

# Section 75W Modification



**For:**  
Proposed Modifications to an Approved  
Commercial Development with Associated  
Basement Car Parking

**At:**  
Site 4B, Sydney Olympic Park  
Lot 13 in DP1125680

Application Number: MP06\_0273

**FDC**



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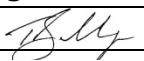
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## Executive Summary

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This Environmental Assessment report has been prepared by FDC Construction and Fitout Pty Ltd on behalf of Fitzpatrick Investments Pty Ltd. Fitzpatrick Investments are currently negotiating the assignment of an existing Agreement for Lease (AFL) between Sydney Olympic Park Authority (as land owner) and Colonial First State. The proposed modifications outlined below form a fundamental part of these negotiations, and should they be agreed, it is likely that Fitzpatrick Investments will become the new lease holder and developer of the site.

This application has been prepared under the provisions of (the now deleted) *Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act)*. While these provisions no longer exist within the Act, modifications of approvals issued under Part 3A continue to be assessed using this mechanism as indicated by *Schedule 6A of the EP&A Act*.

This Section 75W application seeks to modify consent MP06\_0273, granted by the Minister for Planning and Infrastructure on 19 October 2007 (and modified on 12<sup>th</sup> August 2011) for the construction of:

*A seven (7) storey commercial building comprising a retail / commercial ground level and 6 levels of commercial office floor space, with a total GFA of 24,143m<sup>2</sup>, 5 levels of basement car parking containing 369 spaces and landscape and public domain works at Site 4B, Sydney Olympic Park.*

The following modifications form part of this application with further detail provided in Section 3 of this report:

- Relocation of two basement levels from southern building to northern building;
- Reduction in height from 38.4 metres to 34.6 metres;
- Revised building core arrangement;
- Confirmation of development staging; and
- Proposed change to Condition B20.

This Environmental Assessment has been prepared to outline the proposed modifications and to undertake a detailed assessment of any potential environmental impacts resulting from such modifications. The proposed modifications have also been considered in the context of the relevant legislative and policy framework for the local and regional area.

This information is further supplemented by the following amended architectural plans prepared by Leffler Simes Architects.

- |                                     |                          |
|-------------------------------------|--------------------------|
| ▪ <i>Site Plan</i>                  | <i>Drawing DA050 [B]</i> |
| ▪ <i>Basement B3 Plan</i>           | <i>Drawing DA100 [B]</i> |
| ▪ <i>Basement B2 Plan</i>           | <i>Drawing DA101 [B]</i> |
| ▪ <i>Basement B1 Plan</i>           | <i>Drawing DA102 [B]</i> |
| ▪ <i>Basement B1 Plan Mezzanine</i> | <i>Drawing DA103 [B]</i> |
| ▪ <i>Ground Floor Plan</i>          | <i>Drawing DA104 [B]</i> |
| ▪ <i>First Floor Plan</i>           | <i>Drawing DA105 [B]</i> |
| ▪ <i>Floor Typical</i>              | <i>Drawing DA106 [B]</i> |
| ▪ <i>Fifth Floor Plan</i>           | <i>Drawing DA107 [B]</i> |

▪ Sixth Floor Plan	<i>Drawing DA108 [B]</i>
▪ Seventh Floor Plan	<i>Drawing DA109 [B]</i>
▪ Eighth Floor Plan	<i>Drawing DA110 [B]</i>
▪ Ninth Floor Plan	<i>Drawing DA111 [B]</i>
▪ Tenth Floor Plan	<i>Drawing DA112 [B]</i>
▪ Eleventh Floor Plan	<i>Drawing DA113 [B]</i>
▪ North East Elevation	<i>Drawing DA150 [B]</i>
▪ South East Elevation	<i>Drawing DA151 [B]</i>
▪ South West Elevation	<i>Drawing DA152 [B]</i>
▪ North West Elevation	<i>Drawing DA153 [B]</i>
▪ Section A-A	<i>Drawing DA160 [B]</i>
▪ Section B-B	<i>Drawing DA161 [B]</i>

This report and associated information concludes that the proposed modifications are appropriate in the context of the approved development and are fundamentally important to the interests of any future occupant. FDC trusts that the information provided within this Environmental Assessment provides the Department with sufficient information upon which to base an assessment of the relevant issues.

