8295 7555 F 61 2 8295 7500 CLIENT WATPAC LTD 1024 ANN STREET FORTITUDE VALLEY QLD 4006 AUSTRALIA T 61 7 3251 6300 TOTAL AT 61 7 3251 6300 | | | |
| CONSULTANT HASSELL LIMITED ACN 007 711 435 88 CUMBERLAND STREET SYDNEY 0200 AUSTRALA SYDNEY@HASSELL.COM.AU T 61 2 9273 2300 F 61 2 9273 2345 PROJECT BROJECT BROJECT BROJECT BROJECT BAUSTRALIA AVENUE SYDNEY OLYMPIC PARK | 1 Meshed Screen, silver grey 2 Masonry/Concrete, rendered, paint finish 3 Masonry/Concrete, paint finish 5 Metal Panel, silver grey 6 Metal Panel, silver light grey 7 Glazed Balustrade | | |
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