The proposed modifications should therefore be considered favourably by the Department of Planning and Infrastructure and supported.

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## 1.0 Introduction

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The following modifications form part of this application with further detail provided in Section 3 of this report:

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- Revised building core arrangement;
- Confirmation of development staging; and
- Proposed change to Condition B20.

### 1.1 Background

Bovis Lend Lease (BLL) were originally engaged by Colonial First State to prepare a Part 3A Project Application (MP06\_0273) for submission to the Department of Planning. This scheme was based on accommodating the Commonwealth Bank as the sole tenant of the complex. This application included an extensive list of documentation describing existing site conditions and assessing the proposed development, most of which remains relevant. On 19 October 2007, the Minister for Planning granted approval, subject to conditions, for the following development:

- *construction of an “A” grade, 7 storey commercial office building;*
- *5 basement car park levels with approximately 369 parking spaces;*
- *ground floor comprising retail, quasi-commercial lobby and loading;*
- *six (6) levels of commercial office space with a gross floor area of 24,143 sqm (which translates to a floor space ratio of 6.05:1);*
- *landscape treatment of the public domain between the subject site and the Sofitel Hotel which is currently under construction on Site 4A, as set out in the Public Domain Plan prepared by Aspect Sydney; and*

- *the removal of 22 trees.*

Following the subsequent decision by Commonwealth Bank not to occupy the proposed development, Colonial First State (through BLL) decided to modify the design to reflect, 'current market trends' which indicated the building should be modified to accommodate multiple tenants (instead of one tenant).

BLL subsequently lodged a Section 75W Application with the Department to modify the development as outlined below:

- *construction of two (2) "A" grade commercial buildings, comprising an 8 storey building which addresses Herb Elliott Avenue (hereinafter referred to as the North Building) and a 10 storey building which is oriented to Olympic Boulevard (South Building);*
- *additional 1,956sqm GFA resulting in a total GFA of 26,099sqm and a corresponding FSR of 6.48:1;*
- *735sqm increase in the landscaped area including the through-site link (total now provided 2,545sqm);*
- *removal of 17 trees (which represents a net increase in the number of existing trees retained from 4 to 9); and*
- *reconfiguration of the basement car park which results in the provision of 273 parking spaces provided over 5 basement levels (a net reduction of 96 spaces from the approved scheme).*

This application was approved by the Director General on 12 August 2012.

Following recent discussions with the Department, Colonial First State (through Helen Mulcahy Urban Planning) submitted a further Section 75W Application in order to clarify the lapsing period of the approval in accordance with Section 75Y(1) of the Act. This approval was issued by the Department on 29 September 2012. The approval now lapses on 19 October 2015 unless substantially commenced.

## **1.2 FDC Construction and Fitout Pty Ltd**

FDC Construction and Fitout Pty Ltd (FDC) is one of Australia's most awarded construction, refurbishment and fitout companies, specialising in the delivery of commercial, industrial and retail projects.

Facilities Design and Construct (FDC), was founded in February 1990 with an initial focus on the design and construction of high-tech installations such as computer rooms and communications facilities. Realising potential outside of this specialised niche, and acknowledging the fundamental integration of technology to most contemporary construction and fitout projects, FDC embarked on strategic expansion into the commercial fitout and building refurbishment market.

FDC now has three separate operating divisions under the banner of FDC Building Services Pty Ltd which include:

- FDC Construction and Fitout;
- FDC Technologies; and
- FDC Mechanical

Each business has developed in sustainable, manageable increments over the last 20 years and now boasts a total annual project turnover in excess of \$440 million.





FDC is proud of its history and believes that this approach has resulted in our ability to maintain financial stability while also retaining key personnel.

FDC's multi-disciplinary team offers expertise across all fields within the building industry. These disciplines include but are not limited to:

- Property and investment analysis;
- Design and Construction Services;
- Town Planning and Government Liaison;
- Construction Management;
- Position of Head Contractor;
- Design and installation of electrical, voice, data, security & mechanical systems;

FDC's internal quality procedures have been honed over many years, improving our deliverables as we learn from each experience. Those processes are now the foundation of our fully certified Quality Assurance Management System (ISO 9001:2000), an integral part of our fully Integrated Management System (IMS). FDC has also recently received certification by the Federal Safety Commission.

The most recent and similar example of FDC's capability is the delivery of 400 Docklands Drive, Docklands. This facility has now been completed and consists of a 7 storey, 5 star Green Star and 4.5 star NABERS Energy targeted facility, anchored by global IT Company CSC. FDC is also currently constructing a similar building at 7 Murray Rose Avenue, Sydney Olympic Park which will be occupied by Thales.

On this basis, FDC is in a strong position to achieve a high quality development solution backed by a solid financial and delivery capability. Importantly FDC is able to deliver what we say we can and have a proven track record in similar projects.

### 1.3 Project Team

FDC has assembled a team to manage the design, planning and documentation phase of the project. This team is outlined below:

Project Director:	Ben Cottle (Managing Director)
Project Coordinator:	Jamie Stewart (Development Manager)
Project Manager:	Shane Cevenini (Project Manager)
Planning:	Tim Bainbridge (Planning Manager)

Bovis Lend Lease were responsible for preparing the original application and subsequent modification applications on behalf of Colonial First State.

FDC will move forward with the approved documentation but are likely to engage different consultants to prepare different aspects of the detailed design process. The following consultants are likely to be engaged, while others are yet to be determined:

Role	Consultant	Contact
Architecture	Leffler Simes	Steve Nelson Robert Galati
Sustainability	To be confirmed	-
Access	To be confirmed	-



Role	Consultant	Contact
Traffic and Parking	Parking Consultants International	Andrew Morse
Noise and Vibration	SLR - Heggies	Lee Hudson
Building (BCA)	Blackett Maguire + Goldsmith	Dean Goldsmith
Fire	Raw Fire	Sandro Razzi
Structural	To be confirmed	-
Service Design	To be confirmed	-
Mechanical	FDC Mechanical Services	Craig Slorach
Electrical	FDC Technologies	Craig Slorach

## **2.0 The Site**

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The following section provides information about the site and its surrounds.

### **2.1 Sydney Olympic Park**

Sydney Olympic Park is located in Western Sydney approximately 14 kilometres west of the Sydney Central Business District and 8 kilometres east of Parramatta. It occupies a site of approximately 635 hectares between the Parramatta River and the M4 Motorway with nearly two thirds of the site is reserved as parkland.

Sydney Olympic Park is serviced by train, bus and ferry services and is in close proximity to regional shopping locations such as Burwood, Strathfield, Parramatta, and Rhodes. Over 8.5 million people visit Sydney Olympic Park on an annual basis with this number expected to grow.

It is most recognised for having Australia's largest concentration of international standard sporting/recreational facilities but continues to evolve as an important economic centre and urban parkland at the centre of metropolitan Sydney.

The Olympic Park Precinct has been developed over the past 13 years and comprises a mixture of modern office, warehouse and commercial buildings with a "high-tech" influence. The area now has over 60 businesses operating which employ around 6,000 employees. It provides an opportunity to establish a 'best practice example of sustainable urban development' with numerous examples of internationally recognised initiatives in energy and water management, green building design, and sound economic and ecological management.

### **2.2 Site 4B Herb Elliot Avenue**

Site 4B is an irregularly shaped land parcel surrounding the Pullman Hotel at the intersection of Herb Elliot Avenue and Olympic Boulevard. The site has street frontages to both Olympic Boulevard and Herb Elliot Avenue and has a site area of approximately 5,310.3m<sup>2</sup>. The site is currently utilised as a public car park with parking for 98 vehicles.

The site is legally described as Lot 13 in DP1125680. The site is owned by Sydney Olympic Park Authority (SOPA) but is subject to an Agreement for Lease (AFL) to Colonial First State. Fitzpatrick Investments are currently negotiating with both SOPA and Colonial First State to accept the assignment of this AFL so that Fitzpatrick Investments can develop the site.



Figure 2.1: Site 4B, Sydney Olympic Park

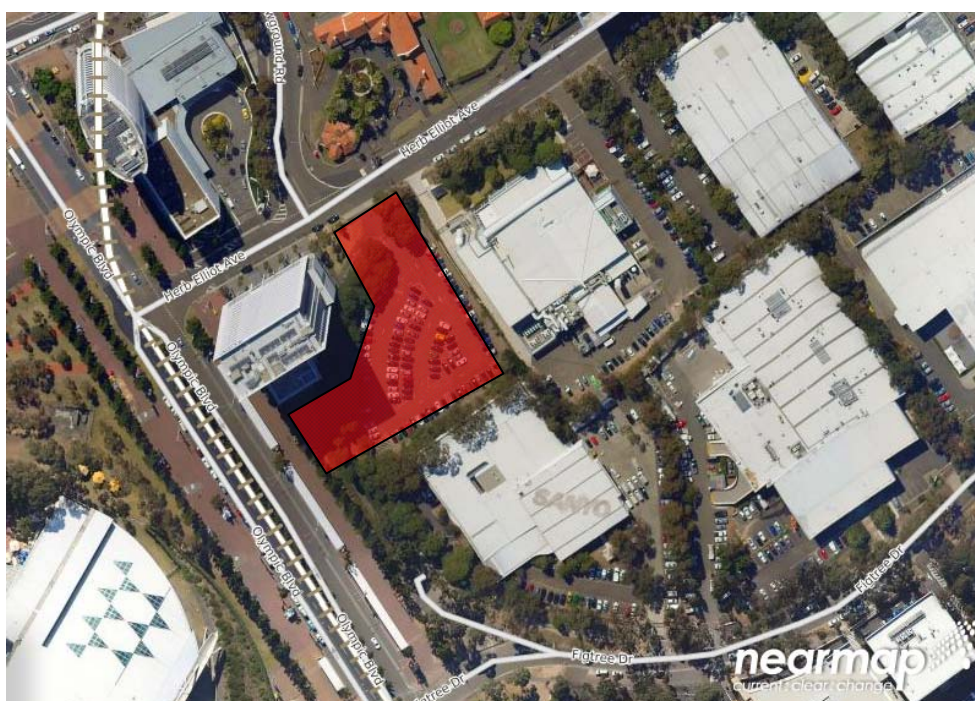


Figure 2.2: Aerial Image of Site (Dated 6 September 2012 - Nearmap)

## **3.0 The Proposed Modifications**

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All aspects of the approved development remain the same, particularly in relation to the approved southern building apart from the modifications outlined below. The proposed modifications primarily relate to the approved northern building as this will be constructed as the first stage in the overall development.

### **3.1 Confirmation of Development Staging**

Fitzpatrick Investments Pty Ltd propose to construct the northern building as the first stage of the overall development based on interest expressed by a number of potential tenants.

The proposed modification involving the construction of two basement levels as part of the northern building will ensure that it can operate independently of the proposed southern building. This approach will also result in less disruption to the operation of the northern building during construction of the southern building in the future.

A Staging Plan was been prepared by Leffler Simes to illustrate the extent of works proposed as part of Stage 1. This plan nominates the extent of approved public domain works to be constructed with the northern building. Remaining areas will be turfed so that permanent works are not affected by the construction of the southern building in Stage 2.

### **3.2 Re-inclusion of 2 Basement Levels – Northern Building**

The original approval included a three level basement car park below what was originally one building (northern and southern building combined). This building was subsequently modified to separate the buildings into two with a five level basement included as part of the southern building only.

Fitzpatrick Investment believe that separate basements are important to the attractiveness of the proposed buildings to tenants and therefore propose to construct a two level basement car park below the northern building. This will involve the following works:

- Excavation and construction of a two level basement car park below the proposed northern building. The proposed basement levels will accommodate 71 car spaces, 58 bicycle spaces with associated amenities and other building infrastructure to service the northern building;
- Construction of one driveway (already approved) to service both buildings. The driveway will be designed to provide access to the northern building basement in the short-term, with the capacity to provide access to the future southern building basement;
- Deletion of two levels from the five levels of basement currently approved below the southern building (described in more detail below); and

The proposed basement will not result in any significant visual modifications to the approved northern building given that the basement is below ground. It is generally

consistent with the approved basement which formed part of the original application except that it is two levels instead of three.

### **3.3 Rearrangement of Building Core - Northern Building**

The approved building core (northern building) has been reviewed by Leffler Simes in consultation with FDC. The approved scheme has been rationalised to efficiently provide adequate space for all services, stairs, amenities and lifts serving floors above. The location of the core has not changed therefore very few external visual impacts are anticipated. This core has also been designed to comply with the provisions of both SOPA's Access Guidelines and relevant provisions of the Building Code of Australia (BCA). This includes, among other things, the provision of compliant accessible amenities on each floor and refuges within each fire stair.

Condition B4 requires compliance with Part D3 of the BCA (Access provisions) and submissions of compliance certificates prior to the issue of relevant Construction Certificates. FDC will therefore undertake the necessary steps throughout the course of the project to ensure that necessary compliances are achieved.

Service access has been provided to the rear of proposed retail space at ground floor as a result of the rationalised building core. However, as with the approved scheme, service access cannot be provided to the retail floor space adjoining the building entry so deliveries and waste removal will need to be appropriately coordinated by the future tenant to minimise impacts on the public domain.

### **3.4 Reduction in Building Height – Northern Building**

The proposed modifications involve reducing the overall building height from 38.4 metres to 34.6 metres. This largely relates to a proposed reduction in the rooftop plant room structure from five metres to 2.6 metres high. It also relates to a reduction of 200mm from each floor within the building.

The proposed changes are illustrated within the attached architectural plans.

### **3.5 Modification to Southern Building Basement**

The proposed re-inclusion of a two level basement below the northern building has resulted in necessary modifications to the layout and arrangement of the approved basement levels below the southern building.

Overall, the number of car spaces and associated bicycle amenities has remained similar to that already approved. For example, a total of 273 car spaces has been maintained across the site, with 71 car spaces provided below the northern building and 202 car spaces provided below the southern building. The modifications have resulted in the provision of 100 bicycle parking spaces for the southern building and 58 below the northern building which is in excess of the approved scheme. However, this revised number is required to achieve the necessary points to achieve 5 star Green Star.

The layout of amenities and associated building plant rooms has also changed to accommodate the re-inclusion of the northern basement. In addition, the entry ramp has also been modified to ensure that access to both buildings can be achieved.

The modifications described above result in very few impacts above ground and are unlikely to alter the operation of either building from that considered as part of previous applications. The remainder of the approved southern building (above ground level) remains consistent with the approved development.

### **3.6 Condition B20 – Sydney Water**

The first paragraph refers to the need for the Notice of Requirements to be issued and submitted with an application for Construction Certificate. The Notice of Requirements is not ordinarily required prior to the issue of a Construction Certificate. Instead, the condition should refer to the need for a Section 73 Certificate prior to the issue of an Occupation Certificate.

FDC therefore requests that the second sentence of the first paragraph be deleted in accordance with Sydney Water's standard obligation for developers.



## 4.0 Planning Framework

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The following section provides a summary of the relevant policy and legislation pertaining to the site and proposed development. Relevant documents include:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Major Projects) 2005;
- Sydney Olympic Park Master Plan 2030;

### 4.1 State Environmental Planning Policy (State and Regional Development) 2011

*State Environmental Planning Policy (State and Regional Development) 2011* was gazetted following the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979*. Its main purpose involves identifying State Significant development and sites that require assessment by the Minister for Planning and Infrastructure rather than the relevant local authority.

Schedule 2 indicates that development in excess of \$10 million within Sydney Olympic Park is considered State Significant Development. However, as the proposed modifications relate to an existing Part 3A approval, the approval process for this modification continues to be Section 75W. Further details of SEPP (Major Projects) 2005 is provided below.

### 4.2 State Environmental Planning Policy (Major Projects) 2005

Up until the repeal of Part 3A, *State Environmental Planning Policy (Major Projects) 2005* provided the relevant provisions for identifying important projects and critical infrastructure which required assessment and approval by the Minister for Planning and Infrastructure.

Sydney Olympic Park is listed in Part 23 of Schedule 3 as a State Significant Site. Subsection 5 of Part 23 indicates that projects with a Capital Investment Value in excess of \$10 million must be determined by the Minister for Planning under Part 3A of the Act. The project was originally valued in excess of \$10 million and was therefore determined by the Minister for Planning.

As outlined previously, although the provisions of Part 3A no longer exist within the Act, modifications of approvals issued under Part 3A continue to be assessed using this mechanism as described by *Schedule 6A* of the *Environmental Planning and Assessment Act 1979*.

The site (4b) is zoned *B4 Mixed Use* by the SEPP. The proposed mixed use building (commercial and retail) is considered permissible with the consent of the relevant authority. The proposed modifications are consistent with the proposed development and should therefore also be permissible with consent.

The following relevant design requirements are listed in Part 23 of Schedule 3 and are addressed in relation to the proposed modifications below:



**Table 4.1: SEPP Design Requirements**

No.	Requirement	Proposed Modifications	Complies
18	<i>Height of Buildings – Max. 33 metres</i>	The proposed modification result in reducing the approved building height from 38.4 metres down to 34.6 metres high.  However, the Sydney Olympic Park Masterplan 2030 indicates that the approved structure must be no more than 8 storeys high. The proposed northern building is seven storeys high and is therefore compliant.	✓
19	<i>FSR – Max. 6.5:1 (Maximum 34,516.95m<sup>2</sup>)</i>	Northern Building (GFA) – 9,474m <sup>2</sup> Southern Building (GFA) – 16,625m <sup>2</sup> Total – 26,099m <sup>2</sup> Site Area – 5310.0m <sup>2</sup> FSR – 4.9:1	✓
24	<i>Major Events Capability</i>	No change proposed	N/A
25	<i>Promote Use of Public Transport, Walking and Cycling</i>	No change proposed	N/A
26	<i>Compliance with Masterplan</i>	The proposed modifications do not affect the building's compliance with the Master Plan.	✓
30	<i>Design Excellence</i> a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> b) <i>whether the form and external appearance of the building will improve the quality and amenity of the public domain,</i> c) <i>whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,</i> d) <i>if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.</i>	The proposed modifications are not likely to affect the standard of architectural design already approved. The changes are also unlikely to affect the form or external appearance of the approved building, apart from a minor reduction in height of the building which predominantly relates to the height of the rooftop plant enclosure.  No changes are proposed with regard to aspects of sustainability, wind, reflectivity, visual or acoustic privacy, safety and security, resources, energy and water efficiency.	✓
31	<i>Heritage Conservation</i>	No changes proposed that would affect heritage significance of surrounding sites / localities. Such impacts were considered and assessed as part of previous applications.	✓
35	<i>Environmentally Sensitive Areas</i>	No change proposed	N/A

### 4.3 Sydney Olympic Park Master Plan 2030

The Sydney Olympic Park Master Plan 2030 is a 22 year vision for the sustainable development of Sydney Olympic Park. It builds on the Sydney Olympic Park Vision

2025, the Sydney Olympic Park Master Plan 2002 and complements the Metropolitan Strategy.

The Master Plan aims to:

- *provide a comprehensive approach to the development of Sydney Olympic Park;*
- *ensure Sydney Olympic Park becomes an active and vibrant town centre within Metropolitan Sydney;*
- *protect the role of Sydney Olympic Park as the premier destination for cultural, entertainment, recreation and sporting events;*
- *protect and enhance the public domain;*
- *protect and enhance the Sydney Olympic Park parklands;*
- *provide detailed planning and design principles and controls to encourage development that responds to unit's context and contributes to the quality of the built environment and the future character and cultural significance of the site.*

The Master Plan provides a series of planning principles and development controls for new development in the park. It also splits the area into nine (9) precincts each with specific design guidelines that must be considered for development. Site 4b is located within the Central Precinct, which is predominantly a central business precinct incorporating a mix of commercial, retail and residential activities.

The following table provides commentary of the proposed modifications in the context of relevant controls and guidelines listed within Section 4:

**Table 4.2: Relevant General Controls and Guidelines; SOP Masterplan 2030**

No.	Control	Proposal	Complies
<i>Section 4 – General Controls and Guidelines</i>			
4.6	<i>Building Form and Amenity</i>		
	Building Depth Control – 25 metres	No change proposed	✓
	Building Height Control – 8 storeys	Proposed 7 storeys – No change proposed other than a minor reduction in height largely attributed to a reduction of the rooftop plant enclosure.	✓
	Rooftop Services		
	- Maximum rooftop service zone height is 5 metres	Proposed reduction from 5 metres to 2.6 metres	✓
	- Setback 3 metres from parapet		✓
	- Maximum 80% footprint of building	Proposed 10.2 metres Proposed under 80% of roof top – including proposed expansion.	✓
	Building Setbacks	Setbacks consistent with original approval and master plan.	✓
4.7	<i>Access and Parking</i>		
	Vehicle Access and Servicing	No changes proposed.	✓
	Vehicle Parking	Proposed modification – 71 proposed for northern building. Remaining 202 spaces to be constructed within southern building.	✓
	Commercial – 1 space / 80m <sup>2</sup>		
	Retail – 1 space / 50m <sup>2</sup>		
	Bicycle Parking 1 space / 150m <sup>2</sup>	Proposed 58 bicycle spaces proposed. Remaining 100 spaces to be constructed within southern building.	✓
4.8	<i>Transport Strategies and Infrastructure</i>	A Work Place Travel Plan will be prepared and submitted prior to the issue of an Occupation Certificate for the approved building.	✓

## 5.0 Environmental Assessment

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The following section provides an environmental risk analysis to identify and consider potential environmental impacts that may result from the proposed modifications.

### 5.1 Built Form and Urban Design

The proposal to reduce building height will have the most significant impact with regard to built form on site and within the locality. As described above, the proposed modification involves reducing the overall building height from 38.4 metres to 34.6 metres. This largely relates to a proposed reduction in the rooftop plant room structure from five metres to 2.6 metres high. It also relates to a reduction of 200mm from each floor within the building.

It is unlikely that the proposed modifications will result in any significant impact once the building is completed. The proposed reduction in floor height is minimal and is therefore unlikely to be noticed. The reduction in height of the rooftop plant enclosure will help to make the structure more discreet in the context of the overall building. The proposed modification will help to minimise visual impacts of the rooftop plant enclosure from ground level and will minimise visual impacts when viewed from adjoining buildings.

Alterations to the building core and the inclusion of a two level basement as part of the northern building will have little impact on the site or locality in the context of built form or urban design.

### 5.2 Transport and Accessibility

The proposed modifications are unlikely to have any significant impact on the provision of transport or the accessibility of the site or development. The relocation of two basement levels from one building to another on site will not change the anticipated traffic generation to and from the site from that already approved.

A separate basement (for the northern building) will in fact provide a significant benefit during the construction of future stages, ensuring that all parking and associated amenities (bicycle facilities) can be accommodated with minimal disruption caused by future construction works.

The proposed basement will accommodate 71 car spaces and 58 bicycle parking spaces as well as associated amenities (as illustrated by attached architectural plans). These spaces have been incorporated to ensure consistency with the original approval.

The proposal to reinstate the northern building basement has resulted in modifications to the approved basement of the southern building (as described in Section 3.5). To ensure consistency with the approved development, 202 car spaces and 100 bicycle parking spaces have been retained to ensure compliance with Condition B10 and B11. Other minor modifications include revised layout of some car spaces, amenities and building plant rooms to achieve consistency with approved plans.

### **5.2.1 Loading Facilities**

The approved loading bay forms part of the southern building and will not be constructed within the first stage of development. However, a temporary 'at grade' loading / unloading area will be provided adjacent to the southern elevation of the northern building. This area will provide an opportunity for delivery vehicles to be parked without blocking the proposed driveways whilst being loading and unloaded. This area will also enable delivery vehicles to enter and exit the site, onto Herb Elliot Avenue, in a forward direction.

A service corridor has been incorporated into the ground floor design of the northern building so that service access can be provided to the rear of retail space. This redesign has been undertaken to satisfy SOPA's requirements for service access thereby avoiding impacts to the streetscape and public domain. However, the approved space adjacent to the foyer will not have rear access. Deliveries and waste removal will therefore need to be managed to minimise impacts.

### **5.3 Visual Impacts**

The proposed modification in building height is unlikely to result in any significant impact once the building is completed. The proposed reduction in floor height is minimal and is therefore unlikely to be noticed. The reduction in height of the rooftop plant enclosure will help to make the structure more discreet in the context of the overall building. The proposed modification will help to minimise visual impacts of the rooftop plant enclosure from ground level and will minimise visual impacts when viewed from adjoining buildings.

### **5.4 Overshadowing**

The proposed building height reduction will alter the overshadowing impacts of the approved (northern) building in a positive way by reducing the amount of anticipated overshadowing to adjoining buildings and sites.

### **5.5 Wind and Reflectivity**

The proposed modifications are unlikely to change the outcomes of previous investigations into potential wind and reflectivity impacts. These reports concluded that the proposed development was suitable for the site and locality.

### **5.6 Ecologically Sustainable Development**

Fitzpatrick Investments Pty Ltd is obliged, under both the existing Agreement for Lease and Condition B12 of the approval, to achieve a minimum 5 star (v3) Green Building Council of Australia commercial office design rating and 5 star NABERS commercial office design rating. No changes are proposed in this respect, apart from undertaking a detailed review of the BLL ESD report to confirm its appropriateness in terms of achieving the above obligations.

### **5.7 Heritage Conservation**

Clause 31 of the Major Project SEPP (2005) details the provisions associated with development which may impact on a heritage item or a heritage conservation area. Clause 31(4) provides that:

*The consent authority may, before granting consent to any development on land:*

- a) on which a heritage item is situated, or*
- b) within a heritage conservation area, or*
- c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

Site 4B is not located in an environmental conservation area. As such, the proposed modifications to the approved scheme will not result in an adverse impact on a conservation area, or have an unacceptable impact on the natural environment. However, Site 4B is located to the south of the Abattoir Heritage Precinct, which is identified as a Heritage Conservation Area under the provisions of the SEPP.

The proposed modifications do not alter the physical or spatial relationship of the development on Site 4B with the Heritage Precinct and as a consequence, are not expected to result in any additional impact.

## **5.8 Contamination**

Coffey Geotechnics were engaged by BLL to undertake an assessment of potential contamination on site as part of the original application. This investigation included a review of previous environmental investigations on nearby sites and a review of the site history. The Environmental Assessment Report indicated the following:

- *WorkCover did not locate any records regarding dangerous goods licensing on the site;*
- *filling is known to have occurred on Site 4A as part of the redevelopment of the area prior to the Sydney 2000 Olympics and there is a high likelihood that Site 4B was also subject to filling. The quantity of imported fill and its contamination status is unknown;*
- *laboratory analysis of selected soil samples at Site 4A identified the presence of low level PAHs in some compounds. The PAHs were considered to be attributable to the presence of traces of ash material observed in some fill layers. It is possible that fill material present on Site 4B could also be impacted by PAHs;*
- *the site is underlain by a layer of asphalt (or topsoil / garden mulch material in garden bed areas) overlying silty and gravely clay fill from approx. 0.15m to 0.8m across the site;*
- *a small amount of black gravel possibly slag and brick fragments were observed in fill in two boreholes;*
- *no other visual or olfactory evidence suggesting soil contamination was observed during the sampling; and*
- *concentrations of contaminants tested for were below the HILs for commercial / industrial land use and were below or equal to the inert waste criteria.*

*The results indicated that the site is likely to be suitable for the proposed commercial office development. In addition the results suggest that the majority of fill materials which require excavation and off-site disposal for construction of the basement levels are likely to classify as inert waste in accordance with the NSW EPA (1999) while the majority of underlying natural residual soils and shale would be likely to be classified as VENM.*

The outcomes of this report have not changed given that no works have occurred on site since the investigation. Therefore, the conclusions of this report remain relevant in the context of the proposed modifications, particularly given that the original approval involved the excavation of a three level basement below the proposed northern building.

## **5.9 Accessibility**

The proposed modifications will not affect the building's ability to comply with the relevant statutory requirements and guidelines with regard to accessibility. The proposed modifications have been designed with consideration of the following documents:

- Building Code of Australia;
- The Disability (Access to Premises – Building) Standards 2010;
- The Disability Discrimination Act 1992; and
- Sydney Olympic Park Access Guidelines 2011.

Furthermore, Condition B4 requires compliance with Part D3 of the BCA (Access provisions) and submissions of compliance certificates prior to the issue of relevant Construction Certificates. FDC will therefore undertake the necessary steps throughout the course of the project to ensure that necessary compliances are achieved.

## 6.0 Conclusion

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This report has been prepared as part of a Section 75W Application to modify an existing approval (MP06\_0273). The assessment has demonstrated that it will have no adverse environmental impacts that cannot be managed or mitigated.

The proposed modifications have been assessed with consideration of the relevant environmental and legislative requirements applicable to the site and proposed development. The proposed modifications are compliant with the relevant statutory provisions and result in very few environmental impacts for the site or locality.

The modifications are necessary to ensure that the development can be staged appropriately and respond directly to the needs of future tenants. The provision of dedicated basements for each building results in a more efficient and viable development that minimises impacts of construction in future stages.

FDC trusts that the information provided within this report provides the Department with sufficient information upon which to base an assessment of the relevant issues.

The proposed development should therefore be considered favourably by the Department of Planning and Infrastructure and supported.

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## **Appendix 1 – Revised Architectural Plans**

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